

THE TRUTH ABOUT SNAP: The Real Agenda of the Survivors Network of those Abused by Priests

The following is an excerpt from the "SNAP Exposed" report; the complete report on the July 8-10 conference in D.C. is available online at catholicleague.org.

There were approximately 110-130 people in attendance. All were white and approximately 60% were female (one male wore a Voice of the Faithful T-shirt). The ages ranged from about 40-75; the majority were 55-65.

The recurring theme of the conference was the evil nature of the Catholic Church. The word "evil" was used repeatedly to describe "the institution." There was no presumption of innocence: accused priests were spoken of as if they were guilty, and this was true of all the participants, including the attorneys.

William Spade, who was an Assistant District Attorney in the Philadelphia D.A.'s Office from 1995-2004, gave an overview of his work in that office. His relationship with Catholicism is eclectic. "I don't like the institution," he allows, "but I like the faith."

When Spade was in the D.A.'s office, the man he wanted to get more than anyone else was Cardinal Anthony Bevilacqua, the former Archbishop of Philadelphia (they always go after the top cleric). To Spade's chagrin, he noted that Bevilacqua was able to escape again and again. He did not say why he always failed. After striking pay dirt, Spade went into private practice. What he drew from his experience, he told the audience, was that the best way to prosecute the Catholic

Church was at the federal level.

When it comes to attorneys who have made a career out of suing the Catholic Church, Jeffrey Anderson has no equal. The Minnesota lawyer was raised as a Lutheran. But that didn't work out so he became a Catholic. Then he became an atheist. Not just an ordinary one—he became a self-described “dedicated atheist.” Then he had another conversion: last year he described himself as “deeply religious.” His religious convictions, however, proved not to be too deep, which is why he is now touted as an “agnostic.”

Anderson led a legal panel at the conference that included Church-suing lawyers Jeffrey Herman and Mitchell Garabedian. Virtually the entire session was devoted to discussing the legal impediments to suing the Church. The biggest problem, they said, was the way the statute of limitations differed from state to state. Never once was it even hinted at that these statutes were written to protect the constitutional rights of the accused. Without due process, civil liberties are a sham. No matter, Anderson said he wants to see this happen globally, making it easier to sue the Catholic Church around the world.

When Anderson said that the lawsuits are not about the money, he was speaking honestly. To be sure, money is a major motivator for his clients. But greed is not what fires him. No, what inspires him, and those of his ilk, is something deeper, something money can't buy. Hatred. That's the only way to understand why Anderson continues to file suit after suit against the Vatican—nothing would make him happier than to bring down the pope. Even though Anderson continues to lose, the outside chance that he might get the pope is enough to get his juices going.

Garabedian, a Boston attorney, isn't interested in balancing the scales of justice: he wants to go for the kill. “This immoral entity, the Catholic Church, should be defeated. We

must stand up and defeat this evil." That's exactly what he told the true believers. Candid statements like this give the lie to the argument that those who routinely bring suits against the Church are doing so out of fidelity to the law.

Richard Sipe, Tom Doyle and Marianne Benkert presented the most inflammatory address of them all. Indeed, it was so bad that the anger was described as "off-the-charts." Here is another description of what transpired: "Each presenter in this session exhibited a very high level of hatred and anger towards the Church. They exhibited a visceral, deep-seated hatred of the Church." The persons who offered this commentary, it should be noted, are not given to hyperbole, making their report all the more disturbing.

Sipe is a former Benedictine monk who has been ripping the Church for years. He bluntly told the crowd, "The Church is corrupt." Worse, he opined, "Abuse is only the tip of the iceberg." He did not allude to what was next.

Benkert, a psychiatrist, maintained there are many ways in which the Church manifests narcissism, the alleged cause of sexual abuse. Among them, she said, are the following: the Church refuses to acknowledge sin; it engages in scapegoating; it sacrifices others; it is a master of disguise and pretense; it fosters intellectual deviousness; it lies; it forces the faithful to submit their will to the Church; it is controlling; it causes "religious duress"; etc. She stressed that the narcissist is the personification of evil. "It can be evil in a person or in an institution," suggesting we are dealing either with evil priests or the evil Catholic Church. Finally, she told the gathering, "Sue the Church because they understand money; they are not empathetic."

It was sad to learn that the worst anti-Catholic rant of the day was delivered by Thomas Doyle, an ordained Dominican priest. The recovering alcoholic has butted heads with bishops before, and after one such confrontation he was removed from a

military chaplain post. He also likes to blame Pope John Paul II for the abuse scandal. At the conference, Doyle spewed out every anti-Catholic canard possible. Here are a few examples:

- The Church was established by Constantine—not Jesus Christ.
- The Church = fear, power, and guilt.
- The Church is inauthentic and there is a “toxic religiosity” in this institution. The toxicity keeps people subjugated.
- There needs to be a radical restructuring of the priesthood.
- The Mass = magic words. People are compelled to sprinkle water on the forehead of babies (he snidely said) or they will go to minimum security Hell if they die.
- He referred to priestly vestments as “dresses.”

One of the most revealing aspects of the conference occurred when Anderson shamelessly conducted a fundraising appeal on the spot, matching dollar for dollar any donation made by an attendee. But even the multimillionaire has limits: he made it clear that he wouldn't match a \$10,000 donation made by fellow attorney, Jeffrey Herman. An appeal was also made to become “a sustaining member of SNAP for \$25 per month”; everyone was encouraged to sign up with a credit card right then and there.

[Note: A few weeks after the conference ended, attendees were provided with a summary of its highlights. The fundraising appeal was described as an “amazing event,” so much so that it was touted as “an emotionally charged moment.” The final tally: “The people in the room set a record for fundraising at the conference by contributing over \$30,000.”

Let's do the math. If Herman gave \$10,000, and Anderson pledged to match all donations save for Herman's contribution, that means the attendees dished out \$10,000. In other words, two steeple-chasing attorneys accounted for two-thirds of all the money raised. Absent their input, SNAP folds. Not exactly

the face of a grass roots movement.]

Author Jason Berry discussed “Human Rights Movements in the Church.” He also spoke about his new book, *Render Unto Rome: The Secret Life of Money in the Catholic Church*, and his documentary, “Vows of Silence.” According to Berry, the “face of corruption in the Catholic Church is Cardinal Angelo Sodano.” It was Sodano’s handling of the Father Marcial Maciel Degollado case that prompted the accusation. Berry also charged that the Church uses “property and money to blunt the force of justice,” and asked attendees to write letters demanding that Cardinal Sodano be removed from office.

As it turns out, Berry is the one who has little interest in justice. For example, in *Render Unto Rome* he says that Father Maciel “cultivated powerful conservatives.” He lists me as one of them. But I never met, corresponded with, or in any way had anything to do with, the disgraced priest. Nor did I ever defend him. Berry knows all of this because I’ve corrected him before, putting forth the evidence. Yet he persists in lying.

BishopAccountability founder and president, Terry McKiernan, showed what he is made of when he boasted, “I hope we can find ways of sticking it to this man.” The man he wants to “stick it to” is none other than the head of the New York Archdiocese, and the president of the United States Conference of Catholic Bishops, Archbishop Timothy Dolan.

McKiernan went on a rant against the New York Archbishop. Dolan was accused of being a “doctrinal enforcer” who “only cares about climbing the ladder.” Without a shred of evidence, he said that Dolan is “keeping the lid on 55 names” of predator priests in his archdiocese. It must be a pretty tight lid: not a single person in the entire country has ever made such a scurrilous accusation. It’s time to either put up or shut up.

David Clohessy, the executive director of SNAP, took the time

to share some of the ways he manipulates the media. For example, attendees were instructed that to get media attention, it is best to hold press conferences outside a chancery or a police station. If it's held outside the chancery, it makes it easy for the media because they only have to go to one location. After you are interviewed as a SNAP representative (they evidently have lots of deputies), he said, reporters will go inside to interview the diocesan PR person.

Talk, however, is not sufficient. Here are more of their schemes:

- “Display holy childhood photos!” Attorneys should conduct an interview in front of the parish where the priest was assigned (on public property). Why? Because then you will get clients and you'll also have whistleblowers call you after they see the interview on TV.
- Use “feeling words” in interviews: “I was scared. I was suicidal.” Be sad and not mad. The goal is to make an emotional connection with the audience. If you don't have compelling holy childhood photos, we can provide you with photos of other kids that can be held up for the cameras.
- Use the word “kids” as often as possible when being interviewed.

It is not certain whether the media, which generally give a sympathetic hearing to SNAP, care how orchestrated these events are. But Catholics should care. After all, what is at stake is an attempt to manipulate public opinion, rallying Americans against the Catholic Church. Staging sadness is not only phony, it is unethical.

SNAP and its allies have long pulled the wool over the eyes of many in the media—it's time we all looked under the mask.

POLITICS COLOR JOHN JAY STUDY

The following is an excerpt from Donohue's "John Jay Study on Sexual Abuse: A Critical Analysis." The longer version was sent to all the bishops and is available online at catholicleague.org.

In the aftermath of the media blitz in 2002 exposing sexual abuse by Catholic priests, the United States Conference of Catholic Bishops (USCCB) commissioned researchers from the John Jay College of Criminal Justice to study what happened. In 2004, the first studied the nature and scope of the problem, covering the years 1950-2002. Its latest study addresses the causes and context of abuse. Despite many strengths, what seriously mars the new report is its ideological reluctance to deal forthrightly with the role of homosexuality.

Both studies report that the crisis extended from the mid-1960s to the mid-1980s, peaking in the 1970s. This was a time of increased levels of deviant behavior in society, and the authors properly cite the role played by the sexual revolution in shaping the environment. This is not a justification—it is an explanation. It should be clear by now that the cultural winds of promiscuity that hit the larger society in the 1960s and 1970s came smashing through the windows of the Catholic Church; it is not an insular institution.

Celibacy as a cause is quickly dismissed, and pedophilia is similarly rejected as an explanatory variable. The report astutely notes that "Celibacy has been constant in the Catholic Church since the eleventh century and could not account for the rise and subsequent decline in abuse cases

from the 1960s through the 1980s." The logic is sound.

Importantly, pedophilia is discounted: less than 5 percent of the abusive priests fit the diagnosis of pedophilia, thus, "it is inaccurate to refer to abusers as 'pedophile priests.'"

The bishops have commonly been criticized for not sufficiently responding to the problem of abusive priests. As it turns out, the report does much to question the validity of this charge. It provides plenty of evidence that when this issue became well known in the mid-1980s, several initiatives were forthcoming.

Unfortunately, much of what the bishops tried to do, we now know, was in vain. To be exact, they were being briefed in the late 1980s and the early 1990s about the wrong problem, and were similarly misled about the right remedy. It must be stressed that this is not the conclusion of the authors—it is mine. But it is reached by reliance on the data contained in the report.

The report says the bishops were offered several presentations by clinical psychologists about pedophilia at their meetings. But we now know that pedophilia was never the problem. So why didn't the authors flag this? It is not hard to surmise that to do so would be to raise questions about the role which homosexuality played. As we shall see, the authors did everything they could to downplay this issue.

The report also makes it plain that therapy was being sold to the bishops as the right remedy. "Prior to 1984," it says, "the common assumption of those who the bishops consulted was that clergy sexual misbehavior was both psychologically curable and could be spiritually remedied by recourse to prayer." It also says that *after* 1985, "prompt psychological treatment for the priest was seen as the best course of action and became the primary intervention."

Well, it is painfully obvious by now that the psychologists

oversold their competence. It is not hard to surmise that the reason why the authors do not flag this matter—they don't even include treatment in their concluding recommendations—has something to do with their reluctance to indict their own profession.

Regrettably, the authors allowed political considerations to color their conclusions on the role homosexuality played in driving the scandal. Let it be said at the outset that it is not my position that homosexuality causes predatory behavior. Indeed, this argument is absurd. As I have said many times, while it is true that most gay priests are not molesters, most of the molesters have been gay. Nothing in the report changes my mind, and indeed there is much in it that fortifies my position.

“Interestingly,” the report says, “an increase in the number of male victims occurred during the peak years of the abuse crisis.” From my perspective, it would have made more sense to say, “Unsurprisingly” than “Interestingly.” Here's why.

Four related events emerged at the peak of the crisis that account for what happened:

- there was an exodus of heterosexual priests after Vatican II, a large percentage of whom got married
- the effect of this exodus was to leave behind a greater proportion of homosexual priests
- a tolerance for sexual expression in the seminaries was evident at this time, leading many previously celibate homosexual priests to act out
- there was a surge of homosexuals into the seminaries. It was the interaction of these four factors, I would argue, that accounts for the increase in male victims at the height of the sexual abuse crisis.

The authors insist that homosexuality played no role in the abuse crisis, but their own data undermine this conclusion. For example, they plainly admit that "81 percent of the victims [between 1950 and 2002] were male," and that 78 percent were postpubescent. So if the abusers weren't pedophiles, and the victims were mostly adolescent males, wouldn't that make the victimizers homosexuals? What else could we possibly be talking about if not homosexuality?

"What is not well understood," we learn, "is that it is possible for a person to participate in a same-sex act without assuming or recognizing an identity as a homosexual." Yes, it is entirely possible for a homosexual not to recognize that he is a homosexual. So what? Isn't it behavior, not self-perception, that objectively defines one's sexual orientation?

Here is a good example of the flawed thinking on homosexuality that colors the study. "More than three-quarters of the acts of sexual abuse of youths by Catholic priests, as shown in the *Nature and Scope* study, were same-sex acts (priests abusing male victims). It is therefore possible that, although the victims of priests were most often male, thus defining the acts as homosexual, the priest did not at any time recognize his *identity* as homosexual." It is a false segue to say, "It is therefore possible..." Such twisted logic suggests a failure to confront the obvious.

Let us grant that it is possible for gay priests to think they are not homosexuals. However, this changes nothing. If someone eats nothing but vegetables and does not consider himself to be a vegetarian, this is surely an interesting psychological issue, but it does not change reality. Subjectively, the vegetarian may think of himself as carnivorous, but his behavior belies his self-perception. Homosexuals, like vegetarians, are defined by what they do, not by who they think they are.

In the endnotes section, the study says, "it is possible for a

man to identify himself as 'heterosexual' because he is sexually attracted to adult women; however, he may commit an act of sexual abuse against a male youth." Let us concede the point. Yes, this may happen. But social science analysis, the authors well know, is informed by what is generally true, and is not driven by anomalies. In this vein, it would hardly change the status of a vegetarian if he were to experiment with hot dogs at a ballpark: he would not always be a practicing vegetarian, but it would not affect his master status.

The authors gathered clinical data from treatment centers, places where troubled priests were assigned. What they found was that "three quarters of the priests whom we have data had sexual relations with an adult and/or minor after ordination." Given that the minors were mostly male, and beyond puberty, is this not clearly an issue of homosexuality?

Here's another example of skewed logic. They say, "after considering pre-seminary and in-seminary sexual behavior separately, only in-seminary (not pre-seminary) same-sex sexual behavior was significantly related to the increased likelihood of a male child victim." In other words, those studying for the priesthood who had sex with other seminarians—that would make them homosexuals—were more likely to abuse a child (male, of course) than gays who were active before they entered the seminary and then stayed celibate.

The problem of focusing on the sexual identity of the priest, as opposed to his behavior, is evident in the finding that "Those who identified themselves as bisexual or confused were significantly more likely to have minor victims than priests who identified as either homosexual or heterosexual." But if these "bisexual and confused" priests chose to abuse mostly males—and they must have since 81 percent of the victims were male (and nearly 80 percent were postpubescent)—wouldn't that mean that these abusive priests were practicing homosexuality? Again, the emphasis on self-identity gets in the way of

reality. Indeed, the attempt to skirt the obvious is not only disingenuous, it is bad social science.

The authors try to say that much of the abuse was situational, a function of opportunity. For example, they note that after girl altar servers were approved by the Catholic Church, there was a “substantial increase in the percentage of female victims in the late 1990s and 2000s, when priests had more access to them in the church.”

However, if having access only to boys accounts for the high number of male victims at the peak of the crisis, then this should have been a problem before things got out of control. But the report emphatically shows this was not the case. “A review of the narratives of men who were seminarians in the 1950s, and of published histories of the seminaries themselves does not reveal any record of noticeable or widespread sexual activity by seminarians.” The reason it wasn’t a problem is because most priests put a lid on their libido in the 1940s and 1950s. When the lid came off in the 1960s, the crisis began.

There is also something unseemly about the opportunity-based argument. It suggests that if men don’t have access to females, they will start hitting on men. This is patently sexist and flatly absurd. Men don’t have much access to females in boarding schools and in the armed services, but virtually no one, save for homosexuals, finds himself tempted to choose other men to satisfy his sexual urges. Comparisons with the prison population are also flawed: the men housed there typically suffer from a host of deviant qualities.

There is too much evidence to plausibly conclude that there is no relationship between the overrepresentation of active homosexuals in the priesthood, and their overrepresentation in the sexual abuse scandal.

LIVING WITHIN THE TRUTH

(This article is an excerpt from an address given in Slovakia last year)

Living within the truth means living according to Jesus Christ and God's Word in Sacred Scripture. It means proclaiming the truth of the Christian Gospel, not only by our words but by our example. It means living every day and every moment from the unshakeable conviction that God lives, and that his love is the motive force of human history and the engine of every authentic human life. It means believing that the truths of the Creed are worth suffering and dying for.

Living within the truth also means telling the truth and calling things by their right names. And that means exposing the lies by which some men try to force others to live.

Two of the biggest lies in the world today are these: first, that Christianity was of relatively minor importance in the development of the West; and second, that Western values and institutions can be sustained without a grounding in Christian moral principles.

Before I talk about these two falsehoods, we should pause a moment to think about the meaning of history.

History is not simply about learning facts. History is a form of memory, and memory is a foundation stone of self-identity. Facts are useless without a context of meaning. The unique genius and meaning of Western civilization cannot be understood without the 20 centuries of Christian context in which they developed. A people who do not know their history, do not know themselves. They are a people doomed to repeat the mistakes of their past because they cannot see what the present—which always flowers out of the past—requires of them. People who forget who they are can be much more easily manipulated. This was dramatized famously in Orwell's image of the "memory hole" in his novel *1984*. Today, the history of the Church and the legacy of Western Christianity are being pushed down the memory hole. This is the first lie that we need to face.

Downplaying the West's Christian past is sometimes done with the best intentions, from a desire to promote peaceful co-existence in a pluralistic society. But more frequently it's done to marginalize Christians and to neutralize the Church's public witness.

The Church needs to name and fight this lie. To be a European or an American is to be heir to a profound Christian synthesis of Greek philosophy and art, Roman law, and biblical truth. This synthesis gave rise to the Christian humanism that undergirds all of Western civilization.

On this point, we might remember the German Lutheran scholar and pastor, Dietrich Bonhoeffer. He wrote these words in the months leading up to his arrest by the Gestapo in 1943: "The unity of the West is not an idea but a historical reality, of which the sole foundation is Christ."

Our societies in the West are Christian by birth, and their survival depends on the endurance of Christian values. Our core principles and political institutions are based, in large measure, on the morality of the Gospel and the Christian vision of man and government. We are talking here not only about Christian theology or religious ideas. We are talking about the moorings of our societies—representative government and the separation of powers; freedom of religion and conscience; and most importantly, the dignity of the human person.

This truth about the essential unity of the West has a corollary, as Bonhoeffer also observed: Take away Christ and you remove the only reliable foundation for our values, institutions and way of life.

That means we cannot dispense with our history out of some superficial concern over offending our non-Christian neighbors. Notwithstanding the chatter of the "new atheists," there is no risk that Christianity will ever be forced upon people anywhere in the West. The only "confessional states" in the world today are those ruled by Islamist or atheist dictatorships—regimes that have rejected the Christian West's belief in individual rights and the balance of powers.

I would argue that the defense of Western ideals is the only protection that we and our neighbors have against a descent into new forms of repression—whether it might be at the hands of extremist Islam or secularist technocrats.

But indifference to our Christian past contributes to indifference about defending our values and institutions in the present. And this brings me to the second big lie by which we live today—the lie that there is no unchanging truth.

Relativism is now the civil religion and public philosophy of the West. Again, the arguments made for this viewpoint can seem persuasive. Given the pluralism of the modern world, it might seem to make sense that society should want to affirm that no one individual or group has a monopoly on truth; that what one person considers to be good and desirable another may not; and that all cultures and religions should be respected as equally valid.

In practice, however, we see that without a belief in fixed moral principles and transcendent truths, our political institutions and language become instruments in the service of a new barbarism. In the name of tolerance we come to tolerate the cruelest intolerance; respect for other cultures comes to dictate disparagement of our own; the teaching of “live and let live” justifies the strong living at the expense of the weak.

This diagnosis helps us understand one of the foundational injustices in the West today—the crime of abortion.

I realize that the abortion license is a matter of current law in almost every nation in the West. In some cases, this license reflects the will of the majority and is enforced through legal and democratic means. And I’m aware that many people, even in the Church, find it strange that we Catholics in America still make the sanctity of unborn life so central to our public witness.

Let me tell you why I believe abortion is the crucial issue of our age.

First, because abortion, too, is about living within the truth. The right to life is the foundation of every other human right. If that right is not inviolate, then no right can be guaranteed.

Or to put it more bluntly: Homicide is homicide, no matter how small the victim.

Here’s another truth that many persons in the Church have not yet fully reckoned: The defense of newborn and preborn life has been a central element of Catholic identity since the Apostolic Age.

I'll say that again: From the earliest days of the Church, to be Catholic has meant refusing in any way to participate in the crime of abortion—either by seeking an abortion, performing one, or making this crime possible through actions or inactions in the political or judicial realm. More than that, being Catholic has meant crying out against all that offends the sanctity and dignity of life as it has been revealed by Jesus Christ.

The evidence can be found in the earliest documents of Church history. In our day—when the sanctity of life is threatened not only by abortion, infanticide and euthanasia, but also by embryonic research and eugenic temptations to eliminate the weak, the disabled and the infirm elderly—this aspect of Catholic identity becomes even more vital to our discipleship. My point in mentioning abortion is this: Its widespread acceptance in the West shows us that without a grounding in God or a higher truth, our democratic institutions can very easily become weapons against our own human dignity.

Our most cherished values cannot be defended by reason alone, or simply for their own sake. They have no self-sustaining or “internal” justification.

There is no inherently logical or utilitarian reason why society should respect the rights of the human person. There is even less reason for recognizing the rights of those whose lives impose burdens on others, as is the case with the child in the womb, the terminally ill, or the physically or mentally disabled.

If human rights do not come from God, then they devolve to the arbitrary conventions of men and women. The state exists to defend the rights of man and to promote his flourishing. The state can never be the source of those rights. When the state arrogates to itself that power, even a democracy can become totalitarian.

What is legalized abortion but a form of intimate violence that clothes itself in democracy? The will to power of the strong is given the force of law to kill the weak.

Writing in the 1960s, Richard Weaver, an American scholar and social philosopher, said: “I am absolutely convinced that relativism must eventually lead to a regime of force.”

He was right. There is a kind of “inner logic” that leads relativism to repression.

This explains the paradox of how Western societies can preach tolerance and diversity while aggressively undermining and penalizing Catholic life. The dogma of tolerance cannot tolerate the Church's belief that some ideas and behaviors should *not* be tolerated because they dehumanize us. The dogma that all truths are relative cannot allow the thought that some truths might *not* be.

The Catholic beliefs that most deeply irritate the orthodoxies of the West are those concerning abortion, sexuality and the marriage of man and woman. This is no accident. These Christian beliefs express the truth about human fertility, meaning and destiny.

These truths are subversive in a world that would have us believe that God is not necessary and that human life has no inherent nature or purpose. Thus the Church must be punished because, despite all the sins and weaknesses of her people, she is still the bride of Jesus Christ; still a source of beauty, meaning and hope that refuses to die—and still the most compelling and dangerous heretic of the world's new order.

So where does this leave us? The world urgently needs a reawakening of the Church in our actions and in our public and private witness. The world needs each of us to come to a deeper experience of our Risen Lord in the company of our fellow believers. The renewal of the West depends overwhelmingly on our faithfulness to Jesus Christ and his Church.

We need to *really* believe what we say we believe. Then we need to prove it by the witness of our lives. We need to be so convinced of the truths of the Creed that we are on fire to live by these truths, to love by these truths, and to defend these truths, even to the point of our own discomfort and suffering.

His Excellency Charles Chaput is the Archbishop of Denver. He is the author of Render Unto Caesar: Serving the Nation by Living our Catholic Beliefs in Political Life.

RESPONSE TO CNN DOCUMENTARY ON THE POPE

Bill Donohue

The CNN documentary, "What the Pope Knew," which aired September 25, deserves a response.

The program begins with music and graphics that set the tone: those who think Pope Benedict XVI has been adept at combating priestly sexual abuse must realize that there is "a darker, more complicated story." Dark, yes, but from CNN's perch, the story is not all that complicated: the pope is guilty of "foot-dragging and, perhaps, obstruction."

We learn from CNN host Gary Tuchman that "For decades, before he became pope, Joseph Ratzinger was a high-ranking Vatican official who, more than anyone else beside Pope John Paul, could have taken decisive action to stem the sexual abuse crisis." Similarly, author David Gibson says the pope "always took the stalling tactic."

It is simply not true that Ratzinger was in charge of this issue "for decades." In fact, he wasn't given the authority to police the sexual abuse problem until 2001. What is truly astonishing is that Tuchman concedes as much later in the program. After he notes that "By 2001, the sexual abuse crisis was beginning to engulf the Catholic Church," he says, "The pope gave Cardinal Ratzinger and the CDF (Congregation for the Doctrine of the Faith) the power to cut through the bureaucracy and handle all sexual abuse cases directly."

In other words, Tuchman was incorrect the first time when he said that "for decades" Ratzinger "could have taken decisive action." He couldn't have been in charge "for decades" if he wasn't given police powers until 2001 (he became pope in 2005).

Nowhere in the program is there any evidence that the pope was guilty of obstruction of justice. This is a serious charge—the most serious made in the course of the documentary. Yet to throw this out, without ever producing evidence to substantiate it, is malicious. It won't cut it to say that he was "perhaps" guilty of obstruction. CNN intentionally planted this seed and never explicitly addressed the subject of obstruction of justice again.

Gibson's quip that the pope "always took the stalling tactic" suggests the pope acted irresponsibly. Now this may play well with those unfamiliar with the process of determining innocence or guilt, but anyone who knows better will find his accusation flatulent at best, and unfair at worst. More than any institution in history, the Catholic Church's development of canon law, which became the basis of many rights in civil law, has long championed the rights of the accused. Why is it that when suspected terrorists are afforded generous rights, over a period of several years, it is generally regarded as an example of America's commitment to freedom, but when accused priests are given their day in court, charges of "stalling tactics" surface?

The program focuses on four miscreant priests. The first is Peter Hullermann. In 1986, he was convicted of sexually abusing boys while serving in Grafing, Germany. His case is central to the documentary because it questions the pope's culpability.

After Hullermann was convicted, he was transferred to Munich for therapy. It should be noted that therapy was the preferred method for dealing with abusers at the time, both inside and outside the Catholic Church. Abusers were not seen, as they are today, as offenders deserving of punitive action; rather, they were seen as disturbed persons who could be rehabilitated via therapy. No matter, after his transfer, Hullermann was placed in a new parish.

The critical question is: Did Archbishop Ratzinger know that Hullermann was a convicted molester who was moved to another parish? We know he approved the transfer, but that's about it. The Vatican maintains that it was Ratzinger's deputy who placed Hullermann in the new parish. Importantly, CNN makes no claim to the contrary. Moreover, when the *New York Times* broke this story in March, the best it could do in establishing culpability was to say that Ratzinger's office "was copied on a memo." The *Times* also said that Church officials said the memo was routine and "unlikely to have landed on the archbishop's desk."

So if CNN has no evidence tying the pope to Hullermann, why bother trotting out this story one more time? And why does reporter John Allen imply that the pope knew about the transfer to the new parish? He has no evidence, either. Worse is Gibson. "If Cardinal Ratzinger in Munich did not know about Father Peter Hullermann, he should have. That's one of the things that an archbishop does. You always know where your priests are."

In the real world, no leader of any large-scale organization can possibly know where his employees are. It's not as though priests, or school teachers, walk around with a GPS device around their necks, allowing bishops and school administrators to track their every move. For example, how many school superintendents know that a sexually abusing teacher in their district has been transferred to another district? How many heads of multinational corporations know where their employees are and why they were transferred? We know one thing: in 1980, there were 1,717 priests in the Munich archdiocese.

Gibson then goes for the jugular by asking, "How many other abusive priests may have come under his jurisdiction while he was in Munich as archbishop? We don't know." But we don't need to know. All we need to know is that Gibson has indicted the pope by conjecture. CNN did not make the charge because it had no data finding the pope guilty, so it simply passed the baton

to Gibson to lay the suspicion.

The case of Father Stephen Kiesle was included not to prove guilt on the part of the pope, but to add to the suspicion that he did not do enough.

CNN reports that Kiesle's bishop, John Cummins, wanted him defrocked in 1981 after he was convicted of sexually abusing boys. Vatican officials, however, wanted more information; Cardinal Ratzinger had taken over as the head of the Congregation for the Doctrine of the Faith a week after the Vatican office made its ruling. Following Church norms that existed at the time, Ratzinger said he could not defrock Kiesle because no one under 40 could be laicized, and he was in his thirties. Kiesle could have been ordered to stand trial, but because he was so close to turning 40 (and a trial is not a speedy process), a decision was made to wait. On February 13, 1987, the day before Kiesle's 40th birthday, he was defrocked.

What CNN did not report is that Kiesle was removed from ministry following his conviction. Nor did it mention the curious fact that in 1982, while still technically a priest, Kiesle married the mother of a girl he had abused in 1973. But to mention such an oddity may have shifted blame away from the pope, thus muddying the bottom line.

Father Lawrence Murphy, who allegedly molested some 200 deaf boys in Wisconsin in the 1950s, is covered in depth. But it didn't go far enough. What was omitted is startling.

Tuchman reports that "Father Murphy's case would come to the *direct attention* of Cardinal Ratzinger." (My emphasis.) The viewer then waits in vain for evidence that Murphy's case came to the *direct attention* of the pope. There isn't any. We know that Terry Kohut, who was one of Murphy's victims, wrote to Ratzinger's office, but neither CNN nor the *New York Times* (which first reported on this story) has ever provided

evidence that Ratzinger was personally involved in this case.

Jeffrey Anderson, who has made tens of millions suing the Catholic Church, and hates the Church with a passion, is asked point blank by Tuchman, "Do you think Cardinal Ratzinger knew about the case of Father Murphy?" Anderson parses his words in textbook lawyerly fashion. "Well, we know the letters went to his secretary, [Tarcisio] Bertone." This is not in dispute. But was Ratzinger directly involved? Anderson adds, "Thus, that Ratzinger was directly involved." So because Bertone fielded the letters, *thus* Ratzinger was *directly involved*? That Tuchman never challenged Anderson is telling.

Here is what CNN did not tell the viewer. The crimes alleged against Murphy extend to the 1950s, yet the civil authorities were not formally asked to investigate until the mid-1970s; following a probe, the police dropped the case. Fast-forward to 1996, the first time the Vatican is notified. The Vatican decides to ignore the fact that the statute of limitations has expired and orders a trial. Melodramatically, CNN characterizes the internal inquiry a "secret church trial," as if internal probes at CNN for employee wrongdoing are televised.

CNN, like the *New York Times* before it, never bothered to interview the one person who may have known about Ratzinger's knowledge of the case, Father Thomas Brundage. He was the Judicial Vicar, the one who presided over the case between 1996-1998. When asked this year about Ratzinger's role, he said, "At no time in the case, at meetings that I had at the Vatican, in Washington, D.C. and in Milwaukee, was Cardinal Ratzinger's name ever mentioned." Brundage added that he was "shocked" when the media tried to tie Ratzinger to the Murphy case.

In CNN's eyes, if there was one hero in this case, it was the Archbishop of Milwaukee at the time, Rembert Weakland. It credits him writing to Ratzinger in 1996 asking how to proceed

against Murphy, noting that Weakland acceded to the Vatican's request to stop the trial, knowing the priest was dying; Murphy died two days later. But there is much the viewer does not learn.

Weakland was anything but a hero in dealing with sexual abuse. In 1984, he branded as "libelous" those who reported cases of priestly sexual abuse, and was rebuked by a judge for doing so. In 1994, he accused those who reported such cases as "squealing." Moreover, he had to resign when his lover, a 53-year-old man, revealed that Weakland paid him \$450,000 to settle a sexual assault lawsuit (Weakland fleeced church coffers to pay the bill).

With regard to the Murphy case, Weakland is again anything but a hero. Last spring, in a section called "Documents Trail" posted on the website of the *New York Times* (alongside an article by *Times* reporter Laurie Goodstein) there is a revealing letter from the Coadjutor Bishop of Superior, Wisconsin, Raphael M. Fliss, to the Vicar for Personnel of the Archdiocese of Milwaukee, Father Joseph A. Janicki. Bishop Fliss says, "In a recent conversation with Archbishop Weakland, I was left with the impression that it would not be advisable at this time to invite Father Murphy to work among the deaf." The letter was dated July 9, 1980. So why did it take 16 years for Weakland to contact the Vatican about Murphy? CNN does not say.

The last case involves Father Alvin Campbell, an Illinois priest who pleaded guilty to sexual abuse of boys in 1985. Bishop Daniel Ryan visited Campbell in prison, asking him to leave the priesthood. After Campbell refused, Ryan asked Cardinal Ratzinger to defrock him. CNN reports that the request was refused because it did not come from Campbell.

This sounds strange, but there is more to the story. Bishop Ryan wanted Campbell defrocked quickly because he wanted to spare the victims a trial. This is understandable at one

level, but there is still the matter of civil liberties: the accused are entitled to their day in court. What CNN omitted from its coverage was that Bishop Ryan had the authority to remove Campbell from ministry, or go forward with the trial, recommending defrocking. He elected not to do so.

As CNN acknowledges, Ratzinger learned from the Campbell case and pressed Pope John Paul II to make serious changes in the way these cases were handled. "And from 2001 forward," says Allen, "the Congregation for the Doctrine of the Faith became the beachhead for the Vatican for an aggressive response to the crisis." True enough. And 2001 was the year that Pope John Paul II charged Cardinal Ratzinger with overseeing this issue. It is not by accident that these changes occurred on Ratzinger's watch: he made them happen.

Finally, there is the matter of Father Thomas Reese, the editor of *America* magazine, who was forced to resign. CNN frames his ouster this way: "His crime? Publishing a magazine." But as CNN likes to say, it's a "more complicated story." In actual fact, Father Reese was accused of publishing a series of articles challenging the settled teachings of the Catholic Church. He says he tried to "encourage a conversation, a dialogue, a debate in the magazine about issues facing the church." The issues he focused on were abortion and gay marriage.

Tuchman uses the Father Reese case to conclude, "Cardinal Ratzinger was passionate about stamping out dissent. But there was never any public indication he was passionate about getting rid of pedophile priests." This, along with the suggestion that the pope was guilty of obstruction of justice, marks the lowest point in the documentary.

If it wasn't passion that provoked the pope to speak of the "filth" within the Church—he did so right before being elected—what was it? A cerebral exercise? And what was it that triggered him to reopen the case of Father Marcial Maciel, the

founder of the Legionaries of Christ, and then seek to reform the Legionaries? Was it boredom?

Tuchman opines that “Vatican experts say Ratzinger silenced, censored or otherwise punished dozens of theologians during his reign at CDF.” The charge is risible on the face of it: there is infinitely more tolerance for dissent in the Catholic Church than exists in the typical American college or university.

Besides a stint in the Air Force, and a year at The Heritage Foundation, I have spent my entire life teaching in a Catholic school or college, or serving as president of the Catholic League, and I can say without reservation that the attempts to silence speech that challenges the prevailing wisdom are more frequently employed in the academy than in the Catholic Church.

From top to bottom, what CNN did was the televised version of what the *New York Times* did in print form earlier in the year. The goal was to tarnish the image of Pope Benedict XVI, making him out to be a co-conspirator in the scandal. Though it came up empty handed with proof of his culpability, there was enough innuendo to convict Snow White.

The timeline of the scandal, it needs to be said, was from the mid-1960s to the mid-1980s. Ironically, those within the Catholic Church who pushed for “progressive” reforms, e.g., making the case for more relaxed sexual strictures in the seminaries, and who then recommended therapy to treat molesters—most of whom were homosexuals—are the very ones today pointing fingers at the pope for the scandal. That’s the real scandal, though it is not likely to be covered by CNN.

OFFENDING THE DONS OF DIVERSITY

Bill Donohue

The American Association of University Professors (AAUP) established a fine code on academic freedom in 1940. The freedom of professors to express their views must be respected, it insisted, and this certainly applied to religious speech. Its directive to college administrators was plain: "Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment."

It is not a matter of debate that Kenneth J. Howell has never been informed by administrators at the University of Illinois at Urbana-Champaign that he may not discuss what the Roman Catholic Church teaches about natural law and how it applies to homosexuality. Yet that was the reason this adjunct professor of religious studies was fired: His superiors objected to this teaching, and so they decided to punish the messenger. A clearer violation of academic freedom would be hard to find.

Besides academic freedom, there are the First Amendment protections afforded freedom of speech (the university is a state institution, so the Constitution is operative) and freedom of religion. Viewpoint discrimination, which is what happened in this instance, is taken very seriously by the courts. One might have thought that with all the legal rights stacked heavily in Mr. Howell's corner, even disrespecting and censorial administrators would have decided not to pursue this case. Prudence, obviously, is not a virtue they possess. But don't they have any lawyers on staff?

If Mr. Howell were forcing students to accept Catholic natural

law teachings as the only acceptable response to the issue of homosexuality, that would be one thing. However, when he is fired for explaining this teaching in an e-mail to a student, the infraction of academic freedom and his constitutional rights is even more disturbing.

Whether the Church is right about any of its teachings should matter as much as whether the teachings of Judaism, Islam and other world religions are right. To wit: It should not matter. Marxism is taught regularly on college campuses, and often in a manner that more closely resembles indoctrination than instruction. Yet few complain. So why is it that religious teachings are treated differently?

Let's face it: religious teachings are not really the issue this time. Nor, for that matter, is Roman Catholicism per se. No one at the University of Illinois will ever be disciplined, much less fired, for discussing the social justice teachings of papal encyclicals and their call for economic justice. Yet when it comes to challenging the conventional wisdom on homosexuality, that's a different story altogether. Indeed, it would not matter if the source of such a perspective were purely secular. What matters is that such speech can never be tolerated.

What happened to Mr. Howell may not be typical of the way conservative speech is treated on campus, but it is nonetheless true that in almost all instances when academic speech is violated, conservatives are the victims of speech codes and related punitive measures. The dirty little secret on college campuses—and there are few exceptions—is that diversity of thought is the one expression of diversity that is taboo.

Quite frankly, diversity of speech when it comes to matters sexual is the least tolerated on campus, whether it be challenging the prevailing wisdom on nature-based explanations for gender inequality, same-sex marriage or homosexuality.

When the source of such views is religious, the case for censorship is secured. And no religion offends the dons of diversity more than Catholicism.

Those who think this an exaggeration need to ask themselves how many times they can remember when a left-wing speaker was denied the right to express himself on campus. Leftists are almost never shouted down, hissed at or otherwise censored, and everyone knows it; it's always conservatives who are the victims of such tactics. Want hard evidence? Try reading *The Shadow University: The Betrayal of Liberty on America's Campuses* by University of Pennsylvania professor Alan Charles Kors and civil libertarian attorney Harvey A. Silverglate.

From all accounts, Ken Howell is a well-liked and admired professor. What happened to him is a travesty of the first order. Even those who strongly disagree with his views have an obligation to respect his right to express them. That's what the AAUP sought to do 70 years ago, and that's what the University of Illinois should do today. It should pivot and drop its case against this innocent man.

This piece was featured in the July 20 edition of the *Washington Times*. See the following articles to see how this issue was resolved: CATHOLIC PROFESSOR WINS JOB BACK and CAMPUSES SPONSOR GAY THOUGHT CONTROL

MEDIA FEED BIGOTRY

Bill Donohue

Young people get bits of information from the Internet; urbanites pick up free newspapers stuffed with short stories; others rely on snippets of news from radio or TV; millions

depend on wire service stories in their hometown newspapers; and a slim minority are able to access in-depth articles in newspapers and magazines. So when any person or institution is being hammered night after night, a negative impression is bound to stick, independent of whether the “facts” are really facts. Such is the case with the recent wave of media attacks on the pope.

NewsBusters.com keeps a close eye on the media, and the day after Laurie Goodstein of the *New York Times* ran her piece on Fr. Lawrence Murphy, the Wisconsin priest who molested deaf boys extending back to the 1950s, it disclosed that critics of the Church outnumbered defenders by a margin of 13-1 on ABC, CBS and NBC. A few weeks later, the Media Research Center found that 69 percent of the 26 news stories carried by the three networks featured reports that presumed papal guilt.

Given these two factors—the limited amount of hard news consumed by most people these days, and the clear media bias against the Catholic Church—it is hardly surprising to learn that the pope’s “Poor” ratings on handling the abuse scandal literally doubled between 2008 and 2010. However, a month later, it appeared that a backlash had set in, at least among Catholics.

In a *New York Times* poll taken in late April and early May, the pope’s favorability rating among Catholics had jumped from 27 percent at the end of March (when the abuse stories were just getting started) to 43 percent. The evidence that this was due to a backlash against the media is supported by the finding that 64 percent of Catholics said the media had been harder on the Catholic Church than on other religions; almost half said the abuse stories were blown out of proportion.

The backlash was warranted. Not only that, but much of what was being reported was simply not true, though the misinformation was often passed on as if it were factual. Let’s just take one of the more famous untrue “facts” that

have been floated at the expense of the pope, namely, the one that contends that the abuse scandal is widening under the tenure of Pope Benedict XVI. This claim was made by Roland Martin on CNN, as well as by many other commentators.

The real fact of the matter is that, as the John Jay College of Criminal Justice landmark study of 2004 showed, the vast majority of the abuse occurred between the mid-1960s and the mid-1980s. Now it is true that we did not hear much about this problem during that time, but it is nonetheless true that by the time the *Boston Globe* exposed the Boston Archdiocese in 2002, most of the worst of the scandal was behind us. Fast forward to 2010 and what we have now is nothing but a media-driven scandal: the cases recently trotted out go back a half century or more.

The impression that the scandal is widening is also contradicted by the latest report on this issue. Between 2008 and 2009, exactly six credible allegations were made against over 40,000 priests. There is no organization in the world—never mind the United States—that could match this record. Just as important, there is no other institution that is having its old dirty laundry hung out for everyone to see.

If the media were to launch an investigation of Protestants, Jews, Muslims, Buddhists, public school teachers, camp counselors, psychologists and psychiatrists (to say nothing of stepfathers, boyfriends and other “partners”) then, yes, it’s okay to include Catholics. But when *only* one group is targeted, and every other one gets a pass, then those who belong to this entity have every right to scream “Witch-Hunt.” In this case, the more apt term would be Papal Witch-Hunt.

The irony is that Pope Benedict XVI has done infinitely more to correct the abuse problem than Pope John Paul II did. It was Benedict who pressed for investigations of priests who had previously escaped an inquiry. It was he who put into place procedures of a more punitive sort. It was he who spoke of the

“filth” within the Church. It was he who reopened the case of Father Marcial Maciel Degollado, and is now about to render another judgment on the order he founded, the Legionaries of Christ. It was he who met with the victims. All considered, this is not so much an irony as it is an injustice: Pope Benedict has done much to improve conditions.

One of the most important reforms ushered in by Pope Benedict was the decision to raise the bar on practicing homosexuals. While homosexual men are not *per se* barred from the seminaries, those who have been gay activists, or are practicing, are. And because the overwhelming majority of victims have been post-pubescent males, the more difficult it is for homosexuals to enter the priesthood, the more likely it is that sexual abuse will continue to decline.

As for the Fr. Murphy case, the evidence shows that the pope was never personally involved. Yet this didn't stop Philip Pullella of Reuters from writing that “The *New York Times* reported the Vatican and Cardinal Joseph Ratzinger, now Pope Benedict, were warned about Murphy but he was not defrocked.” However, Laurie Goodstein of the *Times* never said that the pope was personally aware of the Murphy case, and Father Thomas Brundage, the judge in the trial, has said that the pope's name never came up in discussions in Milwaukee, Washington or Rome.

Just as bad is Cal Thomas, the evangelical writer and activist. He wrote a seriously flawed piece, one that asserted that “The trial was never held.” One wonders whether anyone fact checks his articles. It must be pointed out that the Vatican could have dropped the case (as the civil authorities did in the 1970s), citing the fact that the statute of limitations had expired. But it didn't.

It was the Murphy case that got the whole media-driven scandal started. And it was not by accident when it happened. On Sunday, March 21, the House passed the health care bill. On

Tuesday, March 23, President Obama signed it into law. On Thursday, March 25, the Goodstein piece on Murphy appeared in the *Times*. What am I getting at?

Health care had dominated the news for weeks in the run-up to the House vote. Now no newspaper that is sitting on what it believes is a major story wants to compete with an issue that literally overwhelms the news. So two days after Obama signed the bill into law, it was safe to pull the trigger. And it worked—the Murphy story took the lead, eclipsing all other news stories. As an added bonus, the following week was Holy Week, guaranteeing massive media coverage of the unfolding scandal.

Those who think this was just a coincidence, think again. On the day the Murphy story broke, protesters from SNAP, the professional victims' group that thrives on scandals, were seen on TV demonstrating in Rome. Was it just a coincidence that they happened to be there? Did they travel to Rome for a pasta special?

So who tipped them off? Jeffrey Anderson. Anderson is the maniacal Catholic-hating attorney who has made an estimated one hundred million dollars suing the Catholic Church (in 2002, he admitted to making \$60 million, but he refuses to say how much more he has made in the last eight years). In any event, it was Anderson who fed Goodstein the information for her story on Murphy. How do I know this? Because on CNN she admitted it. Here is what she said an attorney working on this case told her: "I have some interesting documents I think you might want to look at." Though she does not identify the attorney, this was Anderson's case.

Back to SNAP. How do we know it was Anderson who tipped them off? Because he is their principal benefactor. Several years ago, *Forbes* magazine disclosed that Anderson regularly greases SNAP.

See the connection? Anderson, motivated by hatred and greed, goes after the Catholic Church, and he, in turn, gives critical documents to Goodstein, knowing the *New York Times* would love to nail the Church; and then he gives the heads up to his radical clients, SNAP, who travel to Rome just in time to appear before the TV cameras when the story breaks on March 25.

What is driving Anderson, the *Times* and SNAP? Anderson's daughter was once molested by a psychologist who happened to be a former priest. So why doesn't he sue the American Psychological Association? Because there's much more money, and fun, to be had sticking it to the Catholic Church. As for the *Times*, as I said in the op-ed ad I wrote on this subject, it hates the Church's teachings on abortion, gay marriage and women's ordination so much that it delights in bashing Catholicism. SNAP is fueled by revenge and money: the activists will go to their grave screaming "it's payback time"; and because they have no other stable job, they thrive on lawsuits and the kick-backs they effectively get from steeple-chasing lawyers.

Another vicious lie is the one that maintains that the Catholic Church handled these abuse cases in a manner that was very different from the way others handled them. Nonsense. Back when the scandal was flourishing, in the 1970s, *everyone* knew what the drill was: whether the accused was a priest, rabbi, minister, public school teacher, counselor—whomever it was—he was immediately put in therapy. Then, upon a clean bill of health, he was returned to his job.

Was this wrong? In many cases it was. Who pushed for this? Ironically, many of those in the same liberal circles who are now pointing fingers. Back then it was chic to have an analyst, and there wasn't any psychological or emotional malady that the therapists couldn't cure. Or so they thought. Indeed, had a bishop sidestepped his advisors—some of whom acted more like therapeutic gurus—and decided to throw the

book at the accused, he would have been branded as heartless and un-Christian by the Dr. Feelgood types. So for many of them now to get on their high horse saying there was a cover-up, when in fact what happened was the decision to conform to the prevailing zeitgeist—as understood and promoted by liberals—is sickening.

When the Murphy report on the situation in Dublin was released, one of the major conclusions was that if the bishops had followed canon law, instead of recommending therapy, the scandal may have been avoided. Sadly, this is true.

Yes, big mistakes were made, but the advice and the strategies employed in the Catholic Church were not any different than existed elsewhere. Moreover, all the news about the scandal today is not about new cases, it's about old ones. So why is the Catholic Church being singled out? For the very reason the Catholic League was founded in 1973.

A shorter version of this article was posted on the Knights of Columbus website, Headline Bistro, on May 4.

PAPAL WITCH-HUNT

Kenneth D. Whitehead

Sex abuse is a grave sin in Church teaching and a crime in civil law, and so it was a legitimate subject for media attention. What was unusual in the 2010 Easter season, however, was the way in which Pope Benedict XVI somehow got personally blamed for the new wave of charges. Allegedly, the pope had failed to deal properly with certain cases of sexual abuse while serving as archbishop of Munich and later as prefect of the Congregation for the Doctrine of the Faith in

Rome.

In two different stories in the *New York Times*, on March 25 and 26 the pope was faulted:

- For not taking action as Congregation for the Doctrine of the Faith prefect to defrock a Wisconsin priest, Father Lawrence Murphy, who in the 1970s and earlier had molested as many as 200 boys in a Catholic school for the deaf.
- For allowing, while archbishop of Munich, the reassignment to ministry of a priest-abuser who then abused more children.

Both of these *New York Times* stories, but especially the Wisconsin one, were disseminated far and wide—to more than 100 other newspapers, news services, and on-line outlets. In fact, they became the subject of numerous radio and television commentaries and interviews. It quickly came to be established, as solidly as almost anything ever can be established in the popular mind, that the pope had failed in his duty, was complicit in the cover-up of clerical misdeeds, and perhaps was an evil man as well. But there remained only one small problem: neither story was true.

The Wisconsin case was not even reported to Rome until 1996, when the doctrinal Congregation ordered a canonical trial of the accused Father Murphy (who could only have been defrocked after having been found guilty). The case was never handled by Cardinal Ratzinger, but by his assistant Archbishop (later Cardinal) Tarcisio Bertone. Nor was it in any way mishandled. At one point the Congregation suggested that the formal trial be suspended because of the advanced age and ill health of the accused; but primary jurisdiction always remained in the archdiocese of Milwaukee, and it was Milwaukee Archbishop Rembert Weakland who suspended the trial shortly before the death of the accused.

Thus, far from having failed to “defrock” a clerical malefactor, Cardinal Ratzinger never handled the case in the

first place. These facts were quickly placed on the public record following the *Times* story, and were confirmed by the Milwaukee priest (now working in Anchorage, Alaska) who was the presiding judge in the canonical trial, and who noted that neither the *New York Times* nor any of the other media outlets ever contacted him.

Concerning the Munich case, it was brought out that although the name of the future pope was copied on a memo concerning the reassignment of the priest-abuser, it was again unlikely that he ever had any definite knowledge of or real involvement in the case.

Thus, the widely disseminated and sensationalized media accusations against Pope Benedict—upon which the whole gigantic media campaign against Church malfeasance and cover-ups was originally based—turned out to be without foundation. Bluntly, these accusations were false.

No matter, the new revelations of cases in Europe brought the jeering chorus of militant anti-Catholicism back into prominence with a vengeance. What was ironic was that in this resurgence Pope Benedict himself should have been personally singled out as a target. After all, both as cardinal and as pope, he had consistently proved himself to be one of the Church's stronger and more determined leaders in combating immorality in the Church and in the clerical ranks.

He had dared, for example, to refer plainly to the earlier wave of clerical sex abuse as "filth" at a time when too many Church leaders were still given to euphemisms. When responsibility in Rome for judging cases of clerical sex abuse was transferred from the Roman Rota to the Congregation for the Doctrine of the Faith in 2001—years after the termination of the two cases in which the future pope was accused of failing in his duty—he moved quickly to put firm and effective procedures in place. He similarly facilitated the adoption of procedures making it possible for bishops to laicize priests—

abusers more easily.

In another case, only after Joseph Ratzinger became pope was action finally taken on the long-rumored accusations against Father Marcial Maciel, founder of the Legionaries of Christ, who had apparently enjoyed protection in high places in Rome until Pope Benedict exposed and suspended him. Moreover, unlike many other prelates—who have been sharply criticized on this score—Pope Benedict has always been willing to talk with the victims of clerical sex abuse—movingly in the course of his visit to the United States in 2008.

Thus it was indeed ironic that Pope Benedict XVI should have been personally singled out as a target in the Easter attacks on the Church in 2010.

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THE POPE AND MEDIA BIAS

One of the hallmarks of bigotry is the collectivization of guilt. By that measure, much of the criticism against the pope has been nothing if not Catholic bashing. From militant atheists like Christopher Hitchens and Richard Dawkins indicting the Catholic Church as a “child-raping institution,” to newspaper cartoons branding all Catholic clergy as molesters, the evidence is clear that anti-Catholicism is alive and well.

When an MSNBC employee posts on its website that the pope was guilty of “touching boys” (an apology was quickly granted, and I accepted it), then there is something sick going on. Indeed, the vitriol has been unrelenting. Moreover, a bishop was

attacked during Easter Mass in Muenster, Germany and anti-Catholic graffiti were splashed on the walls of a church near Rome. And let's not forget about the calls to storm the offices of the Catholic League that were placed on the Internet, as well as the non-stop hate speech that we've fielded via phone calls, e-mails and letters.

As I said in a *New York Times* op-ed page ad recently, the issues of abortion, gay marriage and women's ordination are driving the hatred. Now it is no secret that the vast majority of those working in the mainstream media—especially the most influential outlets—are decidedly liberal. It is not surprising, then, that a portion of this segment is inimical to the teachings of the Roman Catholic Church on matters sexual, and that some are fueled with hatred. To deny this exists is to be in denial.

It is, of course, nonsense to pretend that the media make up stories of priestly sexual abuse. The fault lies squarely with the Catholic Church. But when one institution is targeted among many, and when the window extends back a half-century, those who belong to it may rightly wonder what is going on. To wit: if there were a monistic fixation on sexual abuse in the Jewish community, or in the public schools, Jews and teachers could be excused if they thought they were being put upon.

Many are drawing a parallel between what happened in 2002 in Boston, and today's news stories. But there is a huge difference: the newspapers which fingered the Boston Archdiocese had the goods on the known culprits. Today it is a different story.

In the Catholic League's *2002 Annual Report on Anti-Catholicism*, I wrote the following: "It was a rare event in 2002 to read a newspaper account of the scandal that was patently unfair, much less anti-Catholic. The *Boston Globe*, the *Boston Herald* and the *New York Times* covered the story with professionalism." Not so today.

What makes matters different today is the total lack of evidence that Pope Benedict XVI did anything wrong. Laurie Goodstein of the *New York Times* has absolutely no proof that the pope knew anything about the infamous Father Lawrence Murphy case (the Wisconsin priest who molested deaf boys). Indeed, this case didn't even reach his Vatican office until 1996 (almost a half-century after the alleged offenses, and fully two decades after Milwaukee Archbishop Rembert Weakland knew about it).

Furthermore, Fr. Thomas Brundage, the judge in the Murphy trial, said that the pope's name (then Cardinal Joseph Ratzinger) never came up during discussions in Milwaukee, Washington, D.C. (home to the headquarters of the bishops) or Rome. Indeed, he said he was "shocked" when he learned some were trying to tie him to the Murphy case. On a related note, Goodstein never bothered to interview Brundage until after her big story ran.

It soon became evident that the Associated Press (AP) was joining the *Times* in the hunt to get the pope. Unlike the *Times*, which is usually right on the facts (it's the omissions I have a problem with), AP is too often factually wrong. For example, it gave credence to a totally false story alleging that a 1962 Vatican document ordered the bishops not to report cases of abuse to the authorities. The document said nothing of the kind. What it said was that there would be severe penalties for any priest who solicited sexual favors in the confessional (even a nod of the head was considered too suggestive).

The AP also proved relentless in tracking down abusive priests who were moved around. I have no problem with that, provided that it shows the same determination in tracking down the "mobile molesters" in the public schools, i.e., molesting teachers who are shuffled from one school district to another. And as with the *Times*, AP made news out of incidents that occurred a half-century ago. If this is going to count as news

when it applies to the Catholic Church in 2010, then readers should learn of similar incidents that occurred 50-60 years ago in other religions. But it will never happen.

In other words, many of the same media outlets that acted responsibly in 2002 acted irresponsibly in 2010. They reached for the big gold ring in the sky this time around, trying to tag—if not unseat—the pope, and they lost. Shame on them for trying.

(A slightly shorter version of this article appeared on the blog site of the Washington Post in April.)

POLISH VICTIMS OF NAZISM

Thaddeus C. Radzilowski

The study of the non-Jewish victims of the genocidal and racial policies of the Nazi regime is a comparatively neglected topic. It is complex and at times a controversial issue. To treat them as victims of the Holocaust along with the Jews is to tread into a minefield. Even to compare the Jewish with the gentile experience can raise angry criticism in some quarters. There were, as we know, some very heated and emotional debates on this issue when the Holocaust Museum was being created.

All of the objections were rooted in the idea of the uniqueness of Shoah as an experience of Jewish martyrdom. The arguments range from the simple empirical fact that all historical events are unique to characterizations of the Holocaust in terms that are nothing short of metaphysical. I might note that I do accept the first notion of the historical uniqueness of the Jewish martyrdom during the Second World

War. It was unprecedented in its scope, in the ambitious evil of its perpetrators and in the number of its victims relative to the entire Jewish population. As a historian I am, however, not competent to speak of the Holocaust in any spiritual or metaphysical sense or as an event that in some way transcends historical understanding.

The Nazi regime persecuted and killed for reasons based on racial ideologies, often rooted in ancient and modern prejudices that predated the Nazi period. The conflict between Hitler and his first enemies and victims, the communists, and his struggle with Christianity, especially Catholicism was, to be sure, ideological, but the ideology was not racist. It should be noted; however, that Nazi obsession with racist theories did color Nazi anti-communist and anti-Christian beliefs. Both Christianity and communism, for example, came to be equated with Jewishness. For example, in an October 21, 1939 meeting with Martin Bormann, Hitler spoke at great length about Christianity and Bolshevism and condemned them as two versions of the eternal Jewish threat.

Most of Nazi racial theories were developed about Poles, their closest neighbors, and extended to the other groups of Slavs. There is much less commentary in Nazi and German sources about the other groups. They were all uniformly regarded as *unttermenschen* [subhuman]. It has to be also remembered that the direct Nazi encounter with most of the Eastern Slavs came after June 1941, almost two years after they had begun a fierce racial war of mass murder and enslavement against the Poles. The ferocity of the actions against Poles carried over and increased the aggression against the other civilian populations on the Eastern front.

In the fall of 1939, Hitler and Stalin invaded and conquered Poland in about five weeks. As a result, for Christian Poles World War II is the story of martyrdom at the hands of two genocidal regimes, not one. The military losses suffered by Poland in the invasion by Nazi Germany and the Soviet Union

are heavy: about 67,000 were killed and 134,000 were wounded. More than half a million Polish soldiers were taken prisoner, about two-thirds captured by the German army. Polish civilian losses as a result of military action were considerable.

At the beginning of the war, the Nazi plan was to inflict terror on the population and break Poland's will to resist. As he gathered his generals, Hitler ordered them to "kill without pity or mercy all men, women and children of Polish descent or language . . . only in this way can we achieve the living space we need." Mobile killing squads would follow the main body of troops, shooting prisoners and any Poles who might organize resistance. The Soviets planned a similar campaign.

The campaign against Poland was conducted with a cruelty previously unknown in modern European warfare. Polish civilians and prisoners of war were systematically shot by German and Soviet forces. Although the Nazi SS and the Soviet NKVD committed the worst crimes, regular army and air forces of both totalitarian states were full and willing participants in the slaughter. The German use of special action units in Poland was a test run. Later these same units would play an even more terrible part in the Holocaust of East European Jewry.

From the beginning of the German Occupation of Poland, it was clear that it would differ from every military occupation previously known in modern history. The murderous policies carried out against civilians during the actual military campaign had already signaled the demonic character that it would take. During the first four months of the occupation more than 50,000 civilians were executed by the new Nazi Regime. The majority of these victims—about 43,000—were Christians. Nazi policies in Poland were based primarily on a perverse pseudo-scientific racist ideology that relegated Poles and Jews to sub-human categories.

The occupation of Poland targeted Jewish and Christian

citizens of Poland in different ways. During the first two years it was the Christians who in many ways bore more heavily the brunt of Nazi terror as the occupiers sought to exterminate the leadership and intelligentsia, turn ordinary citizenry into slave laborers of the Reich and begin the process of replacing the rural population with German settlers. SS commanders, including Reinhold Heydrich, saw ethnic Poles as their main foe rather than the Jews of Poland during the early part of the occupation. The first task for Hitler's minions was to eliminate any Christian Poles who could be considered leaders.

The half of Poland that was taken by Nazi Germany in 1939 was divided into two parts. The Polish Territories, which were part of Imperial Germany until 1918, were incorporated directly into the Nazi Reich. Ninety percent of the population of this area, which was slated for thorough Germanization, was ethnically Polish. After the leading citizens, clergy and intelligentsia of the region were either killed or incarcerated in camps, the Germans began a wholesale deportation of Poles from the area. Over a million Poles had their farms, homes, businesses and property seized and turned over to the Germans and many were then deported to Central Poland. Those who were left behind were subjected to denationalization. They were no longer to speak Polish or consider themselves Polish. This mass deportation of Christian Poles was the dress rehearsal that allowed the Nazi Regime to perfect its techniques for the later wholesale shipment of Europe's Jews to death camps in Poland.

It was soon apparent to the Nazi leadership that the scale of their plans to eliminate the Polish leadership would overwhelm their existing systems of prison and concentration camps, so a series of new camps were created. The most infamous of those was located near Kraków in the town of Oświęcim, known by its German name, Auschwitz. The Auschwitz camp was designed to house Polish political prisoners, and inmate labor built the

initial camp out of an old army base. It opened in June 1940 and remained a place of incarceration and martyrdom, particularly for Christian Poles, until 1942 when it also became the site of the most terrible massacre of Jews during the Holocaust. It remains for both people a preeminent symbol of martyrdom and tragedy.

After an attack on the USSR, the Germans also attempted to create all-German colonies in the General Government part of Poland by deporting or exterminating the local inhabitants and bringing in German settlers. In late 1942, Nazi racial theorists sought to clear part of the region around Zamość of Poles and bring in ethnic Germans to create a German colony. Whole villages were rounded up, inhabitants executed, sent to concentration camps or slave labor. Over 150,000 people (30 percent of the population) were displaced from their homes. A similar attempt on a smaller scale occurred in Białystok where some 40,000 were displaced.

An ancillary part of the campaign of deportation and German colonization was the organized kidnapping of Polish children who had "Germanic" characteristics to be raised as Germans. In all, during the war, about 50,000 children were seized and deported to the Reich. Those who were found unsuitable upon subsequent examination were executed at camps such as Auschwitz.

In February 1940, the NKVD began its second phase of occupation, the mass deportation of Poles from the Soviet occupation zone. Over the course of the next 15 months about 500,000– 750,000 Polish men, women and children were packed into unheated cattle cars and sent to the gulags where many died of hunger, disease, overwork and execution. They were soon joined by many Jews, Ukrainians and Belarussians. Polish POWs who had fallen into Soviet hands met an even worse fate. Approximately 22,000 Polish officers, mostly well-educated reservists, were executed on Stalin's orders.

World War II was a catastrophe for Poland on a scale that few other countries have experienced at any time in human history. The Nazi occupation lasted five and a half years. About six million Polish citizens were killed. Of these, three million were Jewish. This total represents 17 percent of the pre-War population—the highest percentage of any country in Europe. Poland's ancient Jewish community, with a history stretching back to the early Middle Ages, was virtually wiped out. The Nazis killed two million Polish Christians, the Soviets perhaps almost a million, and about 60,000 were killed by Ukrainian nationalists. The city of Warsaw alone lost more people—170,000 to 200,000 civilians died in the Warsaw Uprising—than Britain, Belgium, Czechoslovakia and the USA put together. One and one-half million Poles were conscripted to service the Reich.

In conclusion, as we look at this dreadful catalog of mass murder and persecution, we can begin to understand better the scope and nature of Nazi genocide and, in the case of the unprecedented horror of the occupation of Poland, the role of the Soviet Union as Hitler's accomplice. There is a relationship between the motives, ideologies, and methods of the mass murders of gentile populations and the Holocaust that allows the stories to illuminate each other and give us a fuller understanding of one of the most terrible periods of human history.

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DUE PROCESS FOR ACCUSED PRIESTS

Father Gordon J. MacRae

This article is expanded from a commentary by the same author entitled "Crime and Punishment" published in the November 2008 issue of First Things.

Psychologist Daniel Kahneman won the Nobel Prize in Economics in 2002 for his work on a phenomenon in psychology and marketing called "availability bias." Kahneman demonstrated the human tendency to give a proposition validity just by how easily it comes to mind. An uncorroborated statement can be widely seen as true merely because the media has repeated it.

Also in 2002, the Catholic clergy sex abuse scandal swept out of Boston to dominate news headlines across the country. Many commentators writing on the scandal have, knowingly or not, employed availability bias to justify draconian revisions in law and policy. The revelations of priestly scandal have evolved a number of examples of availability bias—snippets of ostensible fact repeated so often in the news media that they assume the visage of unassailable truth.

Among these is a claim that civil statutes of limitations for victims of sexual abuse to sue for monetary compensation must be extended or discarded. The claim that "victims of sexual abuse require years or decades to recognize they were abused and report it" is classic availability bias. This mantra has bolstered the interests of self-serving contingency lawyers and various agenda-driven groups using the scandal for their own ends, but the premise lacks both context and proof.

The prison system in which I have spent the last 14 years houses nearly 3,000 prisoners. Estimates of those convicted of sexual offenses range from 25 to 40 percent. This translates

into a population of up to 1,200 sexual offenders in this one prison with thousands more in the state's parole system or otherwise monitored by the state as registered sex offenders.

Three among these thousands of convicted men are Catholic priests, one accused a few months after claimed offenses in the early 1990s while the other two faced charges from decades ago.

The thousands of other men convicted of sexual abuse are accused parents, grandparents, step-parents, foster parents, uncles, teachers, ministers, scout leaders, and so on, and for them the typical time lapse between abuse and the victim reporting it was measured in weeks or months, not years—and certainly not decades. There is simply no evidence to support the claim that victims of sexual abuse require decades to come forward. With but rare exceptions, only Catholic priests face the daunting and sometimes hopeless task of defending themselves against sex abuse claims that are many years or decades old.

So what sets the accusers of priests apart from other claimants? The John Jay study commissioned by the U.S. Bishops revealed that the highest percentage of accusers of Catholic priests came forward not in the 1960s to 1980s when the abuse was claimed to have occurred, but between 2002 and 2004 when Catholic dioceses entered, or were forced into, mediated or “blanket” settlements.

The quality of due process for priests accused during mediated settlements is highly suspect. A New Hampshire contingency lawyer recently brought forward his fifth round of mediated settlement demands. During his first round of mediated settlements in 2002—in which 28 priests of the Diocese of Manchester were accused in claims alleging abuse between the 1950s and 1980s—the news media announced a \$5.5 million settlement. The claimants' lawyer, seemingly inviting his next round of plaintiffs, described the settlement process with the

Manchester diocese: "During settlement negotiations, diocesan officials did not press for details such as dates and allegations for every claim. I've never seen anything like it." (NH Union Leader, Nov. 27, 2002). "Some victims made claims in the last month, and because of the timing of negotiations, gained closure in just a matter of days." (Nashua Telegraph, Nov. 27, 2002).

That lawyer's contingency fee for the first of what would evolve into five rounds of mediated settlements was estimated to be in excess of \$1.8 million. At the time this first mediated settlement was reached in 2002, New Hampshire newspapers reported that at the attorney's and claimants' request, the diocese agreed not to disclose their names, the details of abuse, or the amounts of individual settlements.

In contrast, the names of the accused priests—many of whom were deceased—were publicized by the Diocese in a press release. Despite the contingency lawyer's widely reported amazement that \$5.5 million was handed over with no details or corroboration elicited by the diocese, the claims were labeled "credible" by virtue of being settled. Priests who declared the claims against them to be bogus—and who, in two cases, insisted that they never even met these newest accusers—were excluded from the settlement process and never informed that a settlement had taken place. The priests' names were then submitted to the Vatican as the subjects of credible allegations of abuse. The possible penal actions—for which there is no opportunity for defense or appeal—include possible administrative dismissal from the priesthood, but without any of the usual vestiges of justice such as a discovery process, a presumption of innocence, or even a trial.

The U.S. bishops have rightly campaigned against so-called "window legislation" proposed in a number of states to extend or remove civil statutes of limitations, and then retroactively apply the extension so that Catholic Church entities can be sued while public institutions—e.g. public

schools—remain exempt. Such legislated “windows” would allow lawsuits to proceed long after the statutes allowing them have expired. The mantra chanted in support of such legislation is that victims cannot report abuse for many years or decades. The premise is baseless, and the proposed legislation has but one target, the Catholic Church.

Catholic dioceses and institutions are entirely justified in opposing such duplicitous laws. At the same time, however, many in the Church have demanded of our bishops—and, sadly, with some success—that they lobby the Holy See for dispensation from “prescription”—the statute of limitations in canon law—so that accused priests can be removed from ministry, and even dismissed without trial from the clerical state—decades after the Church’s own statute of limitations has expired. As Archbishop Charles Chaput has wisely cautioned, “Statutes of Limitations exist in legal systems to promote justice, not hinder it.” (First Things, May 2006).

The mediated settlement process has continued year by year since the explosions of 2002. To date, the U.S. Church has lost \$2.6 billion in abuse claims, but are the ongoing claims just? In the 1990s, the Haworth Maltreatment and Trauma Press published a trade journal for personal injury lawyers entitled *Sexual Abuse Litigation: A Practical Recourse for Attorneys, Clinicians and Advocates*. The book is a manual for obtaining profit from sexual abuse claims. One chapter, for example, is entitled “The Needle in the Haystack: Uncovering Insurance Coverage in Sexual Abuse Litigation.” Each chapter concludes with a list of “practice tips” describing in detail the most effective ways to find and sue deeper pockets than those of the alleged molesters themselves.

The “practice tips” address ways to claim negligent supervision of clergy (especially Catholic priests), to present claims in ways that will circumvent existing civil statutes of limitations, and in using the power of the state to bolster civil claims with simultaneous criminal

prosecution. The book also includes a number of ways to bring claims while avoiding quagmires such as controversial “repressed and recovered memory” by claiming newly discovered injuries instead of newly discovered memories. In a chapter that seems to be a harbinger of what was to come for the Catholic Church, the book describes ways to manipulate media coverage to pressure institutions into mediated settlements without an in-depth discovery process or even filing a claim in a court of law. Sound familiar?

The “mass mediation” precedent for settlement of claims against Catholic priests was first established in 1992 when the insurers for the Diocese of Fall River, Massachusetts, sought to end some 80 lawsuits involving Fr. James Porter in claims alleged to have occurred up to three decades previously. At the time, insurers tried to deny coverage of the decades-old claims that were beginning to emerge around the country. The insurers took the position that bishops and dioceses had prior knowledge of the history of most of the priests accused in the 1990s. Despite obtaining the files, the insurers ended up providing coverage because the written records simply did not support the insurers’ own availability bias, i.e., that the bishops knew of the abuse and covered it up. The majority of the claims, the insurers found, surfaced for the first time as money was being demanded, and not when the abuse was alleged to have occurred.

The relationship between insurance coverage and claims against priests is certainly clear in the historical record of this issue over the last 20 years. Insurers of Catholic dioceses ceased to provide coverage for claims alleged to have occurred after 1990 or so, but could not deny the coverage retroactively into the 1960s, 1970s and 1980s. It is an interesting note that the lowest percentage of claims against priests were alleged to have occurred subsequent to 1990 when insurance coverage came to an official halt. As the Howarth book cited above makes clear, “insurance” is spelled s-e-t-t-

l-e-m-e-n-t. Only a few commentators have cited the inherent danger mediated settlements have posed to priests, and can pose to the Catholic Church in the wake of “window legislation.”

Yet another example of availability bias is the widely held belief that no one would claim to have been sexually abused just for money—not even for lots of money, and not even when few questions are asked. Remembering the shocking false claims for compensation after the 9/11 attacks, I put the proposition to my fellow prisoners. Would any of them consider falsely accusing a priest for money? It got a good laugh—and then a reminder that I am surrounded by men who have taken lives for far less money than what was gained by those who took my reputation and freedom.

Fr. Gordon MacRae is in prison for claims alleged to have occurred in 1983, and for which he maintains his innocence.