

Response to CNN Documentary on the Pope

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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.