

# TWILIGHT OF THE SCANDAL

*By Kiera McCaffrey*

The Catholic League would never defend the indefensible. That is why we praised the media for putting the spotlight on the Church's sex-abuse scandal in 2002. Without journalists breaking the story, the Church may have been slower to clean house and a greater number of adolescents may have been harmed. Similarly, we have never criticized those victims of abuse who file legitimate lawsuits against the church, or lay groups that truly are focused on helping the reform process. Nevertheless, recent events have forced us to reconsider our earlier assessment.

It is obvious to us that there is a growing problem of late with trial lawyers, advocacy groups, certain segments of the media and even lawmakers seeing the sex abuse scandal not as a problem that has largely been corrected, but as an unending supplier of money, ratings and attention. Moreover, individuals from these various fields are joining forces, not to protect young people—if that were the goal, calls for reform would begin with the public schools—but to bludgeon the Catholic Church.

Ideally, victims' groups provide an atmosphere of support for those who were molested as minors and suggest ways in which the Church can ensure the safety of others. However, two elements, bitterness and lust for power, have corrupted many of these groups, which have taken up a new agenda of stripping the Church and her priests of the same rights enjoyed by the rest of America.

The bitterness comes from a projection of the acts of a few onto the entire Church. The lust for power comes not from problems within the Church, but from reforms made subsequently. When the scandal first came to light, the media

looked to victims' groups for commentary and background information. Now, at the twilight of the scandal, when abuse cases have declined, the media have less cause to seek out the spokesmen of such groups. Accustomed to the limelight, these organizations are finding it harder to stay in the public eye without becoming increasingly extremist in their endeavors. They often turn to allies for help with such work.

The ethics behind victims' groups accepting donations from lawyers who represent group members in the wake of traumatic events are questionable. Some advocates for abuse victims realize this and act accordingly. Survivors First, a Boston-based group created in the aftermath of the scandal, has a policy that it will not "accept money from anti-gay groups, anti-Catholic groups or plaintiff lawyers." However, as *Forbes* magazine's Daniel Lyons first made clear in 2003, such scruples are not shared by other organizations.

For instance, the Survivors Network of those Abused by Priests (SNAP) touts itself as "the nation's largest, oldest and most active support group for women and men wounded by religious authority figures...an independent and confidential organization with no connections with the church or church officials." Notice this statement says absolutely nothing about SNAP's connections to trial lawyers.

David Clohessy, SNAP's national director, admitted this year that approximately 18% of the group's \$500,000 to \$600,000 budget comes from lawyers' donations. Jeffrey Anderson, notorious for his outrageously broad-sweeping suits against the Church (e.g., filing suit against the Vatican and every single U.S. bishop), is one of those hefty donors. Anderson has made tens of millions of dollars from lawsuits against the Church. And each time he takes a cut from a settlement he negotiates or trial he wins (attorneys may receive between 25% and 40% of the money awarded in each ruling), he is in a better position to write the big checks to his friends at SNAP. And SNAP, of course, is often on hand to support him in

his legal efforts.

One way for attorneys and victims' groups to open the Church to more suits is to ask judges to demand the Church turn over personnel files. Digging through these confidential documents, they may discover or claim to discover new incidents of crimes or cover-up. However, it is not only through the courts that they can ensure the Church is more vulnerable to lawsuits; changes in legislation can make it possible to file suit for abuses that allegedly happened many years ago. And a whole slew of folks are working to see that such changes in fact come about.

SNAP spends 10% of its annual budget to promote legislation the group deems in its interest. Just this October, SNAP joined the newly-formed Foundation to Abolish Sex Abuse in urging the Pennsylvania legislature to pass a bill which would give those alleging they were sexually abused before the age of consent until their fiftieth birthdays to file charges. (Current law allows individuals to file suit only until their thirtieth birthdays.) The group has petitioned for similar changes in statute of limitation laws in many other states.

Voice of the Faithful is another organization that targets clergy at frequent occasions. Formed in 2002, the group purports to seek a "Spirit-driven dialogue toward a stronger Catholic Church." However, as is evident from an amicus brief the group filed with SNAP in a case in Maine, Voice's idea of a stronger Catholic Church evidently means one where the Church is forced to turn over files on deceased priests who have had molestation claims made against them. Besides stripping rights away from priests, Voice has been criticized for advancing ideas that go against Church teaching. Though the group's spokesman, John Moynihan, has stated they are "neutral" on the issues of abortion, homosexuality and the all-male priesthood—troubling enough for a supposedly Catholic flock—Voice meetings and literature have played host to speakers and articles espousing heterodox views time and

again.

Another group, Healing Alliance (formerly known as Linkup), turned to Jeffrey Anderson to educate them about effective lobbying techniques. Those gathered at the 2003 annual meeting of the victims' support group were instructed by the lawyer-turned-showman that teddy bears are the key to influencing elected officials. He told them that, should an advocate call on a legislator who is not in his office, the advocate only needs to leave one of the stuffed toys with a staffer in order to turn a missed opportunity into a successful appeal: "You tell them it represents the innocence of a child—the innocence that's been stolen—and I guarantee they'll remember you."

But when it comes to changing public policy, Anderson isn't content to give a few pointers and then leave the driving to the advocates. He and Larry Drivon, another attorney specializing in claims against the Church, helped draft a bill in California that opened a one-year window during which the statute of limitations for bringing civil suits on sex-abuses cases was abolished.

Colorado Senate President Joan Fitz-Gerald later based her own legislation, which would have opened a two-year window and would have permitted civil actions to be brought against those who are "deceased or incapacitated," on Anderson and Drivon's work. Helping Fitz-Gerald draft this legislation was another attorney, Marci Hamilton. Hamilton, a professor at the Cardozo School of Law in New York, was referred to Fitz-Gerald by SNAP; she works for the group as an expert on behalf of victims and is a strident critic of the Catholic Church.

Victims' groups have lobbied for similar legislation in other states as well. Despite the fact that witnesses die and memories fade, there is a continued push to do away with the safeguards built into our laws. It is not only statute of limitation laws that are targeted by legislators; several states have considered bills that would mandate priests to

report cases of molestation learned in the confessional. Though none has become law, the fact that legislators, lawyers and advocacy groups have even advanced the idea is testament to their hostility toward the Church.

If Catholic officials even speak up about such matters, they make themselves vulnerable to a volley of criticism. The Colorado Catholic Conference learned this when it argued that the Fitz-Gerald bill should apply uniformly to all institutions, including public schools. Despite the fact that it was opposition from public schools that sunk the bill, Catholics bore the brunt of the blame. Favoring soundbite over substance, state Senator Ron Teck whined that "the phrase 'What Would Jesus Do?' was being ignored [by the Church] for the sake of secular society and benefit.'"

People like Teck know that such trite clichés have a certain appeal, much like Anderson's teddy bear shtick. Not only do they sway the folks at home, but for the newsmen, they make great copy. And the media are always hungry for a story about abuse in the Church: no sooner had the scandal broke when the papers showed their own interest in getting a look at confidential clergy personnel files. Papers such as the *Boston Globe*, the *New York Times*, the *Hartford Courant* and the *Washington Post* appealed to judges to release confidential documents related to civil lawsuits against the Church.

Catholic leaders have seriously undertaken the good work of protecting minors in recent years (for which the bishops have received little credit). When the media, lawyers, lawmakers and advocacy groups are able to look past the desire to punish the Church—which is increasingly hard to do as they become more and more dependent on it for their livelihoods—they can help with that good work as they have in the past.

Instead, the reputations of these victims' advocates are seriously tarnished. Since they are entangled with trial lawyers out to make a buck or advance positions inconsistent

with Catholic teaching, groups like SNAP and Voice of the Faithful can only be viewed with suspicion. When politicians turn to money-hungry attorneys to craft the laws, it's hard to trust that they're really looking out for the best interests of their constituents. And when the media cares as much about filing news-making lawsuits as reporting the news, there are few places for people to learn the straight facts.

The Catholic Church has cleaned up its act. Many others need to follow suit.