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After the Fall

Church Makes Changes, But Critics Cry "Not Enough"

By Lauren Wolfe
February 24, 2005
Long Island (NY) Press

In December, the Rockville Centre and Palm Beach, Fla. dioceses together gave more than \$100,000 to a Florida man who says he was abused by former priest Matthew Fitzgerald. Years ago, allegations against Fitzgerald on Long Island led the late Bishop McGann, then in charge of the Rockville Centre Diocese, to transfer the priest around LI and eventually, in 1989, to sunny Florida—supposedly because the priest had allergies. Fitzgerald moved to Florida, and promptly began to abuse again.

The settlement with the Florida victim highlights the problems profoundly embedded in the Catholic Church's past: the movement of abusive priests around the country like so many chess pieces; the cover-up that basically enabled further abuse.

But the settlement also shows what the church is beginning to do differently.

For one thing, the victim did not sign a confidentiality agreement, so the December settlement and the abuse that led to it is all public knowledge. In addition, triple-digit payouts without such an agreement may be considered a sign of increased openness. Perhaps even more dramatic, Rockville Centre's Bishop William Murphy has agreed to write a letter of apology to the victim.

Slow Pace of Change

Three years since revelations surfaced that Catholic priests had sexually abused children for decades and gone unpunished, many people are examining what kind of progress the Church has made toward ensuring such heinous acts aren't repeated. With the release last week of the second annual national audit on U.S. dioceses, commissioned by the U.S. Conference of Catholic Bishops (USCCB), Church critics and boosters both have fresh material to scour. The report found that 96 percent of dioceses audited are completely in compliance with the Charter for the Protection of Children and Young People, a series of policies for dealing with victims of sexual abuse, set down in 2002 in Dallas by the USCCB.

Yet critics charge that the audits meant to check each diocese's compliance with sexual abuse policy are just part of a PR campaign, a scheme to mask the continued use of confidentiality agreements and the questionable treatment of abuse survivors.

The pace of change tends to be slow in such ancient institutions. It is an old organization, set in its ways, some would argue. Give it some leeway. The Church's harshest critics, on the other hand, are outraged by what they see as continued stonewalling.

And many are caught in the middle, wondering whether what they're seeing is slow progress or none at all.

At the same time that the Church released its own audit report, bishops announced a separate report that indicates 1,092 new accusations of abuse by at least 756 Catholic priests and deacons were made in the past year.

Even all the changes the scandal has brought about within the Church—more apparent openness, more discussion, more scrutiny—don't seem to be enough for some people. There exists a kind of no-

win situation for both the Church and its detractors: The Church continues to lack much of the laity's trust, and much of the laity is still not getting what it wants from the Church.

Self Examination

In a well-publicized attempt to monitor itself, the Church employed the Gavin Group, a Boston-based compliance auditor, to determine if each diocese has complied with the Dallas Charter. But many people don't like the idea of the Church conducting an internal investigation. The audits are organized by the bishops, paid for by the bishops and based on information provided by the bishops.

"Bishops designed the rules of the ball game, dictated who plays, chose the umpire and then they proclaim, 'We're winning!'" says David Clohessy, head of the National Survivors Network of those Abused by Priests (SNAP), in disbelief.

Yet self audits are "normal business practice," responds Kathleen McChesney, executive director of the bishops' Office of Child and Youth Protection and previously the third-ranking member of the FBI (a past that does not escape the attention of those who perceive a kind of organized secrecy in the Church). Seen by victims' groups as a possible ally in the land of the tight-lipped bishops, McChesney admits there are challenges with her mission to bring the dioceses in line with the charter. For instance, she notes that openness and transparency are required in the charter, but that there is no definition of what those things mean.

Another possible blind spot with the audits, she says, is that her mission is to evaluate if policies have been put in place—not whether they have been effective.

"If there were more than two people in this office we could [monitor effectiveness]," she says, clearly frustrated. Besides herself, only one other person oversees child and youth protection in 194 dioceses and eparchies (dioceses of the Eastern Catholic Church).

The biggest challenge McChesney has faced regarding the audits, however, was pushing for their continuance. Earlier this year, she says, there was murmuring among the bishops that perhaps the audits should stop. Audits are time-consuming and costly, they argued.

McChesney says, "I think they were needed to make the bishops do what they needed to do."

Yet when so many dioceses come out of the process with lots of praise and little admonishment—as Rockville Centre has done twice—skepticism remains strong among the Church's critics.

"Worse Than Nothing"

Susan Gallagher, a political science professor at the University of Massachusetts at Lowell and a survivor of priest abuse, even questions whether the audits are better than nothing.

"I think it's worse," she says, "because the public gets the idea that something positive is happening and children are safe, when in fact we have multiple molesters unsupervised."

Tom Myles, a director of LI's Voice of the Faithful, worries that the names of priests who did or did not pass required background checks are not being released. Also, victims were interviewed by the Gavin Group at random, leaving potential gaps in knowledge that could affect the group's assessment.

Myles says such procedures merely clear the way to blindly charge into the future: "We're trusting the pastor again who we trusted in the past."

And only some dioceses, such as those in Milwaukee, Baltimore and Tucson, have chosen to publish the names of accused priests on their websites, while many, such as Rockville Centre, choose not to.

At the same time, the Rockville Centre diocese came forth last month with some numbers. Diocesan officials reported that eight LI priests have been laicized (defrocked), three have been ordered to stand

trial, 10 were suspended, and two more were cleared. These are 23 accused priests that Bishop Murphy says had allegations against them substantial enough to warrant further investigation.

But the 23 priests were not named by the diocese. While Church supporters see the disclosures as steps toward openness, critics claim these kinds of occasional disclosures can create a dangerous smokescreen.

Even with the disclosure of numbers, victims' advocates worry that without publishing the names of the accused (which Rockville Centre does not do), abusing priests cannot be monitored outside the hierarchy, and could therefore potentially continue to abuse.

Marci Hamilton, chair of public law at Cardozo Law School in Manhattan, says this kind of semi-progress is par for the course with the Church. "Whatever they don't want to reveal," she says, "they sit on it."

Buying Secrecy

Ever since it came to light that the Church often enters into confidentiality agreements with victims, critics have charged that these deals are bribes: Victims agree not to name their abuser or talk about their cases in exchange for more money than they would receive otherwise.

Not in Rockville Centre. In July 2003, Bishop Murphy declared that the diocese would not enter into any confidential settlements, "precisely because I do not want anyone to misinterpret a desire to help the suffering as some kind of 'hush money.'"

But Rockville Centre is not the norm. Confidentiality agreements are coming into play even more now as the scandal subsides, says Gallagher. She's disturbed that the exchange of money for silence continues to this day.

According to the recent national audit report, only "a small number of dioceses and eparchies entered into confidentiality agreements" during 2003. Yet Gallagher and others consider this statement suspect, mainly because of one bizarre re-tally. In October 2004, the Manchester, N.H., diocese reported that it had entered into "26 confidentiality agreements during this period." Then, the new national report summary by the USCCB says of Manchester, "The diocese has not entered into any confidentiality agreements during this period."

Gallagher estimates that at least 144 agreements were signed nationally during the audit period, calendar year 2003.

"Confidentiality agreements actually caused the whole crisis in the first place," she says. "It was the secrecy that caused priests to keep molesting."

Many victims still face the choice between catharsis via exposure or catharsis via counseling paid for with settlement money. In this era of seemingly greater transparency around clergy abuse, Clohessy of SNAP says he suspects that what happens in most dioceses is that the Church delicately conveys to the victim or victim's attorney that more money will be provided for counseling if the press stays out of the case.

"Church damage-control efforts are getting increasingly sophisticated," Clohessy says. National attention to the scandal has made the Church more aware of its public image, he argues.

For some victims, however, the greatest goal they have is to excise the pain from their abuse by speaking out about it. Dave McGuire, 38, a survivor originally from West Hempstead who now lives in Los Angeles, says he would not sign a confidentiality agreement because "talking about [the abuse] carries a much greater reward than any kind of compensation would." McGuire wants enough money from the Church to pay for his therapy, but he also wants to be able to let other people know what happened to him.

"If it is confidential, no one will ever know about it without criminal prosecution," says Hamilton at

Cardozo. And criminal prosecution is unlikely in most of these cases, because that usually requires testimony from the victim—in most cases children. Added to that, statutes of limitations, which often come into play when talking about crimes against minors, are very difficult to challenge, especially in states with strict laws like New York.

Why Take The Money?

Victims who take money from the Church are often called hypocrites by Church supporters. Yet abuse survivors who do sign confidentiality agreements to get more money have their reasons.

"It's very hard to say no to a quarter-million dollars when you're in debt," says Susan Gallagher.

Time and again, victims' groups point to what happens when someone does not sign a confidentiality agreement, like the founder of New England SNAP, Phil Saviano. He refused to sign one in the 1990s, and only received \$12,000 from the Church.

Hence Rockville Centre's \$100,000 settlement stands out as a large payout for a diocese that doesn't demand a vow of silence. Victims in the Worcester, Mass., diocese, which like Rockville Centre does not enter into confidentiality agreements, have been offered "settlements that were in the several-thousand-dollar range; some were under \$10,000, some were over \$10,000," confirms Ray Delisle, a spokesman for the diocese. Such paltry sums discourage lawyers from even taking these cases.

It's not just about the money, victims and lawyers submit. "Sometimes victims want to make a point and only want a little money," says Hamilton. She does recognize, though, that if the Church pays a high price for its wrongs, perhaps that penalty, in addition to publicity, will prevent such abuses in the future. "You'll never deter a church from doing this again if the price is so low," she concedes.

But accepting money from the institution that you believe hurt you can be complicated, Gallagher says, especially if a confidentiality agreement has been signed. Later, she admits, "It does make you feel like a prostitute."

Gallagher signed a confidentiality agreement when she settled her case in 1998. She had sued her abuser (who had also abused her two brothers), the Rev. Frank Nugent, and the order of the Salesians, a religious order with its headquarters in New Rochelle that integrates its priests within different dioceses. Her lawyer told her to expect maybe \$15,000 without a confidentiality agreement. Once she signed one, she got \$250,000.

Gallagher now wishes she had not accepted the agreement, which did not prevent her accused abuser from being around children.

"They sent me this money and then they moved him into a youth center," she says of the priest.

Eventually, Gallagher says, the Church released her from her agreement, after the diocese got a call from a reporter at The New York Times, which let the Church know she was ready to break it anyway. She decided to speak to the press because of what she calls the Church's failure to live up to its end of the arrangement in dealing with Nugent.

Gallagher's case illustrates the one trump card that victims hold, even if most of them don't know it. To date, there has been no penalty for breaking a confidentiality agreement. The general consensus is that the Church chooses not to go after these victims because it would look petty. No advocate the Press spoke to could cite a single instance where there were repercussions for a victim who broke their agreement.

For some victims, money is no object. Melanie Little, a Garden City lawyer, represents 25 abuse victims. She has been battling the Rockville Centre diocese in what she calls a "very drawn-out process." None of her clients, she says, would enter into a confidentiality agreement if asked (which they would not be at Rockville Centre), despite what she says is an aggressive fight put up by the Church to keep the cases from going to trial. Even if they get less money in the end, for Little's

clients, skipping the agreement and heading to trial is worth it.

"This is a last resort for them," Little says. "They really just want to be heard and understood."

Hoops To Jump Through

Victims see the Church's efforts to block communication, money or access as just another kind of intimidation. This is where the Church's good intentions become obscured by its own bureaucracy and survivors feel re-victimized.

McGuire, the former West Hempstead resident and a survivor, receives money from the Church for his therapy. But it isn't always easy to get.

"My experience was that they certainly set the bar high and I had to jump through some hoops to get stuff," McGuire says.

He says that 13 years after his abuse occurred at the hand of the Rev. Eugene Vollmer in the Rockville Centre Diocese, he is doing better. In the intervening years, though, McGuire became addicted to drugs and was suicidal. He comes from an Irish Catholic family, where his uncle was a Jesuit priest and the Church was considered untouchable. "The shame was big enough for me to try to kill myself over," he says.

When he approached Eileen Puglisi, the victims' advocate at the diocese, in August 2004, McGuire says he found himself being challenged by her as to how a three-day hospital stay after a suicide attempt could cost \$4,000. McGuire wanted to include this cost in the money the Church gives him for mental health treatment.

Shelley Lotenberg, a spokeswoman at Nassau University Medical Center, says \$4,000 is probably a fair estimate, considering that without medications or X-rays or anything added, a bare-bones hospital stay runs about \$1,000 to \$1,200 a night.

But McGuire felt yet again mistreated by the Church: "Submitting for reimbursement for this turned into me having to explain myself to them," he says. In his opinion, this is another barrier set up by the Church hierarchy to keep victims from getting what they truly need to heal.

Sean Dolan, a spokesman for the diocese, said on behalf of Puglisi that there is a process in place for dealing with issues "related to the care and treatment of sexual abuse," but declined to comment on specific cases, in order to "keep the confidentiality of the victims."

Victims look for this kind of privacy protection, and praise it when they get it, as McGuire readily does. But for those who are frustrated at the pace of progress within the Church, the ancient Greek philosopher Plato's maxim to "never discourage anyone...who continually makes progress, no matter how slow" is easier said than done.

"There's no denying there's a lot of activity and motion," says Clohessy. But, like so many others, he doesn't see that much has changed in three years other than the consistency of the smoke and the shape of the mirrors.

"Motion doesn't equal forward motion," he says of the Church's efforts. "Activity doesn't equal progress."

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