

## O. S. V. CORRESPONDENCE

...December 8, 2007

**Prisoners watch television. Many of them watch television all day, and their favorite pastime is Court TV and the news channels. As The Scandal emerged out of Boston late in 2001, Father John Geoghan became its central figure. He stood accused by more than 130 individuals who brought civil claims against the Archdiocese of Boston. Not one of those claims was subjected to testimony under oath. All were settled without any form of evidence or corroboration. With heavy media choreography by two Boston contingency lawyers, the civil claims against Father Geoghan served to corroborate each other. Only one claim resulted in a criminal trial. Court TV carried that trial live.**

**As testimony of the accuser was offered, several prisoners came to my cell door to ask, "Are you watching this?" That evening, the trial of John Geoghan was the hot topic among prisoners. They had no problem believing that Father Geoghan likely did exactly what he was accused of. They scoffed and laughed, however, at the claimant. Seeing this through their eyes was an education. The "victim," a college student, testified that when he was 11 years old (11 years earlier), he was in the swimming pool of a local YMCA. He said that a man he recognized as Father Geoghan - whom he had seen not in church but "hanging around" his housing development - came up behind him, and, under the guise of helping him climb out of the pool, squeezed his buttocks. Under the tutelage of his personal injury lawyer, the young man claimed that this incident caused him to suffer 11 years of Post Traumatic Stress Disorder. The entire cell block erupted in laughter.**

**If media statistics are correct, this same young man, by the age of 15, had witnessed thousands of murders, and countless sexual acts, on television. But the butt-squeezing incident (forgive the coarseness of this) was the defining moment for his life of personal suffering worthy of six figures in punitive and compensatory damages from the Catholic Church - and he got just that, with no further questions asked. The prisoners had no doubt of the truth of what he claimed to have happened. His claim for damages, however, was an absolute lie.**

**There is not a criminal lawyer in Boston who does not see that the judicial system corrupted itself in the aftermath of the Geoghan trial. What should have been a misdemeanor simple assault charge, at most, was repackaged 11 years later into a conviction for felonious sexual assault. Setting aside entirely the nature of that one claim, Geoghan was sentenced, without trial, for the other 130 claims that**

would never go to trial. At age 68, he got nine years in prison for squeezing the buttocks of a child 11 years earlier. Following relentless ridicule, distortion, and scapegoating by the Boston media, Geoghan's stay in prison turned into a death sentence. The lack of utter outrage among Catholics over this is engraved into the mind of every prisoner here who watched this unfold. They were scandalized by it. They still are.

I do not write the above to bring sympathy to Father Geoghan's plight. On the contrary, I believe he was permitted to dishonor the Church without much in the way of effective intervention. It is difficult to understand, but the truth is even worse than you know. One of the ironies of my own trial is that at the time I was accused, I had been for the previous seven years the director of admissions for the Servants of the Paraclete Center for priests in Jemez Springs, New Mexico. I was accused in the aftermath of the center's own public scandal in 1993 when hundreds of lawsuits were filed over their treatment of Father James Porter some 25 years earlier. One day in early 1993, while in my office, I received a call from the clinical director of St. Luke Institute in Maryland. The Institute had just completed an evaluation of Father John Geoghan following accusations similar to what is described above. This was not his first intervention for the same behaviors. St. Luke Institute was recommending a long term supervisory placement for Father Geoghan whose judgment was seriously debilitated. The Servants had such a facility in Albuquerque where he would have received around-the-clock care and supervision at a cost to the Archdiocese of about \$15,000 per year. A few days later, the representative of St. Luke Institute called me back. He had run the plan by the Personnel Director for the Archdiocese of Boston. He related to me that he was told this was "overkill" and "these facilities are always trying to keep their beds filled." Father Geoghan was reassigned to parish ministry. His subsequent behavior at this 1993 assignment cost the Archdiocese millions of dollars in damages, a devastating toll in trust and confidence, and triggered the Scandal of 2002.

There is a lot of blame to go around within the Church, but much blame also rests at the feet of contingency lawyers who have driven and manipulated The Scandal for vast personal gain, and at the feet of false claimants who have unconscionably pointed fingers at men who are innocent. A few years ago, I wrote a letter (without response, of course) to Father Mannion at OSV. A reader had inquired whether some of the claims against priests are false and motivated by greed. Father Mannion replied that the U.S. justice system has many safeguards that would prevent an innocent priest from being wrongly convicted or a diocese from falsely being held liable. It was an appalling thing for someone in my position to read. When the U.S.

**Bishops convened in Dallas in 2002, resulting in the Charter for the Protection of Children and Young People, they took a similar approach. They invited highly sensationalized and emotionally charged testimony from members of groups like S.N.A.P. who led them to believe that no one - certainly no young man - would ever falsely accuse a priest for money. In contrast to such a naive belief, I have spent the last 13 years with men who have taken lives for a mere fraction of what my accusers gained by taking my freedom and reputation.**

**I apologize for length, but I must comment on one other matter you brought up: the legislation in multiple states to revise and retroactively apply new statutes of limitations in civil claims.**

**Archbishop Chaput, for whom I have great respect, wrote eloquently in First Things awhile back that, "Statutes of limitations exist in legal systems to promote justice, not hinder it." It is for good reason that the United States Constitution forbids retroactive application of criminal statutes of limitations. Retroactive revisions of civil statutes should also be unconstitutional, and the bishops are quite right to lobby against them. As you and others have written, there can be only one target of such legislation: the Catholic Church.**

**However, the American bishops have also done in canon law exactly what many now protest is being done in civil law. The American bishops have lobbied the Holy See to dispense with prescription - in effect, the statute of limitations for applying canonical penalties in complaints against clerics. With this dispensation - and it is retroactively applied - the bishops routinely request administrative dismissal of accused priests from the clerical state, without defense or any avenue for appeal, years or decades after the period of prescription defined in canon law has expired. Revised and retroactively applied statutes of limitation are as unjust and immoral in canon law as they are in civil and criminal law.**

**In a recent article ("Atheism's Wrong Turn," The New Republic, Dec. 10) Damon Linker described a lecture in Dublin, Ireland by the atheist author, Richard Dawkins. Dawkins is reported to have included the following anecdote in his lecture:**

**"I was asked what I thought about the widely publicized cases of sexual abuse by priests in Ireland. I replied that, horrible as sexual abuse no doubt was, the damage was arguably less than the long-term psychological damage inflicted by bringing the child up Catholic in the first place."**

**I believe the enduring nature of The Scandal has little to do with the protection of children and young people. If it did, as you have**

**courageously written, the outcry over the exponentially higher incidence of abuse by teachers would be definitive. What we are facing as a Church has much more to do with the kind of utter hatred of the Catholic Church that Richard Dawkins exemplified, and with insatiable greed. It is time to face that, and make it known.**

**Whether or not you choose to reply further, I remain in admiration for your own contribution to the truth of this matter. May God bless you and your work.**

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**...February 27, 2008**

**In the March issue of FIRST THINGS, Father Richard Neuhaus wrote of the effect the culture of accusation has had on the relationship between bishops and priests ("Clerical Scandal and the Scandal of Clericalism," The Public Square). Some bishops, to distance themselves from the accused, have described priests as "independent contractors." As Father Neuhaus points out, many claims have been settled without investigation because fair investigation is not even possible after the passage of time. The John Jay Report concluded that 70% of the claims emerged two to five decades after they allegedly occurred, and only after it became clear that a Church besieged by scandal is willing to settle claims with few questions asked. Even without the monetary motive of the vast majority of claimants, studies of memory point to the notorious unreliability of emergent memories of abuse from decades earlier, and the extreme suggestibility of claimants to develop false memories of abuse. In their panic driven state in 2002, the Bishops unilaterally gave a platform to victim groups like SNAP, the true agenda of which is now clearer.**

**The Scandal of 2002 was certainly not the first time the issue of clerical sexual abuse appeared on the national stage. I was accused in a previous wave sparked by the Father Porter case of 1993, and there was another preceding wave in 1988 set off by a Louisiana case. As I wrote in "Sex Abuse and Signs of Fraud" (Catalyst, Nov. 2005), Geraldo Rivera hosted a 1988 "expose" of claims against U.S. Catholic priests. His panel consisted of the same contingency lawyers and commentators who "exposed" the scandal of 2002. They even made the same charges "discovered" in 2002: that Bishops quietly settled claims to keep them out of public view; that Catholic dioceses maintained "secret archives" to shield files from discovery; that bishops reassigned accused priests without informing new parishes of prior allegations, etc.**

**Nothing new was revealed in 2002.**

**So what made the 2002 revelations so different? I was recently sent a copy of an investigative report by journalist, Debbie Nathan entitled "The New York Times, Kurt Eichenwald and the World of Justin Berry" (CounterPunch, April 2007). Ms. Nathan revisited a notorious Internet sex abuse case that ended up in testimony before Congress in 2005, and appearances on "Oprah," "Larry King", CNN, etc. The case, now presented with new information, resulted in some reactionary legislation in 2005. Ms. Nathan asserted:**

**"The 'war against terror' since the Twin Towers fell has opened up a second front in the form of draconian and cruel treatment of [accused] sex offenders. The New York Times added fuel to the furor by publishing the work of [Kurt] Eichenwald. The paper has much to answer for. So does the reporter."**

**So does The Boston Globe (which, coincidentally, is owned by the New York Times). Ms. Nathan's connection of the sexual abuse panic with the 9/11 terrorist nightmare may have merit.**

**On the morning of September 11, 2001, I was riveted to a television in prison. I watched in live action as that second plane confirmed what we all feared: the nation was under siege. As the nightmare progressed, I was horrified to learn that this deadly plot began with planes hijacked out of Boston. I grew up in Boston. I worked as a teenager handling freight at Logan Airport. I knew how every thinking person in Boston felt about the news. This horror began here.**

**Just weeks later, the first news stories of claims against Father John Geoghan - and claims of an insidious cover-up - sparked another tumult with Boston as its epicenter. It still isn't over, but six years later we can count on two hands the number of claims against priests that occurred in the here and now. Everything else was either a revisiting of what had already been claimed to have occurred decades ago or entirely new - and some say entirely unreliable - claims from past decades. Again, the John Jay report placed 70% of the claims in the latter category.**

**That, for some, belies the makings of a classic witch hunt. As the renowned historian, Barbara Tuchman wrote in her introduction to The March of Folly, "There is nothing more unjust than to judge men of the past with the ideas of the present." The news media and lawyers banded together to hold the Church in contempt for not acting in 1972 as they would in 2002.**

**I cannot help but wonder how the emergence of the Boston scandal**

would have played out in a light other than that of a nation besieged by terrorists in our midst. When I mentioned this recently to one correspondent, he shot back that such analysis "merely revictimizes the victims and is akin to denying the Holocaust."

It was an interesting analogy. In his book, The Demon-Haunted World (Random House, 1996) Carl Sagan made a similar analogy, but conversely. In a debunking of the proliferation of repressed and recovered memories of sexual abuse, Dr. Sagan posited a study of Holocaust survivors - a group universally known to have suffered the most traumatic abuse known to exist in the 20th century. Claims of repressed and recovered memories were not prevalent among Holocaust survivors. To the contrary, a part of their horror was that they could NOT forget a single detail of what had happened to them. I know well the effects of sexual abuse. In prison, I am immersed in those effects on a daily basis, but not one of my fellow prisoners has ever claimed - legitimately - to have been abused by a priest. If you have an opportunity to do so, I would like to ask you to read a brief account written by a fellow prisoner here. It is posted on the home page of the Catholic League ([www.catholicleague.org](http://www.catholicleague.org)) under the title, "A Conversion Story for 2008."