

My dear people,

On Friday, March 29, near the close of the working day the Diocese of Charleston publicly released the names of clergy who have been “credibly accused” of sexual misconduct with minors over the past seventy years. Immediately, parish priests began to receive inquiries. On Sunday, March 31, I mentioned that, like you, I had questions and promised a more mature reflection by week’s end. Because I do not celebrate all Sunday Masses and because the congregation is a “G” rated audience, it seemed best to put my thoughts in writing here.

First, we must place this in context. It is distressing to hear of people who think we are in some ongoing crisis. The John Jay report is a deep analysis of this crisis for the years between 1950 and 2010. Offenses became more numerous in the midst of the social and cultural revolution of the 1960’s and the incidence of abuse cases increased through the 1970’s. By the mid 1980’s there was a dramatic decline. Eighty percent (80%) of all abuse cases occurred before 1985 (nearly 35 years ago) but only six percent (6%) of those had been reported by 1985. As the problem became manifest in the early 1980’s, various Church responses and other factors resulted in a sharp decline. Much of what we are dealing with is history. Less than 5% of cases were true pedophilia, which is sexual contact with a pre-pubescent child. Over 95% involved post-pubescent adolescents (called ephebophilia), the majority of whom were male (over 80%). Other studies have concluded that approximately 4% of priests serving at the time were involved.

I neither pretend to have the full answer to your questions about the release of the list of clergy nor claim to know enough for definitive conclusions. As I share my impressions, if they are critical of decisions, I do not wish to criticize those making the decisions, as I know they are good people doing the best they can with an extremely difficult situation. If this were an essay, I would entitle it “Two Wrongs Are Too Wrong.”

From where I sit, it appears that our Church has erred in two extremes driven by concern for public opinion. The first wrong, and a major one, was inflicted when Church leaders covered up reports of clergy abusing minors. The transfer of offending clergy to other places where they could abuse again, the secrecy around payouts to victims, the reliance on the therapeutic community to certify offenders as apt for ministry, and many other efforts to protect the reputation of the Church were, quite simply, wrong. While this response to sexual abuse was typical of institutions such as schools, colleges, athletics, the military, the medical profession, law enforcement, scouting, and probably every other grouping, it was simply wrong, wrong, wrong. The Church leadership should have been the last to buy into the culture of silence, but, in many instances, it did. Many young victims were harmed spiritually, emotionally, and psychologically. As a pastor, I know some of these victims. Some cope very well and have moved on with their lives. Others remain traumatized by the betrayal of trust.

In response to the crisis, the Church in the United States has done everything imaginable to repair the harm. Unfortunately, I fear the efforts at reparation have (like the

coverups) been tainted by a similar desire: to regain the favorable opinion of the public. Where clergy were once protected and the rights of victims were abused, the reaction led Bishops to abuse the rights of clerics in a defensive reaction. This is the second of the two wrongs given birth by the Dallas Charter issued in 2002. To correct the problem, most Bishops of the U.S. decided that all clergy “credibly accused” of sexual misconduct would, in violation of Canon Law and our American principle presuming innocence until proven guilty, be removed from ministry.

In allegations of sexual abuse, there is a potential conflict of rights: the right of all people to be safe from sexual abuse or harassment and the right to vindication when harmed; and there is the right of the accused to a good name and freedom from punishment until proven otherwise. How do societies handle conflicts of rights and redress grievances? They have laws and procedures. In the Church, we call it Canon Law.

The removal of a cleric from ministry because of a “credible accusation” is the root of today’s crisis and is contrary to the Church’s law. In a footnote to the press release, removal from ministry for credible accusation is wrongly attributed to Canon 1717. The canon regulates the “prior investigation” of allegations. If the allegation is found credible, the accused is then entitled to a trial. Some of the clerics listed may have been credibly accused, but never had the opportunity for a trial or a defense because they were dead. Publication of their names as accused allows many to infer they were guilty, which has not and cannot be determined. “Credible accusation” is a poor criterion. Anyone can accuse anyone of anything. During the French Revolution, the simple charge *J’accusesent* many to the guillotine. It was a bloodbath. Credibility is subjective (not objective), as some people believe all accusations are true. In the 2008 update of the Dallas Charter, “sufficient evidence” was added to “credible accusation” as necessary before moving to proceed against a cleric. Now, Dioceses are facing lawsuits for defamation for the release of some of the names. Whether these lawsuits are with or without merit, I do not know.

The list published by our Diocese provides the names of all clerics “credibly accused.” Many readers will interpret this as “guilty.” In his cover letter, our Bishop explains that a credible accusation is not a determination of guilt, but that the allegation appears believable. On the list there are many names of those who were guilty, admitted guilt, or were proven guilty with due process. Also on the list are the names of accused clerics who *appeared* to have been accused after their deaths and who never had the opportunity to defend themselves. Some of them were never even reported to the Diocese but were found credibly accused by an arbitrator in a class action suit. It is commonly said (and I qualify this as rumor) that in the same class action suit, one plaintiff was found to be a con-artist in prison for similar false allegations in other dioceses and that his prison term was increased for his false allegations against the Charleston Diocese. One of the priests has been dead for some forty years. He was apparently not accused before his death; if so, he was not able to defend himself. He was a much loved and respected priest. I knew him.

Please let me reiterate: these are only my impressions. I share them knowing that I do not have access to details. I do not know how the release of the names of those credibly accused will help victims to heal, but I hope and pray such a good can come about. From where I sit, it appears two wrongs have, indeed, been done: young victims were grievously wronged and deceased priests who were “credibly” accused but not able to defend themselves have likewise suffered a wrong. Two wrongs do not make a right. Two wrongs are too wrong.

While there is much that I do not know, I do know this: ultimately only God can straighten this out, and in His hands, I place all victims, perpetrators, all those accused (justly or unjustly), and all of us.

Father McInerney