

TESTIMONY OF

THOMAS DOYLE, J.C.D., C.A.D.C.,

IN SUPPORT OF

BILL 17-146, THE "CHILDHOOD SEXUAL ABUSE
PREVENTION ACT OF 2007"

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IN SUPPORT OF BILL 17-146
DISTRICT OF COLUMBIA

PERSONAL AND PROFESSIONAL BACKGROUND

1. I am a Catholic priest and a member of the Dominican Order. I was ordained in 1970 and have served in a variety of assignments including parish work, college and university teaching and administrative work. I served as an Air Force chaplain from 1986 until 2004. My first assignment was at Dover AFB. While on active duty I served in several conflicts including Operation Iraqi Freedom in Iraq. I have five master's degrees and a doctorate. I am also a certified addictions therapist.
2. I lived in the District of Columbia from 1975 to 1978 while I was pursuing doctoral studies at Catholic University of America. I also lived here from 1980 to 1990 while I was working at the Vatican embassy. Washington continued to be my home away from home during the years I served in the U.S. Air Force. Today, I live in Vienna VA due to the economic forces of the housing market, but when people ask where I'm from, I always say "Washington D.C."
3. From 1981 to 1986 I served at the Vatican embassy in Washington D.C. I was the staff church lawyer. While serving there I was assigned to monitor the correspondence concerning a case of clergy sexual abuse from Lafayette, Louisiana. The perpetrator's name is Gilbert Gauthé. He was (and still is) a true pedophile in that all of his victims were pre-pubescent boys. One of his many victims was a pre-pubescent girl. This case received national media attention because of the extensive cover-up by the bishop of the diocese as well as the number of very young victims. The media focused on the fact that the accused priest was transferred from parish to parish for twelve years before pressure from parents and adverse publicity forced the diocese to act. The priest was sentenced to 20 years in prison. No one knows the exact number of young boys whose lives were ruined because of his abuse. All are adults now. Some have committed suicide. Many have led traumatic and difficult lives as they have sought in vain to ease the pain that the sexual violation has caused them.

4. Since that time I have been deeply involved in trying to help victims find support, healing and justice. I have worked with hundreds as a pastoral minister, a supporter and a friend. I have been with their families and friends. I have also worked with the accused priests in several capacities: as a legal advisor, pastoral minister and therapist. I have remained committed to this cause primarily because of the profound effect that contact with the victims and their families has had on me. The most important aspect of my contact with the victims, indeed perhaps the most important act of pastoral ministry I have ever done, is to apologize to victims. I first attempt to gain some minimal degree of trust between the victims, their families, especially their parents, and myself. I fully realize that this is most difficult for them because I am still considered a priest and am associated in their minds with the institutional Church, and it was priests and bishops in this institution that perpetrated the initial abuse and followed this up with the spiritual abuse by the way they were often treated when they disclosed to the Church authorities. After this trust is established I then honestly apologize to them for what a fellow priest has done to them and for what the clerical establishment has done to them. Without exception, I have been told by victims and/or their families that this was *the first time anyone from the Church had ever apologized to them*. Some have recalled meetings with various Church officials including bishops but they have remarked that none ever apologized.
5. I have been a consultant and expert witness in several hundred civil cases throughout the U.S., Canada, Ireland, England, Australia, New Zealand and Mexico. I have been involved as a supporter and advisor to victims in several more countries. I have been a consultant and expert witness to several grand juries in the U.S.
6. I have published several articles in professional journals, written contributions to books and co-authored a book entitled Sex, Priests and Secret Codes on the subject of child sexual abuse. The book is not a polemic but a factual history of clergy sexual abuse in the Catholic Church based on the Church's own internal documentation.
7. In the course of this painful, shocking and scandalous journey I have been forced to accept the shameful fact that the Church that has been an essential part of my life has intentionally placed its own image, power and financial stability far above the lives of the most vulnerable in its midst. I have regretfully accepted the fact that those in positions of

power have forgotten that the Church is *not* the clergy, the buildings and the power structures, but it is the people and among those people, by far the most important are the most vulnerable, marginalized and hurt. I have also learned that sexual abuse of the young and vulnerable is found in other religious denominations, both Christian and non-Christian. It is certainly shocking and scandalous when we realize that the people most grievously harmed by the churches are their own faithful and devoted followers.

8. Clergy sexual abuse has been a reality in the Catholic Church not just since 1984 but throughout its history. This terrible dark side was always known by a few but in 1984 it became known to the Catholic and general public. The shocking revelations from Boston in January 2002 were not the beginning but rather a point of “critical mass” when it seemed that the wall of denial that surrounded many of the Catholic laity and the general public was finally shattered. These revelations confirmed what had been the practice in Boston and throughout the Catholic Church in the U.S.: accused priests were not turned over to law enforcement authorities but rather were routinely transferred to other assignments where they continued to sexually abuse the young and the vulnerable.
9. Since 2002 the public has been exposed to this terrible, dark underside that exists not only in the Catholic Church but in other religious denominations and with both private and public institutions as well.
10. The proposed legislative changes being urged in the District of Columbia and in several other States are *not exclusively about the Catholic Church or any other religious organization*. These changes are proposed to help any victim of any Church or institution and indeed any victim of family or incestuous abuse.
11. If anything, the experience with the Catholic Church has served as a catalyst that set off a series of explosive revelations about many other institutions, religious and secular alike. These revelations can be summed up thus:
 - ! Children and the vulnerable have been devalued because of their powerlessness.
 - ! Churches will speak out against injustices perpetrated by other institutions, public or private, or by individuals, but they will not acknowledge or admit to similar injustices and immoral acts committed by their own clergy.
 - ! Churches and institutions tend to hide and deny internal problems and the more

socially unacceptable and potentially damaging the problem, the stronger and more organized the cover-up.

! Churches and private institutions will go to greater lengths to protect higher ranking officials to the detriment of the victims.

! Churches have hidden behind the protections of the First Amendment in order to avoid legal accountability for criminal behavior.

! Churches and some private institutions have relied on presumed deference and privilege to avoid answering to society for internal crimes.

12. Some have criticized victims for waiting years or even decades before “going public.” One retired district attorney even had the audacity to argue that young children sexually abused by priests should have known enough to report to the police at the time it happened. In other cases, high ranking Churchmen, including bishops, have attributed partial responsibility for sexual abuse on the young victims themselves. In yet others, the Churches have attempted to shift the blame to the parents, alleging negligent supervision. Because of the public revelations of widespread sexual abuse of minors and vulnerable adults over the past twenty-five years, we have learned much about the complex nature of the sexual abuser but more important, we have learned that the sexual violation of any person but especially a child or young adolescent is not a passing event that can be set aside and forgotten as life takes its course.

! Sexual abuse is a profound violation that has tragic physical, emotional, psychological and spiritual consequences

! The trauma of sexual abuse is deeply embedded and long lasting, often for the duration of one’s life

! Most younger victims are abused at the age of 12 and only reveal their sexual abuse at the age of 40.

! Youthful victims generally do not reveal their abuse because of fear, guilt, confusion and fear that no one will believe them

! The impact on victims of Catholic clergy is especially toxic because of the almost total trust the victims place in priests and because of their belief, instilled by Church teaching and tradition, that priests take the place of God.

WHY LEGISLATIVE REFORM IS NECESSARY

13. Legislative change is needed, in fact it is essential, because the churches and most private institutions will not take proactive measures to reach out to victims, to intervene with sexual predators or to change a toxic climate that protects sexual abusers. The experience with the Catholic Church has proven that it, and other similar institutions, will only change when forced to do so by a greater power and that power has been the media, public opinion and especially the U.S. legal system.
14. The changes that the institutional Catholic Church has instituted since 2002 have come about only because the bishops, have been *forced* to acknowledge that their policies and the clerical, church-centered culture had protected the institution to the detriment of the victims. Various official bodies in the Church including its lobbyists in the State Catholic Conferences have boasted that the institutional Catholic Church in the U.S. has done more than any other organization to respond to the problem of the sexual abuse of minors. This assertion needs to be supported by factual evidence which is never produced by those who make it. Church officials, including some members of the National Review Board have claimed that the Catholic Church has been totally open in revealing the number of sexually abusive clerics. That is half of the story. The other half describes the reality of the situation and it is this:
 - ! *The institutional Catholic Church has acted only in response to force and pressure from the media, public outrage and lawsuits. Anything it has done, it has been forced to do*
 - ! *Church leaders have not revealed the names of all confirmed abusers. Some remain hidden and other known abusers remain free of any form of supervision*
15. Legislative change is essential to hold churches and other private institutions accountable because without the external pressure derived from the realization that the protection of sexual abusers will not be tolerated, this scourge will continue and thousands more children will be violated and grow into severely damaged adults.
16. This is not a ploy engineered by greedy attorneys who see bundles of money in their victim-clients. Victims of Catholic clergy abuse reluctantly approached the civil courts over two decades ago *only* because they had been totally frustrated in their attempts to

receive justice and support from Church authorities. Their entreaties were nearly always met with disbelief, denial, empty promises or intimidation to remain silent. While Church sponsored critics of victims and their supporters have erroneously focused on the monetary damages, none have acknowledged that Church attorneys do not work *pro bono* and that in the course of defending the institutional Church, they have reaped millions. Only yesterday a well known victims' attorney announced the creation of a project that will provide *pro bono* legal advice and representation to clergy victims in the Chicago archdiocese.

17. The vast majority of adult victims were incapable *and not unwilling* to disclose their abuse until well into adulthood. Even then, disclosure often comes with intense guilt and shame and the severe pain of having to re-open old wounds. This of course leads to well-justified anger with the abuser but more important, anger with the institution that protected him. Recently a high placed Catholic priest spoke to the Minnesota legislature and told them he opposed legislative reform because it would invoke victim anger. Was he concerned about victims? Hardly! He was however, deluded into thinking that the legal process is the cause of the anger. The anger comes from the very fact of having been viciously violated by the powerful and trusted person of a priest or minister. The ability to bring court actions for crimes that were committed years and maybe even decades ago impacts the present and the future. Many of the abusers are still alive, living well and quite capable of finding other victims. The claim that these are "*old cases*" means nothing. The pain for the victims has not only endured but intensified and in many instances their abusers have been able to roam unheeded, ruining the lives of many others. The passage of years does not lessen the criminal nature of the sexual abuse, the devastating impact on the victims and their families nor the culpability of the predator. The passage of a bill to suspend the statute of limitations for a period of time will have significant impact:
 - ! It will expose predators who are still active and often known to Church or institutional leadership
 - ! It will alert Churches and other institutions to the reality that they *must* put the welfare of the victims ahead of the perceived needs and security of the institution
18. This is not a "dead issue" that has become history because of the changes instituted by the Catholic Church or by any other denomination or institution. Sexual abuse happens

because of sexual dysfunction, not sinfulness, lack of fidelity or an on-going sexual revolution. Sexual predators will always be in our midst but that does not mean we need not take every possible precaution to protect children, minors and the vulnerable from them. There are fewer contemporary cases of clergy sexual abuse because of public enlightenment, a diminished trust in the clergy and a significantly heightened awareness by parents, children and others of the warning signs of sexual abuse and assault. Though there are fewer cases there still are instances of clergy sexual abuse and institutional cover-up and lack of adequate and responsible action. Some bishops have refused to disclose the names and whereabouts of known sexual abusers. Some Church leaders continue to intimidate and punish victims who come forward or those who support victims. Some bishops and other institutional leaders have not removed proven sexual abusers until forced to by civil authorities. Others have refused to heed reports and complaints from parents or others who have stepped forward.

THE OPPOSITION TO LEGISLATIVE REFORM AND THEIR OBJECTIONS

19. There is opposition in the District and in every State that has considered legislative reform. These reforms have included:
 - ! Mandatory reporting by clergy and Church employees
 - ! Extension or elimination of the Statute of Limitations for criminal cases
 - ! Extension or elimination of the Statute of Limitations for civil cases
 - ! Suspension of the Statute of Limitations on civil cases for a specified period of time

20. Those who have opposed such changes have included the *insurance industry, trial lawyers, private organizations* such as the Boy Scouts and several *religious denominations*. By far the most vociferous and aggressive opposition has come from the *institutional Roman Catholic Church*. I purposely use the term “*institutional Catholic Church*” because by its own self-description and biblical roots, the Church is not defined by the clergy or the power structure, but by the people themselves. This is amazing and scandalous because of the public exposure of the Church’s culture and policy of cover-up and mismanagement of clergy sexual abuse over the past decades and even centuries. In several States the State Catholic Conferences have employed a variety of tactics, some of

which were scandalous and patently dishonest, to persuade legislators to vote against any legislative reforms. The tactics have included wide dissemination of erroneous information, defamation of victims, their attorneys and their supporters and the use of sensationalistic statements that gain attention but are untrue.

21. The objections include:

- ! The cases of many adult victims are too old to defend. The Church or institutions would be placed in a disadvantageous position of not being able to defend themselves
- ! *Response: The legislature is being asked to allow victims **the opportunity** to bring a case to court. If there is no available evidence from documents or witnesses the court process will determine that it is not provable.*

- ! There are no records reaching back decades
- ! *Response: The Catholic Church has an extensive, detailed and well preserved archival system that goes back not only decades but centuries. But more important, the courts and not the legislature is competent to determine when there is no proof.*

- ! There will be a deluge of false claims
- ! *Response: Over the past twenty years there have been thousands of civil and criminal cases of clergy sexual abuse. Of these only a minuscule number have turned out to be intentionally falsified claims. A very few others have turned out to be based on mistaken assumptions by the alleged victims but these have been limited to abuse that has been limited to touches or verbal statements. In California the suspension of the Statute resulted in about 800 cases throughout the State and there are only two known false claims.*

- ! There will be a flood of claims that will cause a severe curtailment in the Church's good works such as parish and charitable ministries and will end up in bankruptcy.
- ! *Response: There have been no negative effects on Church parishes, ministries or*

charitable activities as a result of any sexual abuse cases anywhere. In the U.S., about 85% of the funding for all Catholic Charities comes from various government sources. Also, a significant portion of the settlements or jury awards to victims have been paid by insurance carriers. The financial support base of the Catholic Church includes properties that are not used for any Church related activities. It also includes various other holdings generally not publicly known.

- ! The claims will drive the Church to bankruptcy
- ! *Response: Although five dioceses have filed for bankruptcy protection none have actually gone bankrupt. The process has revealed not only significant holdings but has also resulted in attempts to set up agreements that would impose unjust stipulations and conditions on actual or potential victims.*

- ! The true reason for the bankruptcy filings has not been fear of impending financial *disaster*. It has been to temporarily stop the trial and discovery processes which would have resulted in the revelation of very embarrassing and incriminating information.

- ! Many claims are based on recovered memory which has been “debunked” by the False Memory Foundation and by other experts.
- ! *Recovered memory is recognized as authentic by the mental health, especially the psychiatric community. On the other hand, the basic assumptions of the “False Memory Foundation” are not based on any scientific evidence. According to Dr. Stephanie J. Dallam, “The False Memory Syndrome Foundation has never performed any epidemiological research to support its claims” (cf. Whitfield, Silberg, Fink, editors, Misinformation Concerning Child Sexual Abuse and Adult Survivors. New York, Haworth Press, 2001, p. 20.*

22. The most bizarre accusation to arise out of the opposition to legislative reform has been that it constitutes *Catholic bashing*. There is absolutely no evidence, credible or not, that anyone has either proposed or supported legislative changes because of an innate prejudice or emotional dislike of the Catholic Church. The Maryland Catholic Conference published the ridiculous statement that a series of victim-witnesses “*excoriated*” the Catholic Church in their testimony. Acknowledging the proven failures

of the institutional dimension of the Catholic Church or any other Church is not “*bashing*” but truth-telling. There is ample evidence to support the claims that the Catholic Church has systematically covered up cases of clergy sexual abuse for years. To label this “Catholic bashing” is nothing more than a form of malicious denial.

23. Another misleading tactic was initiated by the Catholic archbishop of Denver. He attempted to draw attention away from the proven cover-up and neglect by the Church and directed it at the public schools, claiming that the schools are not under the harsh spotlight of public concern yet the Church is. The problem with this tactic is that it is based on erroneous information. Another fact the archbishop seemed to slide over is that public schools do not reassign teachers accused of abuse to other grades or other schools. Once a teacher is known to be a sexual abuser his or her career is ended. Not so with the Church or some private institutions. It is a pathetic but well established historical fact that clerics accused of abuse were regularly re-assigned. The “out of sight out of mind” mentality produced more victims and more potential for disaster.
24. Some have proposed a civil registry of known sexual offenders. This suggestion is useless. Known sexual offenders are already required by law to register in their State or county. There is no guarantee and plenty of historical experience to show that we cannot rely on religious leaders to voluntarily submit the names of known clerical abusers for any kind of registry.
25. There has been more publicity surrounding the sexual abuse by Catholic clerics than by clergy of other denominations. There are reasons for this.
 - ! In the first place, the Catholic Church espouses a much more stringent and restricted code of sexual ethics than any other denomination. The perceived hypocrisy between the rules imposed on the laity and the known behavior of the clergy is certainly newsworthy.
 - ! The proven incidence of sexual abuse of children and young adolescents by Catholic clerics is numerically and proportionately higher than with clergy of other denominations.
 - ! There have been more victims of Catholic clergy and these victims have experienced severe frustration in their dealings with the Catholic Church authorities. Consequently more have approached the civil courts. They have also

organized into highly active support groups.

! The money, power, influence and sheer size of the Catholic institutional Church has been matched by the zeal, commitment and frustration of the victims and their supporters.

26. California extended the Statute of Limitations and the results have been positive, contrary to the misinformation disseminated by the California bishops and others in opposition to such reforms. About 800 new cases against Catholic clerics were initiated. More important, consciousness about the devastating effects of child sexual abuse was significantly raised. A number of known perpetrators who had remained roaming free were identified. Most important, several hundred people were given the chance at the support, credibility and justice that has come from the availability of the civil process.

27. The Delaware News Journal published a full page advertisement on June 16, 2006. It was paid for by an organization known as the “American Society for the Defense of Tradition, Family and Property.” This advertisement was followed up by another statement directed at the Delaware lawmakers on their website, dated March 12, 2007. Both the advertisement and the web page statement are filled with half-truths, falsehoods, empty assumptions which betray not only a misunderstanding of the issue but a hostile attitude toward victims of clergy abuse. I mention this here in Washington because of the proximity to not only Delaware but to Pennsylvania. The U.S. offices for this outfit are located in Spring Grove, a borough of York PA.

! The American Society for the Defense of Tradition, Family and Property is an American branch of an organization of the same name found in Brazil in 1973 by *Plinio Correa de Oliveira*, author of Revolution and Counter-Revolution which contains the ideological foundation of the organization. It is a conservative, traditionalist organization made up of Catholics lay persons who hold to a highly conservative view of the Church. The founder strongly opposed the Liberation Theology Movement in Latin America as well as any classic liberal or egalitarian ideas. The organization believes that there is a natural elite in all societies, the basis for the belief in a natural aristocracy in a stratified society. It claims a world-wide membership of 120,000.

- ! This organization is not affiliated with or officially approved by the Roman Catholic Church in any way. Its basic ideology is contrary to the contemporary official teaching of the Catholic Church and its overall goals and ideals run directly contrary to many of the teachings of the Second Vatican Council.
- ! The objections in the advertisement center on the mistaken assumption that Catholic Church property has been or will be “confiscated” to pay for clergy abuse settlements. This is completely erroneous.
- ! The advertisement uses the emotional term “*veiled persecution of the Church*” in connection with proposed legislative changes. This connection is too preposterous for any mature adult to accept.
- ! The societal response to the clergy abuse revelation is not, as the society contends, an “assault on the Church,” a “cultural war” or a “test of the faith of millions.”
- ! The advertisement reflects the Society’s view that the clergy sexual abuse problem is the result of a “hypersexualized culture.” There is no credible sociological or anthropological evidence to support this assertion. Furthermore, it speaks to the actual acts of sexual abuse but it does not in any way speak to the culture and policy or organized cover-up of cases or to the institutionalized failure to report known crimes to law enforcement authorities.

CONCLUSION

28. There is an up-side. The legacy of civil suits, grand jury investigations with their devastating reports and attempts to bring about legislative reforms will prove to be a blessing for the Church and private institutions alike. It will continue to force them to evaluate their meaning and their mission. This is especially essential for Churches which can tend to forget that they are about serving the spiritual needs of all the people and not only those in positions of authority. The secular society needs to re-think why it has allowed such deference and privilege for organized religions especially when such deference allows these religions to lose their way, stray from their path and bring unspeakable harm to their own members.

For the Catholic Church this legacy has focused on the reality that the Church is not buildings but people and that without buildings, money and political power, there will still be a Church. What are essential are not the external structures but the internal commitment to compassion and love.

Over the past several years we have seen a remarkable phenomenon in the Catholic Church and in other Churches as we have walked through the mine field of sexual abuse. The very persons who have been charged with reaching out to the rejected, the disenfranchised, the victims of pain and injustice, have failed to do so. In their stead the attorneys and the courts have offered what the Churches have denied to the victims of their own duplicity: support, understanding, belief and most important, *hope*.

The tragedy of clergy sexual abuse has enlightened our society in general to the terrible nightmare we have allowed to unfold in our midst. It has forced us to put organizations, structures and even financial stability in a clearer and more realistic perspective. There is nothing about any Church or anything in the power of any church leader that is so important that it justifies the sacrifice of the emotional, psychological or spiritual well being of even one child.

As I conclude I must express my sincere gratitude to all of you for your concern for the welfare of the children and the vulnerable in our nation's capitol. I am grateful for the attention and time you have given to me and to my colleagues but most important, to the attention you have given to the victims of sexual crimes. We are all confident that this attention will result in a city and district that is truly a safe place for all children.