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**The Report of  
the Archdiocesan  
Commission of  
Enquiry into  
the Sexual Abuse  
of Children  
by Members of  
the Clergy**

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**Volume  
One**  
*Report*

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Into Sexual Abuse of Children

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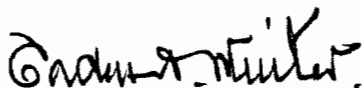
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June 1990

The Most Reverend Alphonsus L. Penney, D.D.  
Archbishop of St. John's

Your Grace:

We respectfully submit the Report of the Archdiocesan Commission of  
Enquiry into the Sexual Abuse of Children by members of the clergy of the  
Archdiocese.



Gordon A. Winter, O.C., Kst. J  
Chairman



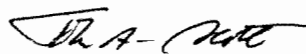
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Reverend Everett MacNeil, M.A., J.C.L.



John A. Scott, Ph.D.

## ERRATA

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## ACKNOWLEDGEMENTS

This report is a distillation of much evidence, which the Commission heard at public and private meetings, together with a considerable volume of information gathered through research and consultation with people who have special knowledge and expertise in the fields within the scope of our mandate.

To my Commission colleagues, I express my appreciation for their courtesy and their abiding support. I acknowledge the advice that our legal counsel, J. Vernon French, Q.C., Dennis M. Browne and Reverend Francis Morrissey, O.M.I., gave the Commission and I thank them for the care with which they performed their duties.

A number of knowledgeable professionals have given us valuable advice and I wish to thank all of them for their help. In particular, I would like to express our appreciation for the quality of the background research and support provided by Cheryl Hebert and Carmel Wyse, both of whom worked tirelessly to give us essential guidance for many of our conclusions.

I wish to thank Robert Pitt for editing our report, Anita Best for proofreading and Sheila Gillard for the design and layout of the printed documents.

The Commission has benefited greatly from several encounters with victims of sexual abuse and with members of their families. To each of them I offer our special thanks and our best wishes for their future happiness.

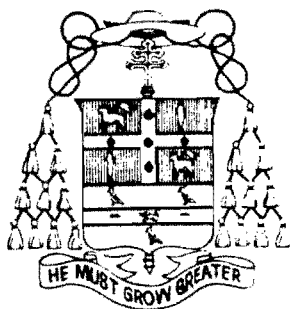
The Sisters of Mercy are due the Commission's thanks for providing most suitable offices and hospitable accommodation.

To the Commission's small and dedicated staff I extend my warmest thanks. Michelle Hawco is due our thanks for the role she played in assisting with the Commission's research and Cathy Power for recording, transcribing and typing the numerous drafts of the Commission's Report.

I wish to thank Robert Carter for the important contribution he has made, particularly for the able manner in which he co-ordinated the performance of the Commission and the structuring of our report.

Last, but by no means least, I wish to thank Barbara FitzGerald for the care and efficiency with which she administered the Commission's affairs and for the tact with which she dealt with delicate matters. I thank her also for her thoughtful kindness to all the Commissioners and I add my own appreciation for her patience and her personal attention which was so helpful to me.

Gordon A. Winter  
Chairman



## OFFICE OF THE ARCHBISHOP

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### **MANDATE OF SPECIAL COMMISSION OF ENQUIRY INTO SEXUAL ABUSE OF CHILDREN BY MEMBERS OF THE CLERGY ARCHDIOCESE OF ST. JOHN'S**

The abiding concern of the people of God in the Archdiocese of St. John's for persons who are injured and suffering has been heightened by the recent incidents of sexual abuse of children by some members of the clergy. In a spirit of compassion and with the desire to heal and help the persons who have been harmed, to promote the spiritual and psychosocial well-being of the clergy and to seek means to prevent further incidents of this kind, a Special Archdiocesan Commission of Enquiry is established by the Archbishop of St. John's.

The mandate of this Commission is:

1. To enquire into factors which might have contributed to the sexual abuse of children by some members of the clergy: which factors may include family background, education, lifestyles, mutual support systems, or any other pertinent circumstance.
2. To enquire how such behaviour could have gone undetected and unreported for such a long period of time.
3. To make recommendations to provide for the spiritual, psychological and social healing of the victims and their families.
4. To make recommendations that will ensure that the Church has effective procedures for becoming aware of, reporting and dealing with incidents of deviant behaviour that might occur.
5. To make recommendations respecting the selection of candidates for the priesthood, the promotion of wholistic growth of the clergy, the fostering of healthy relationships between clergy and laity and the provision of support for the clergy to help them cope with deep psychosocial problems.

The Commission will determine its own procedure. Bearing in mind the delicacy and complexity of this Enquiry, the Commission is asked to carry out its mandate as expeditiously as it can and hopefully to submit its report to the Archbishop by the end of this year 1989. The report will be made public.

Members of the Special Archdiocesan Commission of Enquiry into Sexual Abuse of Children by Members of the Clergy are:

Honorable Gordon A. Winter, O.C., LL.D., Kst.J., Chairman  
Sister Nuala P. Kenny, B.A., M.D., F.R.C.P. (c)  
Reverend Everett MacNeil, B.A., M.A., J.C.L.  
Frances G. O'Flaherty, B.A., B.S.W., M.S.W.  
Dr. John A. Scott, Ph.D.

## Preface

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At the time of the first public revelations of the sexual offences with which this Report is concerned, the whole church community reacted with shock, disbelief, and then anger. While this anger was primarily directed at the priests who had sexually abused male children of the Archdiocese, the people's outrage did not end there. Given the volume of charges that were eventually laid, and the indecisive initial response by the local Church administration, allegations were made that the Church failed to respond to the pastoral needs of its flock and to the therapeutic needs of the victims and their families. It was further alleged that a "cover-up" involving Church officials had taken place. Some declared that the Church must have known about the deviant behaviour of its priests. Others argued that the Church must have known at least the potential for this kind of abuse existed because it had occurred elsewhere in several churches in Canada and in the United States. It was also claimed that Church officials transferred priests around the Archdiocese because of suspicions of deviant sexual behaviour.

Concurrent with the public disclosure of events involving priests in the Archdiocese, disclosures of the physical and sexual abuse of children in the 1970s at Mount Cashel Orphanage, an institution operated by the Congregation of Christian Brothers, were thrust upon the already smarting consciousness of Roman Catholics throughout the Province. The public concern over the Mount Cashel incidents led to the appointment, on June 1, 1989, of a Royal Commission of Inquiry headed by retired Justice Samuel Hughes. The Royal Commission, a creation of the Government of Newfoundland and Labrador, is empowered under the *Public Enquiries Act*. It has been charged, in part, with the mandate to investigate events which occurred at the Mount Cashel Orphanage and the subsequent actions of government and the police in response to those events. The work of the Royal Commission continues.

The Church's own initial response to the crisis in the Archdiocese was tempered by legal caution. Church officials chose to adopt the public position that the charged priests were innocent until proven guilty. Although legally correct, this approach to the crisis disappointed those who expected a strong pastoral response directed toward the victims and their families. Fifteen months after James Hickey was charged, the Church community's reaction to continuing accusations against priests and to the Archbishop's management of the crisis since the initial disclosures led to calls for a thorough examination of the crisis. On March 8, 1989

the Superintendent of the Roman Catholic School Board for St. John's stated in a report to the Archbishop that

... the recent events put all priests under a cloud of spoken or silent suspicion. There is a great reluctance for some priests to associate with any school or school children .... All priests are in need of support and encouragement. However, this can be difficult when the confidence and trust is shattered. The Roman collar, once worn with pride, is now becoming a source of embarrassment and suspicion.

The report made a number of recommendations, including the establishment of an external public enquiry; it stated that "anything short of an external review will be viewed with cynicism".

This was not the only demand for a public enquiry. St. Teresa's Parish contended in a report to the Archbishop that parishioners were convinced of the need for an open public forum to help re-establish the Church's credibility and to begin the task of rebuilding trust between laity and clergy. (See Volume Two, C160ff.) A meeting held at the Basilica Parish also resulted in a report being sent to Archbishop Penney which stated that there was "anger at the Church and [its] critically slow response" and that parishioners had "great difficulty in accepting the fact that this abuse could go on for so long without anyone being aware, especially the priests' confreres". A joint submission to the Archbishop by the Faith Development, Liturgy and Social Action Commissions also called for a full public examination of the events.

The deep concerns expressed by the Church community and mounting levels of public scepticism about the Church's response to the crisis led to the appointment of this Special Commission of Enquiry in May 1990. To ensure its credibility and to answer the accusations that the Church was unwisely investigating itself, the Archbishop appointed a former Lieutenant Governor, the Honourable Gordon A. Winter, an Anglican, as the Chairman, and agreed that the Commission would establish its own procedures and that its report would be made public.

Unlike the Royal Commission, this Special Archdiocesan Commission of Enquiry was not empowered under any legislative authority. It was a creation of the Archbishop of St. John's and was not established under the *Public Enquiries Act*. Therefore, this Commission has had power neither to summon witnesses nor to require witnesses to give evidence upon oath or solemn affirmation. Nor has the Commission had any power to order the production of documents.

Being aware of the public's scepticism about the independence, integrity and utility of the Commission's work and its lack of legal powers, the Commission felt it necessary to follow a process modelled, where possible, upon that of a public enquiry. Early in its work the Commission recognized that nothing effective had been done to meet the pain and anger that people were feeling throughout the

spring, summer and into the autumn of 1989. Some public airing of people's feelings was urgently required as a pastoral response to the sense of crisis which had gripped the Archdiocese. The Commission also realised that the success of its own work depended entirely upon the trust of the people of the Archdiocese. Without trust, people would not bring forward the information and insight the Commission needed to do its work. Without open and public encounters no trust could develop. It was determined, therefore, that the Commission would hold public meetings in the three parishes closest to St. John's and in the parishes in the Burin Deanery which had been most directly affected.

The Commission decided from the outset that the press, including television and radio news reporters, would be welcome at the public meetings, but that the electronic media would not be permitted to use cameras and tape recorders during these meetings. This decision was made because of the Commission's firm determination, despite very considerable pressure from the electronic media, to respect the privacy of those who wanted or needed it. The Commission concluded that it had a responsibility not only to openness but also to those who wished to speak publicly to the Commission without having their identity compromised. Those who wished to speak to the media could do so freely, both before and after these meetings. Many did.

The first public meeting of the Commission was held in the Parish Hall in Portugal Cove on June 11, 1989. The hall was full, and the mood of the meeting was controlled anger. After the Chairman convened the assembly there was an awkward silence before the first speaker rose. He struck a note which was to be repeated time and again through meetings held in Pouch Cove and Ferryland: the question of the Commission's independence of Church authority and the intent of its mandate. The anger of subsequent speakers was fixed on their feeling of betrayal. The people felt betrayed by the priests who had sexually abused their children, but an even more intense accusation was levelled at the Archdiocesan administration. The meeting ended with some slight sense that there had at least been a release of tension.

The tenor of the meeting held in Pouch Cove the next night (June 12) was, if anything, even more charged and more volatile. The anger was more precisely and insistently focused on Archbishop Penney himself. People were angered by what was perceived as his failure to respond as a pastor to the victims, their families and their communities. The apparent contradiction of a Church-appointed Commission freely investigating the Church itself was set out in stark and compelling language as an explanation of why no trust could be accorded the Commission. The meeting closed with a sense that the anger had become more bitter.

The deep distrust of the Commission which was a dominant feature of the first two public meetings did not really begin to dissipate until midway through the third meeting, in Ferryland, on June 13, 1989. One of the mothers of a victim

from Portugal Cove stood up and said that she had attended all three of the Commission's public meetings, and had decided that it was "time to trust you". That comment signalled the real beginning of the Commission's work. It was after that meeting that the Commission began to be accorded some confidence and credibility, and more people began to come forward with information.

On July 6th the Commission held its fourth public meeting, at St. John's. Unlike the emotionally charged meetings in Portugal Cove, Pouch Cove and Ferryland it was much less charged and more business-like. At the first three public meetings there had been some formal briefs presented, but most people had spoken from their hearts. The St. John's meeting was dominated by formal briefs. The Commission interpreted this as a clear sign that the Commission had achieved sufficient trust and credibility to prompt many people to spend much energy and time preparing submissions of considerable substance.

But the Commission was concerned because there were no more than 250 people present. It seemed obvious that, although given the opportunity to participate, prominent members and groups within the Archdiocesan Church community chose to abstain. It was also clear to the Commission that although the anger had retreated, it had done so without having been fully or appropriately accommodated. The Commission continues to be concerned that much anger and pain still remain and can only be released when the Archdiocese acknowledges guilt for what has happened and reconciles itself to those whom it allowed to be hurt.

In the autumn the Commission visited parishes in the Burin Deanery since a number of the priests charged with child sexual abuse had served in parishes there and because the Commission wanted a sense of the experience of the whole of the Archdiocese. The Commission held its fifth public meeting in Marystown on September 14th and private meetings with parish councils in Marystown, St. Lawrence and Lamaline. The tone of these meetings was similar to that of the St. John's meeting, and people had put a very significant effort into preparing the briefs and submissions which have contributed immeasurably to the Commission's work. The level of commitment encountered here and throughout the whole Archdiocese - to truth, to justice for those injured and to the hope for a more holy and renewed Church community - has inspired in the Commission a deep respect for the people of this Archdiocese. We hope it is reflected in this Report.

In addition to the information obtained from its public and private meetings the Commission invited comment in the form of written or verbal briefs from any person or organization with information of benefit to the Commission's work. A copy of the Request for Briefs is in Appendix F and a list of all persons and organizations submitting briefs is included as Appendix G. Many of these briefs are presented in Volume Two. The Commission also established its own research and investigation programme. The Commission undertook, through independent professionals, to identify the factors which might contribute to child sexual abuse

and to assess the impact of sexual abuse on victims, the repercussions of the crisis on Roman Catholic youth, the needs of offenders and the issue of informed consent, and to examine charges of financial irregularities in certain parishes. Volume Two contains the results of these research efforts.

To supplement the Commission's formal research initiatives, a series of private meetings was organized with key constituencies both within the Church community and within the community at large. Among others, the Commission met with victims and their families, with the Presbyterium, with representatives of parish councils and with three of the Archdiocesan commissions. The primary purpose of these, and of meetings with other outside groups, was to stimulate debate and dialogue on the Commission's mandate and to provide the Commission with an understanding of the needs of major interest and advocacy groups. Appendix A lists all organizations and individuals consulted.

The investigative component of the Commission's work was conducted by Commission Counsel. Their primary charge was to interview all persons who might have information pertinent to the Commission's mandate. Certain accounts in this Report include references to allegations made to Archdiocesan authorities of suspicious or improper acts, some of which have been examined by police without charges arising. The Commission has chosen to report the allegations, however, since it is required by Term Two of its mandate to focus on issues of detection and reporting. They interviewed all active, some former and some retired priests in the Archdiocese, two convicted priests, police officials and private individuals who were thought to have had knowledge, and reviewed where possible active and archival files of the Archdiocese. The Commission did not attempt to interview priests whose charges were before the courts. All of this led to the development of a substantial base from which the Commission could draw insight and information.

Much work is now being done to address the fundamental factors and issues which underlie the abuse of children in society. Still, a measure of culpability must be carried by the Church community and by society at large – community leaders, public officials, the media and private citizens – who have too often and for far too long denied, tolerated or ignored the existence of many kinds of child abuse.

Some who read this report will claim that it is too bleak and that it is preoccupied with negatives. It is, however, the nature of such enquiries – and the mandate of this particular Enquiry – to be primarily concerned with what has gone wrong. We were commissioned to enquire into sexual abuses of children, not to report on the many good and valuable works of the Church in the Archdiocese. We hope, nevertheless, that our conclusions and recommendations will help correct the present weaknesses that are detailed in this Report. We hope that our recommendations will help the Archdiocese to build on its many

strengths. While not the subject of this Enquiry, this is its objective and we hope it will become its modest legacy.

This Report is presented in seven chapters. Following the introductory chapter, Chapter Two summarizes the evidence compiled by the Commission about events known to have occurred in the Archdiocese. Chapters Three, on the nature of child sexual abuse, and Four, on the local Church, examine the two major elements which came together to create the context for the abuses which occurred. Chapter Five completes the analysis of contributing factors and Chapter Six considers the effects of the events within the Archdiocese. Chapter Seven contains the Commission's conclusions and recommendations.

# Introduction

## *Chapter One*

## Chapter One: Introduction

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### Introduction

In the fall of 1987 one victim came forward with an account of sexual abuse which was to shock the Archdiocese of St. John's and the whole Newfoundland community. This individual decided to tell his story so that others might be spared the pain with which he had had to struggle for more than a decade. His was not an easy decision and its consequences were not without new pain.

As a result of his and other disclosures, on January 12, 1988 three charges of gross indecency were laid against James Hickey<sup>1</sup>. By the time the formal court proceedings began more than 25 charges of sexual offences had been laid, all for crimes against male children and all committed within the Archdiocese of St. John's. The offences spanned 17 years. In September 1988 Hickey pleaded guilty to 20 sexual offences involving children and was sentenced to five years in jail. He is now serving his sentence in the Federal Penitentiary at Dorchester, New Brunswick.

Following Hickey's highly publicized conviction, charges of child sexual abuse were brought against five other priests then serving in the Archdiocese and against two other priests living in the lay state within the Archdiocese. On December 15, 1988 John Corrigan pleaded guilty to five charges of gross indecency and to two charges of sexual assault against boys from two parishes near St. John's. He was sentenced to five years in jail. Gordon Walsh was found guilty of one count of gross indecency and one count of indecent assault on May 19, 1990 and was sentenced to eighteen months in prison.

Another priest living in the lay state, Anthony Bennett, pleaded guilty to one count of gross indecency and received a suspended sentence. Reverend Edward Sutton was acquitted following a trial, and proceedings have been stayed against Reverend Frank Slattery. As this report is being prepared Patrick Slaney is awaiting a trial, as is another priest living in the lay state, Brendan Foley.

Another result of the disclosures was that this Commission of Enquiry was established in May 1989. The Commission was asked to address two fundamental questions about the series of events which occurred within the Archdiocese: what factors contributed to the sexual abuse of children by some members of the clergy,

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<sup>1</sup> The Commission has chosen to use neither the title Reverend nor Father to refer to priests who have been charged and convicted of child sexual abuse.

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and why it took so long before the Church became aware of their deviant behaviour.

In the course of its enquiry into the first question, the Commission found that at the centre of these sexual abuses were men, with fiduciary responsibilities, who abused their position of priestly status and power by acting out their regressed sexuality with children. More specifically, these were instances where the sexual abuse of children – an extensive and chronic problem in society in general – was perpetrated by persons within the institutional Church, who utilized their special spiritual and social authority within the community in the commission of their crimes.

In the course of its enquiry into the second question, the Commission discovered that the Archdiocesan leadership did, in fact, have knowledge of deviant<sup>2</sup> or sexually inappropriate behaviour among some Roman Catholic clergy in this Archdiocese since the mid-1970s. This was long before victims publicly disclosed that they had been abused as children. However, instead of a proper and effective response to this knowledge, Church leaders either denied the problems, admonished the clergy involved, or established self-help programmes which proved to be inadequate.

The victims' courage in coming forward with their pain, sometimes to face the additional anguish of ostracism, must be respected and commended by all members of the Church community and by the community at large. The local Church's response to the pastoral and clinical needs of the victims lacked a sense of Christian compassion and contravened basic principles which govern the Church, the people of God. When the victims and their families needed their Church the most, it failed them. With the passage of time the pain which the victims and their families suffered has not waned; nor has the anguish felt by the whole Church community.

This report has been prepared with the image of the victims always in mind.

### Factors

The Commission determined that the most effective way to address the first term of its mandate – the factors that might have contributed to the sexual abuse of children by some members of the clergy – was to examine it from two distinct perspectives. The first concerns the psycho-social dynamics of child sexual abuse as a phenomenon within society at large, and the second explores the Church-based factors, which may be specific to this Archdiocese.

Child sexual abuse is clearly not a pathology which has infected the Church alone, but is a part of the human condition. It is, nevertheless, a problem in which

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<sup>2</sup> In this Report *deviant* sexual behaviour refers to any breach of priestly celibacy.

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the Church shares as an active agent within society. A patriarchal (adult-male dominated) society has been reinforced by the authoritarian institutional Roman Catholic Church. Historically, as such attitudes became institutionalized in the policies and structures of Church and society, they provided a strong cultural and social support for oppression, where one person or group dominates or exploits those without power.

It is recognized generally that, within the Archdiocese of St. John's, the Church has played a powerful and formative role in family life, in education and in providing other social and pastoral support systems of all kinds. The Commission therefore enquired into elements in the current experience of the Church, locally, nationally and internationally, which might have contributed to the sexual abuse of children by some members of the clergy.

Two of the congregations of Religious Sisters in the Archdiocese jointly presented to the Commission a brief which relates to the Church in the Archdiocese:

At this particular time in the history of our local church, we need to acknowledge that we are part of a sinful church and a sinful society. As religious communities, parishes, dioceses and nations we bear responsibility for the social sin we find in us and around us. As religious communities within the church, we lived for many years under the same oppressive structures and espoused many of the same patriarchal values as the other members of the church. With Vatican II came the call to renewal, to a more creative response to the movement of God's spirit in our day, a call which religious communities took very seriously. The renewal process called us to humanize our structures and policies and to replace patriarchal values with Gospel values, a process which involved much struggle and pain. (Volume II, C93)

The Commission recognises that rising feminist consciousness has revealed important things that have been wrong with the practice of the faith and with our culture, and which therefore require changes in the structure of our institutions.<sup>3</sup> This same feminist experience can further help to clarify and rectify other related areas of injustice, such as the sexual abuse and impoverishment of children.

Nevertheless, some of those who spoke to the Commission fear what they see as the feminization of our culture and of Church traditions locally, nationally, and globally. They are disturbed by the way, during the present crisis, some have

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<sup>3</sup> The recent Pastoral Reflection published by the Assembly of Quebec Bishops is entitled simply *Violence*, and points to the heritage of abuse directed at women in our culture which, in some ways, the Church has promoted by its teaching and pastoral practice. Recent Federal studies estimate that 1,000,000 Canadian children are living in poverty, and one may reasonably conclude that the rate of violence and enforced poverty is no lower in this Archdiocese than elsewhere in Canada.

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treated the horrors of child sexual abuse as indistinguishable from the horrors of the abuse of women. Though this is also, tragically, endemic in our culture, such blurring is seen as a further betrayal of the children by politicised feminist interests, since it obscures those important features of these events which are specific to the abuse of children, especially the distinctive "voicelessness" of the child victims.

### **Definitions**

The legal definition of a child is different in different parts of the country and varies with different legislative Acts. There is consequently some ambiguity about the upper age limit of a child within various provincial and federal laws. However, for the purposes of this Report a *child* is someone less than 18 years of age.

The Commission has defined the particular kind of sexual abuse with which this Report is concerned as the involvement of male children in any form of sexual activity with members of the Roman Catholic clergy. It recognizes that such sexual activity between a child or adolescent and a member of the clergy involves an abuse of power and betrayal of trust in such a way that the victim is unable to give informed consent for participating in such acts. It is consequently a profound violation of the personhood of the victim. The larger social issue of child sexual abuse and the problem of informed consent are considered in detail in Chapter Three.

The Commission was not able to conduct a psychological assessment of the offenders in the Archdiocese, so that a formal or thorough diagnosis or identification of them was not possible. Instead, our evaluation has had to rely on a survey of recent literature about child sexual abuse and sexual abusers. Chapter Three, below, and the literature review in Volume Two, provide detailed descriptions of different attributes of some kinds of sex offenders, victims and abusive acts.

### **The Victims**

The young people who have come forward – and those who may continue to do so – to tell of the abuse they suffered are transforming our culture by their pain and courage. Inexperience and socio-cultural attitudes too often deprive children of the words they need to describe and disclose the abuses they have suffered. They are too often without a voice: but these young men have found their voices. This is remarkable in light of the experience of the countless adults, battered women, oppressed poor, and disenfranchised minorities in society who appear unable to catch the ear of many who claim to follow the teachings of Christ the Victim. As a result of the victims' experience and leadership, the people of God within the Archdiocese and beyond may achieve a more mature and

responsible understanding of themselves and of their institutions. There is something prophetic in this tragedy, because it is the young who have prompted this maturing process.

The young men of this Archdiocese who were victims of sexual abuse as children have had to struggle to be heard. For their achievement, to say nothing of their suffering, the community owes them a deep debt of respect and gratitude.

# **Events in the Archdiocese**

## *Chapter Two*

## Chapter Two: Events in The Archdiocese

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### Introduction

The phrasing of the second term of the Commission's mandate implies that the behaviour of priests charged or convicted of the sexual abuse of children may have "gone undetected and unreported for ... a long period of time". The evidence gathered by the Commission does not support such an inference. Rather, allegations about sexual activity with children involving some priests in the Archdiocese were made to Church authorities long before allegations were made public. The Commission is persuaded by the evidence it has assembled that the administrations of both Archbishop Skinner and Archbishop Penney were informed, more than once, of suspicions of deviant behaviour by priests involving children, and of specific allegations of child sexual abuse by some priests.

This Chapter presents a series of case summaries of events known to have occurred within the Archdiocese over the past 15 years or so. The evidence is based upon information provided to the Commission by the many individuals and groups who presented briefs and interventions of various kinds, and also upon investigative research undertaken by the Commission. In making enquiries pursuant to its mandate the Commission interviewed all active priests of the Archdiocese of St. John's, with the exception of priests who were charged, some former priests, and some retired priests. All seminarians currently in formation for the Archdiocese were also interviewed, as were the Rectors of the three Canadian seminaries currently used by the Archdiocese. Present and former Vicars General of the Archdiocese were interviewed. Archbishop Penney was questioned by Counsel at length before the entire Commission on five occasions and on other occasions by Commission Counsel alone.

Archdiocesan files were reviewed by the Commission, as were both Archbishop Skinner's and Archbishop Penney's administrative files. Two separate interviews were conducted with James Hickey and John Corrigan in Dorchester Penitentiary. Interviews were conducted with social workers, with public health and medical personnel and educators in communities where children were sexually abused by members of the clergy, with victims and their families, and with members of the general public who came forward. Commission Counsel also met with officers of the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police.

During public hearings, some parishioners speculated that parish finances may have been used to fund the activities of some of the priests charged and convicted. To address these concerns, the Commission retained the services of an accounting firm to examine the financial records of a small sample of parishes within the Archdiocese. Of the parishes examined, three<sup>4</sup> were parishes in which either James Hickey or John Corrigan had served as parish priests.

From its inception the Commission was also deluged by stories and rumours. It carefully investigated all matters brought to its attention, some of which proved to lack any basis in fact. The thoroughness of its investigation gives the Commission confidence in the comprehensiveness and correctness of the evidence gathered in preparing the following summary of events which occurred in the Archdiocese.

It must be noted, however, that the precision of this element of the Report may have been affected by Commission's inability to gain access to certain files despite its repeated and insistent efforts to do so. In particular, certain files in the possession of former Vicar General Monsignor David Morrissey before his death in April 1989, have not been made available to the Commission. The Commission is informed that the files were given to his solicitor, Edward J. Noonan, with the knowledge of the executors of Monsignor Morrissey's estate. Neither Monsignor Morrissey's lawyer nor his executors would agree to grant the Commission access to these files.

The Commission asked the Archbishop to intervene in an effort to obtain the files. The Archbishop's efforts have also been to no avail. The Commission is therefore unable, lacking powers of subpoena, to gain access to these documents. It may be that the precision of some matters in the Commission's reporting of events which occurred in the Archdiocese has been affected by its inability to gain access to these files. The Commission, therefore, cannot accept any responsibility for information which may be contained in the files and which may have a bearing on conclusions presented in this Report.

### **The Investigative Results**

The case reports presented below were assembled from information obtained during the investigation of events which occurred in the Archdiocese. They serve to illustrate the kind of evidence on which the Commission's analysis is, in part, based. In some instances the cases illustrate the general approach used by Church officials in the Archdiocese when handling allegations of deviant behaviour by its

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<sup>4</sup> Holy Trinity Parish in Ferryland and Immaculate Conception Parish in Cape Broyle; Holy Rosary Parish in Portugal Cove; and St. Agnes' Parish in Pouch Cove and St. Michael's Parish in Flatrock.

priests. In other cases the evidence illustrates how the Archbishop, in particular, handled both suspicions and allegations of child sexual abuse.

It should be noted that the Commission has removed the names of victims. It has also omitted the names of priests who have been charged but not yet tried, who have cases still under investigation by the police, and in cases where charges were not laid.

### ***Case One: James Hickey***

James Hickey entered the seminary when somewhat older than was then usual. He was born in 1933 and was, therefore, 36 years old when he was ordained as a priest. As an adolescent and as a young adult he was active in the life of the St. Joseph's Parish in St. John's where, incidentally, Reverend Alphonsus L. (later Archbishop) Penney was pastor for some of that time. Before entering the seminary, he had served in the navy and worked for several years with the Canadian Broadcasting Corporation.

He applied as a candidate for the priesthood for the Archdiocese of St. John's but was rejected by Archbishop Skinner. The reason for his rejection was the circumstances of his birth: James Hickey was born out of wedlock, which constituted a canonical impediment to Holy Orders.<sup>5</sup> In September 1958 James Hickey entered the junior seminary of the Priests of the Sacred Heart in Delaware, Ontario. He stayed there for two years and went as a seminarian to St. Peter's in London, Ontario in 1960. He left the St. Peter's Seminary during the 1963-1964 academic year after completing his first-term examinations. By his own account, before leaving the seminary he had consulted a doctor who suggested he needed a rest; a doctor in St. John's gave the same advice. He was also disturbed because his mother was not well; his mother died in 1967 and he applied again to return to St. Peter's Seminary to study for the Diocese of London.

After completing a year of theology James Hickey requested a dispensation from the canonical impediment raised by the circumstances of his birth. This dispensation was granted by the Bishop of London, G. M. Carter, in May 1968. In 1969 James Hickey wrote Monsignor McGrath, offering himself to the Archdiocese of St. John's. He received a favourable reply from Monsignor McGrath and wrote Archbishop Skinner on October 2, 1969. Later that month Archbishop Skinner and James Hickey met in Toronto. On October 20, 1969, following a conversation between Bishop Carter and Archbishop Skinner, it was agreed that James Hickey could now become a candidate for the Archdiocese of St. John's, and he was excardinated from the Diocese of London on November 17, 1969. He was incardinated for the Archdiocese of St. John's on December 3, 1969, and on May 10, 1970 was ordained there.

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<sup>5</sup> Under Canon 984 of the 1917 Code of Canon Law.

During the period from 1970 to 1976 Hickey held a variety of positions within the Archdiocese. While curate within city parishes he served as Chaplain to Holy Heart of Mary High School (then exclusively for girls) but requested a transfer to Brother Rice Regional High School (then exclusively for boys). He established the Basilica Youth Choir and was appointed Archdiocesan Vocation Director. In 1976 he also held the post of Director of Communications and was Editor of the Archdiocesan paper, the *Monitor*.

*1st Disclosure*

In 1975 Monsignor David Morrissey, Vicar General of the Archdiocese, was told by a male adolescent that James Hickey had sexually assaulted him. At the time of the disclosure the complainant was seventeen years old. Monsignor Morrissey, in his capacity as Vicar General, confronted Hickey about this incident. He denied the charge. The Commission has no evidence that any further action was taken by the Vicar General on this matter.<sup>6</sup>

*2nd Disclosure*

During the school year 1976-1977 Monsignor Morrissey was informed by a priest that Hickey was accused of sexually assaulting a young man. The priest who brought the information to Monsignor Morrissey's attention on this occasion did not identify the young man. The Commission has strong reason to conclude, however, that the alleged victim in this instance was the same young man who had reported the assault in 1975 and that it was, indeed, the same incident, although the Monsignor probably did not know this. Monsignor Morrissey instructed the priest to leave the matter in his hands. The priest received no further word from Monsignor Morrissey concerning the allegation.

*3rd Disclosure*

Later in 1977, for the third time, the disclosure first made in 1975 was again reported to Monsignor Morrissey by another priest. Following this reporting, Hickey was summoned to Monsignor Morrissey's parish house in Outer Cove to discuss the matter. Hickey again denied the accusation. In his evidence the priest who made the third report to the Vicar General, stated that, in his view, Monsignor Morrissey did not believe the victim<sup>7</sup>.

Hickey's evidence on these disclosures is that he was confronted by Monsignor Morrissey on two separate occasions. Each time he denied any involvement with the young man. Hickey was not charged in court concerning this incident, and continues to deny any involvement. He has further stated that the late Archbishop Skinner also knew of the alleged sexual assaults. On one occasion Hickey attempted to raise the subject with Archbishop Skinner, he told the Commission, but was informed that the matter had been dealt with by Monsignor Morrissey and that the Archbishop wanted nothing to do with it.

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<sup>6</sup> See note 22, below.

<sup>7</sup> The complainant at the time of the disclosures was receiving medical treatment.

Until 1977, Hickey was without a parish. Before that time he held administrative positions and acted as an assistant pastor in several St. John's parishes. On May 20, 1977 the Personnel Committee of the Archdiocese proposed that Hickey be sent to Lamaline. Hickey's evidence on this proposed transfer is that he spoke to Archbishop Skinner concerning this appointment and that the Archbishop agreed not to transfer him. On November 8, 1977<sup>8</sup> Hickey was transferred to Rushoon, on the Burin Peninsula. It was common knowledge that Hickey was uncomfortable outside of his home environment in St. John's, and this was his first rural posting. He admits that he did not enjoy being posted outside the city.

In 1979, just after Archbishop Penney had assumed the administration of the Archdiocese, Hickey requested a change of parishes because he was not happy in Rushoon. His request was granted, and Hickey was transferred from Rushoon to Holy Rosary Parish in Portugal Cove. There he stayed until 1986. In that year he was transferred to Holy Trinity Parish in Ferryland, where he worked until the time of his arrest.

There has been speculation throughout the Archdiocese that Hickey's transfers to Rushoon, to Portugal Cove and finally to Ferryland were unusual and possibly occurred as a result of some sexual-abuse-related complaint made either to the Archbishop or to some other senior Archdiocesan official. There is no evidence, however, to indicate that either Hickey or any other priest was removed from a parish by the Archdiocese to conceal illicit activity. With the exception of the shortened tenure in Rushoon, Hickey's transfers were consistent with the Archdiocesan practice of giving its priests six-year appointments to parishes. Indeed, this practice was recommended by the Canadian Conference of Catholic Bishops (the CCCB) and was generally followed in the Archdiocese. After carefully examining this issue, the Commission has come to the conclusion that there is no basis on which to support an allegation that Hickey was transferred for covert reasons.

Commencing in 1980, James Hickey and Gordon Walsh initiated what was called the "altar boy jamboree" programme. Altar boys from all parishes in the Archdiocese were invited to attend. Following one jamboree Monsignor Denis Walsh, then Vicar General, commented to the Archbishop that "some of the boys have found Father Hickey different from the other priests - some reference was made to him wrestling with the boys". A number of priests refused to send altar boys to the jamboree citing specifically the reason that "homosexuals" were

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<sup>8</sup> Other parish appointments made by Archbishop Skinner in November 1977 included Monsignor David Morrissey from Outer Cove to St. Patrick's Parish, St. John's; Father William Lawton from St. Patrick's Parish to Outer Cove; Father Charles Greene from the Basilica Parish to Torbay; Father John Wallis from the Goulds to the Basilica; Father William Pomroy from Long Harbour to the Goulds; and Father Gerard Whitty from Rushoon to Long Harbour.

holding the jamboree. Several priests interviewed by the Commission said that they would not send anybody to the jamborees. Indeed, one priest reported that he raised the propriety of the matter directly with Archbishop Penney. The Commission has chosen to mention the jamborees because this subject was raised during discussions with various individuals and groups. However, except for Monsignor Walsh's observation, noted above, the Commission has no evidence of any impropriety or problems associated with those events.

4th Disclosure

In 1984, while Hickey was the parish priest in Portugal Cove, funds from the special collection for the Pope's visit were stolen from the parish house. The Royal Newfoundland Constabulary investigated this incident and subsequently charged and convicted a juvenile for the theft. During the course of completing their investigation of the theft, however, the police were made aware of an accusation (made by a relative of the juvenile involved) that Hickey had sexually assaulted the juvenile. Although the juvenile did not complain of an assault and charges were not laid, Hickey was interviewed by police. The police had insufficient evidence on which to proceed with a charge against Hickey. Nevertheless, they felt it was necessary to inform officials of the Archdiocese of St. John's of their concerns. During a committee meeting concerning the preparations being made for the Papal visit to the Archdiocese, an officer of the Royal Newfoundland Constabulary informed Vicar General Monsignor Raymond Lahey of the accusation, but also told him that no charges would be laid. Monsignor Lahey gave this information to Archbishop Penney. The matter ended at that point. Hickey was not approached about the allegation by the Archbishop. Archbishop Penney's inaction in this matter is of concern, in the Commission's view.

The Archbishop stated to the Commission that, before becoming Archbishop in 1979, he had been aware of general rumours that Hickey was homosexual. Hickey was on a list of priests regarded as having a homosexual orientation which was given by Monsignor Morrissey to Archbishop Penney shortly after he assumed office.

5th Disclosure

Later in 1984 the police again informed the Archdiocesan administration about the Portugal Cove accusation through Reverend James Doody, the Director of the Ministry to Priests Program. Because he felt the matter had been dealt with and no charges were laid, he did not inform the Archbishop.

6th Disclosure

On either October 27 or 28, 1987, while on a visit to Ottawa, the Archbishop was informed by a male adult, whom he knew very well, that as a student he had been sexually assaulted by a priest of the Archdiocese of St. John's. The name of the assailant was not provided during that meeting, despite the Archbishop's attempt to secure it from the complainant. The Archbishop's evidence is that given his acquaintance with the victim, he was disposed to believe that the complainant was telling the truth.

On November 4, 1987 the complainant wrote the Archbishop about the sexual assault and named James Hickey as the assailant. The complainant said

simultaneously sent a letter to the provincial Department of Social Services, but did not inform the Archbishop that he had done so. The Commission has been unable to determine when the Archbishop read the November 4 letter because his evidence to the Commission is that he does not recall when he received it<sup>9</sup>. Towards the end of November, the Archbishop received an informal visit from a senior official of the Department of Social Services advising him that the Department had received a complaint of sexual assault against James Hickey. At this point the Archbishop had not acted on the information previously provided to him by the victim. The Archbishop's evidence was that the visit by the government official was something of a surprise to him in view of the fact that the complainant had not advised him in the letter that he had notified the Department of Social Services.

On December 5, 1987 the Archbishop was visited by the Royal Newfoundland Constabulary. At that time the police inquired about the dates of Hickey's parish assignments. After the visit from the police, the Archbishop arranged to meet with Hickey on the following day, December 6. This was the first time that the Archbishop approached Hickey on the allegations since receiving the full written disclosure. At the December 6 meeting with the Archbishop, Hickey denied the allegations even though he was informed that the police were investigating.

The Archbishop chose again to accept Hickey's denial and allowed him to stay in his capacity as parish priest of Holy Trinity Parish, Ferryland, and Immaculate Conception Parish, Cape Broyle. The Archbishop dismissed Hickey from pastoral responsibilities only after his arrest on January 11, 1988. The Commission notes that Hickey was later charged and convicted of an offence which occurred after December 6, 1987, the date on which the Archbishop chose to accept Hickey's denial rather than the victim's allegation.

On September 9, 1988 Hickey pleaded guilty to 20 counts of either sexual assault or gross indecency and was sentenced to five years in jail. In passing sentence Provincial Court Judge Reginald Reid said:

The twenty sexual offences committed by Jim Hickey are unsurpassed in seriousness in this province, at least. The enormity of what happened can be best understood by realizing the twenty sexual offences were coupled with a serious breach of trust and faith placed in their moral and spiritual leader by persons who all but idolized him as a parish priest .... The priest offered the boys a continuous and calculated regime of inducements such as holding his home out as a virtual hang out for children to escape parental discipline, providing

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<sup>9</sup> The Archbishop was out of the province during the period November 15 to 20, 1987.

a liberally accessible supply of alcohol and loaning his car to minors not old enough to drive.

7th Disclosu

### **Case 2: Priest X**

On November 29, 1976 Priest X was accepted by the Archdiocese for a one-year pastoral assignment and was appointed to St. Patrick's Parish in St. John's, a posting which he took up on January 22, 1977. On November 8, 1977 Priest X was asked to stay in the Archdiocese for another year. On August 1, 1979 the Consultors were unanimous that he be incardinated into the Archdiocese of St. John's, and that the Bishop of his home diocese be contacted to initiate the process of excardination from that diocese. On October 23, 1979 the priest received his letter of excardination from his home diocese.

In the same year, 1979, Priest X, then an assistant priest at a parish in St. John's, was discovered by police in a sexually compromising position in a parked car in St. John's. Although the priest was with an adult male and was not breaking the law, the police chose to inform Monsignor David Morrissey about the incident. Monsignor Morrissey, the former Vicar General, was the parish priest at St. Patrick's Parish at the time. The retired Archbishop, P.J. Skinner, also attended the meeting at which the police related the events. After this meeting Monsignor Morrissey informed Archbishop Penney of the incident and of the meeting with the police. Priest X was sent to Southdown.<sup>10</sup> Following his return he was assigned to a rural parish as parish priest, but there is no evidence that his conduct was effectively monitored either by the Archdiocese or by Southdown. This kind of post-treatment monitoring was not considered.

Concerns about Priest X's general lifestyle and approach to pastoral duties were brought to the attention of Archbishop Penney again in 1984. These came, generally, in the form of suspicions relayed to the Archbishop by other priests and through correspondence from a concerned parishioner. The Archbishop took no action based upon this information since he considered it rumour and not substantiated fact. Priest X was later assigned to a parish in St. John's. In 1986 the Archbishop received a complaint from a parent who told him that Priest X had appeared in the parish rectory dressed only in underwear in front of a group of boys he had invited to stay with him. The Archbishop sent for Priest X to discuss this matter. Shortly thereafter, Priest X left the active ministry. He is currently charged and awaiting trial on several counts of sexual offences involving males.

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<sup>10</sup> Southdown is a treatment facility located near Aurora, Ontario. It is owned and operated by the Emanuel Convalescent Foundation a registered charitable foundation. It is a centre for Christian healing, serving clergy and religious. It treats emotional and sexual problems, chemical dependency, and alcohol abuse.

**Case 3: Kevin Bennett****7th Disclosure**

In late September of 1979 a twenty-one year old man met with Archbishop Penney in St. John's and disclosed that while he was a child in a rural parish he had been sexually assaulted by a priest of the Diocese of St. George's. The evidence shows that in late September 1979, a medical attendant working in a St. John's hospital, arranged an appointment for the victim to meet with Archbishop Penney. On September 29, 1979 he accompanied the victim to Archbishop Penney's office and met with the Archbishop prior to his meeting with the victim. The medical attendant did not stay while the Archbishop met with the victim. The victim gave Archbishop Penney an account of how he had been sexually assaulted on many occasions by his parish priest, Kevin Bennett. According to the victim, after hearing this allegation, Archbishop Penney first inquired of the young man why he should be believed since he was, at this time receiving psychiatric care at a local hospital.

The Archbishop's evidence to the Commission is that he has no recollection of the victim, of the meeting or of discussing the disclosure. Nor can he recall making any arrangements for the victim to meet with Bishop McGrath. Nevertheless, the evidence shows that Archbishop Penney did arrange for the victim to meet with Bishop McGrath, who was in St. John's at the time. The day after meeting with Archbishop Penney, the victim met with Bishop McGrath and informed him of the allegations. The victim heard nothing further following these reports.

On May 16, 1989 the Religion Editor of the *Calgary Herald*, contacted the Archdiocese concerning the victim's accusation. It would appear the Archbishop's secretary, after consulting with the Archbishop on the issue, informed the editor that the Archbishop had no recollection of these events.

The victim signed a statement on May 30, 1989 at the Catholic Pastoral Centre in Calgary, Alberta. It said, in part,

I, [victim's name], was sexually molested by a Roman Catholic priest when I was a child. The priest was Kevin Bennett of St. Bernard's parish in Newfoundland. The sexual molestation took place between 1970 and 1974. It happened about three times a month. It consisted of fondling and masturbation. I was eleven years old when it started. I believed Kevin Bennett to be sexually molesting other boys during the same period. In the autumn of 1979, I told Archbishop Alphonsus Penney the above facts. He referred me to Kevin Bennett's bishop, to whom I told the above facts. The bishop said that he had heard one or two similar reports concerning Kevin Bennett, but, none as definite as mine.

On May 30, 1989 the Chancellor of the Diocese of Calgary, Reverend Armand Lemire sent a letter to Archbishop Penney which contained the victim's statement.

On June 9, 1989 the Archbishop wrote Bishop Raymond Lahey of the Diocese of St. George's and attached the correspondence which he had received from Calgary. On the same date Archbishop Penney wrote Reverend Armand Lemire, acknowledging receipt of the letter and stating,

A month or so ago a Calgary newspaper reporter contacted me about this accusation. I stated then that I had no recollection of [victim's name] coming to me nor of the details of his complaint. That is so also today. That does not mean however that I doubt the veracity of his accusation.

The Archbishop met with this Commission on June 11, 1989 only days after he wrote these letters. But, despite the Commission's questioning the Archbishop concerning St. Bernard's Parish and Kevin Bennett, he did not bring this matter to the attention of the Commission. Indeed, in subsequent meetings with the Commission the matter was still not raised even though on December 15, 1989 the Archbishop wrote the following in a memo concerning the information he had given to the police:

A telephone call came to me, relayed through my secretary, from a reporter in Calgary stating that he had been informed by a Mr. [victim's name] that he had approached me in 1979 about his being sexually abused by a priest in Sacred Heart Parish, St. Bernard's, Fortune Bay, and that I had referred him to his own bishop. In 1979 St. Bernard's was a parish of the Diocese of St. George's. Again through my secretary I informed this reporter that I had no recollection of being approached by Mr. [victim's name]. However I informed him that, in stating that I had referred him to his own bishop, this seems to me to be the advice that I would have given him if he had approached me. Shortly afterwards an affidavit, signed by Mr. [victim's name], came to me from the Chancellor of the Diocese of Calgary, in which Mr. [victim's name] reiterated his claim of approaching me and of the sexual abuse by the priest. I acknowledged the letter and forwarded the correspondence to Bishop Raymond Lahey of the Diocese of St. George's.

The Commission became aware of the meeting between the victim and the Archbishop in February 1990 after it reviewed Archdiocesan files which contained the pertinent correspondence. The Commission contacted the victim and he agreed to travel to Newfoundland to be interviewed. Based upon that interview, and together with corroborating information from another witness, the Commission concludes that the young man's evidence is accurate.

In March 1990, the Commission questioned Archbishop Penney concerning the meeting. The Archbishop again stated that he has no recollection whatsoever of meeting the young man. At the meeting the Archbishop provided the Commission with the same information he had given to the Royal Canadian Mounted Police (RCMP). Following upon a request from the Commission, the Archbishop confirmed on March 27, 1990 that his appointment book for 1979 contains an entry for an appointment in the name of the medical attendant who accompanied the victim to see the Archbishop. The Archbishop stated to the Commission that, if he had met with the victim in such circumstances, it would have been his practice to refer the matter to the appropriate diocesan bishop. The Archbishop's evidence to the Commission is that he does not recall discussing the matter with Bishop McGrath, at that time or subsequently.

In 1990 the victim testified in court proceedings against Kevin Bennett. Bennett subsequently pleaded guilty to 36 charges of gross indecency and attempted gross indecency. He was sentenced to four years in jail.

#### **Case 4: Priest Y**

##### *8th Disclosure*

On July 23, 1986 a young mother brought her son to Father Y's residence in a rural parish. The boy's grandmother accompanied them on the visit. The purpose of the visit was to have the priest bless the three-year old who suffered from temper tantrums. The mother's evidence is that the priest proceeded to question her about the child's sleeping companions. He asked, specifically, if the boy's uncle, who was approximately twenty-one years old, slept with the child, and whether the uncle ever took the child into the bath with him. The mother answered both questions in the negative. The priest then asked the young boy to take off his shirt and pants so that he could see his "buns". The boy refused. Priest Y then asked the boy if he liked to swim. He took the child by the hand and invited him to go up and get into the bath tub with him and go for a swim. The young boy became upset and swore at the priest. The priest then placed his hand between the young boy's legs and remarked "about the heat that was there". The child began to cry and wanted to go home. The grandmother took the child and left the residence. The mother stayed behind.

At that point the priest again asked questions about the uncle and the young boy and made a remark to the effect that he would not mind having a "young fellow to cuddle into". The mother then left. She observed that throughout the conversation the priest had been breathing heavily and panting.

The mother was upset after this visit. On August 2, 1986 she contacted the Archbishop's secretary seeking an appointment. The Archbishop was unavailable. She therefore agreed to see the Chancellor of the Archdiocese, Reverend Francis Coady, and on August 4 she related the entire episode to him. He indicated that

he would get back to her but she heard nothing. The Archbishop's evidence is that the Chancellor brought the matter to his attention.

On October 2, 1986 having heard nothing from the Archdiocese, the mother again requested an appointment with Archbishop Penney; she met with him the next day. She told her story to Archbishop Penney, but it is her opinion that the Archbishop was not entirely sympathetic once he heard the story, accusing her of spreading gossip and observing that the priest was a powerful man who had access to powerful lawyers.

Archbishop Penney confirmed that he had spoken with the child's mother, but denied making any reference to the priest's being "powerful" and having "powerful lawyers" nor did he recall having accused the woman of gossiping. The Archbishop was also visited by a social worker about the same incident, and it was investigated by the police who did not find sufficient evidence to lay a charge. The priest subsequently went to Southdown for treatment for alcoholism, and has returned to parish work in the Archdiocese.

#### *Case 5: John Corrigan*

John Corrigan was born in 1931 in Trepassy on the Avalon Peninsula. He attended All Hallows Seminary in Dublin, Ireland and was ordained on June 13, 1959.

Following his ordination, the first significant assignment for Corrigan was in 1966 when he was appointed to Ferryland as Administrator. He later became parish priest at Ferryland-Cape Broyle and retained that position until June 23, 1977 when he was appointed to St. Agnes' Parish in Pouch Cove. He was in Pouch Cove until July 15, 1986 when he was appointed parish priest for St. John Bosco Parish in Shea Heights. He was there until the time of his arrest. Corrigan was not happy to be moved from Ferryland to Pouch Cove - a move which took place during Archbishop Skinner's tenure as Archbishop. Corrigan enjoyed his work in Ferryland where he was well respected in the community and served for a period as Chairman of the local School Board. None of the charges of which John Corrigan was convicted emanated from Ferryland.

The Commission has evidence that, before his transfer to St. John Bosco Parish, John Corrigan spoke with the Archbishop concerning a drinking problem. Corrigan told the Commission that on one occasion during an overnight pastoral visit by the Archbishop he advised him that he had drunk a "40 ounce" after the Archbishop had gone to bed. The Archbishop is reported to have dismissed Corrigan's request for help by telling him that he had no drinking problem. The Archbishop has no recollection of these matters. However, correspondence obtained by the Commission indicates the matter was raised with the Archbishop.

On January 20, 1986 John Corrigan wrote the Archbishop concerning a transfer from St. Agnes' and St. Michael's Parish in Pouch Cove and Flatrock. The letter stated in part:

I am writing in reply to your recent letter regarding future considerations in parish appointments. You may recall when I met with you last Spring I indicated then that I was and still am quite happy here. I am fully aware that this cannot be a permanent appointment and I respect your views on this matter. In our conversation of last Spring I pointed out to you at that time, my personal well being, is of prime importance in accepting an appointment. You are aware that I am an alcoholic; as well I have a serious hearing disability coupled with tinnitus (a constant noise in my head which never ceases) which goes along with deafness. While I do not consider my deafness to be a prime factor in a future appointment, my alcoholism certainly is. I could never survive in an isolated parish, or one that would require extensive driving. As I suggested last Spring, a parish like Outer Cove, Mary, Queen of the World (if it ever became vacant) or a similar Parish near the City would be ideal. I realize only too well the position you are in manpower-wise and the number of Parishes available at this time, but I feel I must be honest in expressing my needs, as I see them. Any future appointment would have to be considered in the light of my own personal well-being and my ability to survive there.

On August 29, 1986 the Archbishop responded as follows:

I wish to acknowledge your letter of January 20, 1986 in reply to mine of January 7, 1986 asking you to share with me your needs and expectations about your current or future appointment. I have noted the limitations which you recognize about the provision of your priestly ministry and appreciate your very direct suggestions. I am pleased that you feel content in your new appointment.

At the time of the August 29 letter, Corrigan had already been transferred to St. John Bosco Parish. When the facilities of Southdown were so readily available for other priests of the Archdiocese who had alcohol or other related problems the Commission wonders why the Archbishop did not see fit to make these facilities available for Corrigan who specifically informed him that he had an alcohol problem. This inaction on the part of the Archbishop appears to be a failure of duty in not attempting to address Corrigan's problems in the spring of 1985 when these matters were first brought to his attention. The Commission also considers it worthy of note that some of the charges involving John Corrigan arose from events which occurred after 1986.

On December 15, 1989 John Corrigan pleaded guilty to five charges of gross indecency with children and two charges of sexual assault involving children. In passing sentence Judge Seabright stated:

In his own life the Defendant began to drink heavily and the evidence shows that he was drinking at least a 40 oz. bottle of liquor daily ... The evidence presented by the defence on the sentencing hearing is to the effect that Father Corrigan is a homosexual and had a real problem with liquor.

The Judge commented further:

To set the scene, Father Corrigan was a parish priest who by his very position became a respected member of the church and the community at large. It was the esteem in which he was held that allowed these incidents to take place. He held a position of trust in that parents trusted him and the children would certainly not be questioned [if] they were leaving their own homes to go to the priest's house. In the case of the boys, they were provided with a hang out, free food, alcohol, and the comforts of this hang out which was free from question. The only requirement in addition to their sexual favours was their silence.

#### *Case 6: An Allegation of Sexual Assault*

On September 29, 1988 a young man approached a priest in his parish and described how he had been sexually assaulted in 1986 near Quidi Vidi Lake in St. John's. He declared that the assault had been committed by a priest whose name he did not know. The complainant did not want to report the incident to the police nor did he wish to tell his parents. When he told this account to the priest he was over the age of sixteen years. On October 4, 1988 the priest told Vicar General Monsignor Denis Walsh of the incident. On October 6, 1988 Monsignor Walsh contacted the priest to advise him to inform the Archbishop of the incident, and the Archbishop was briefed by the priest that same day. That evening, the priest met with the complainant in an attempt to identify the assailant.

Between October 7 and October 14 the Archbishop's office provided pictures of priests for the complainant to review. On one occasion in the identification process pictures of Canadian Bishops were inserted among the photos given to the young man to inspect. The Archbishop stated to the Commission that it was his idea to do that in order to make certain that the identification, if made, would be accurate.

On October 24 the complainant did identify an Archdiocesan priest and on October 25 the Archbishop and the complainant's priest held a meeting in the Archbishop's office. The next day an effort was made to obtain professional help

for the complainant and an appointment was made for him to see a therapist. On November 3 the Archbishop informed the complainant's priest that the priest identified as the assailant denied any involvement. On November 8 the complainant decided to inform his parents, assisted in this process by his priest.

On November 8 the priest withdrew from the situation because it was now in the hands of the complainant's parents. He so informed the Archbishop, who stated that he would meet the parents if they desired such a meeting; the parents met with the Archbishop in November 1988. The Archbishop told them that they could go to the police, but also stated that the problem could be managed internally. The parents decided to allow the Church to handle the matter, with the understanding that they be kept informed. The parents said that since that time they have not heard from the Archdiocese about the allegation.

This allegation is still under investigation by the police. No charges have been laid thus far.

#### ***Case 7: Anthony Bennett***

Anthony Bennett was originally from Ireland. Based upon the recommendation of the Rector of All Hallows Seminary, he was accepted as a student for the Archdiocese of St. John's on June 7, 1977. During that summer he was sent to Placentia as a student. In 1978 Archbishop Skinner received a progress report on Anthony Bennett and was pleased to authorize his promotion to the Diaconate on June 10. In 1979, he was ordained as a priest for the Archdiocese of St. John's.

Anthony Bennett attended Southdown in 1982 following an incident in the Village Mall in which he was involved in sexual activity with an adult male. After he left Southdown, Bennett was assigned as assistant priest in Marystown from 1982 to 1984. From 1984 to 1986 he was parish priest in Sacred Heart Parish on the Cape Shore and then was appointed to St. Patrick's Parish, Witless Bay, Sacred Heart Parish, Tors Cove from 1986 to 1987. He resigned from the active ministry on December 4, 1987.

In September, 1989 Anthony Bennett pleaded guilty and was convicted of a sexual offence which took place at the home of John Corrigan in Pouch Cove. The complainant in the case was under seventeen years of age at the time the offence took place. Upon sentencing Anthony Bennett, Judge David Riche stated:

On one of those visits the complainant was playing darts with Bennett and Bennett started grabbing him in the crotch area inside and outside the clothes. The complainant did the same to Bennett. This later led to them both going to the bathroom and Bennett initiating oral sex upon the young complainant who, in turn, performed oral sex on Bennett. The complainant consented to the sexual acts performed by Bennett and himself. Bennett was dressed casually at the time and was

not wearing his clerical attire .... Mr. Bennett is not a pedophile, he is a homosexual. It is not unlawful to be a homosexual. Furthermore, seven years passed before any charges were laid against Anthony Bennett. There was no evidence before the Court that he committed any subsequent offence.

The judge found no custodial sentence was warranted for Anthony Bennett. Instead, he was placed on probation for two years.

### Observations on the Events

It is evident from this review of events in the Archdiocese that the Commission's mandate contains a mistaken assumption. The second term required the Commission to "enquire how such behaviour could have gone undetected and unreported for such a long period of time". As a result of its investigation the Commission has concluded that the behaviour did not go undetected or unreported, and that the Archdiocese was aware of allegations of child sexual abuse by members of the clergy. Indeed, allegations of child sexual abuse were reported to officials of the Archdiocese in 1975.

Despite this awareness, Archdiocesan authorities seem to have followed a minimal response policy to what was, in fact, a continuing series of informal and formal complaints, approaches from the police, from other professionals, from parishioners and from priests themselves. Archbishop Penney had been advised that priests with a homosexual orientation were present in the Archdiocese, and events during the early years of his tenure signalled the possibility of homosexual activity by priests in the Archdiocese. The general assumption by many who were aware of those priests with a homosexual orientation was that if some were actively homosexual, it was with adults, *but never with children*.

Yet both subsequently convicted and alleged offenders were known to be constantly in the company of adolescent males. Some parishioners and parents of the boys questioned the propriety of such a situation while others raised concerns about the appearance of impropriety. The Archbishop did not take effective measures to address these issues, even after serious problems occurred with some priests who were acting out their sexuality.

These problems did not have their origins under the current leadership of the Archdiocese, and Archbishop Penney, upon assuming office, did take certain constructive measures to meet problems whose existence he recognised, even if he did not realize their magnitude. These measures, including the Ministry to Priests Program, the provision of a number of professional, psychological and spiritual facilities, the establishment of a number of innovative and creative Archdiocesan pastoral bodies and other similar initiatives, simply did not prove effective to provide for public safety.

It is the Commission's view that more than one factor contributed to this failure and to the long delay in its final public disclosure by victims. It must be noted that the societal context and sensitivity towards child sexual abuse which existed in the late 1980s is markedly different from that of the early 1970s. At the time that the initial disclosure were made to Archdiocesan officials in 1975 knowledge about the prevalence of child sexual abuse was limited. So, too, was the level of awareness about the dynamics of child sexual abuse, the impact that it has on victims, and appropriate management strategies.

In Chapter Three, the Commission presents a detailed examination of the psycho-social factors which contribute to child sexual abuse. An assessment of the particular factors which may have contributed to the sexual abuse of children by some members of the clergy in the Archdiocese is provided in Chapter Five.

# **The Causes of Child Sexual Abuse**

## *Chapter Three*

## Chapter Three: The Causes of Child Sexual Abuse

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### Introduction

The problem of child sexual abuse is not unique to the Archdiocese or the Province. It is a significant social problem which afflicts all societies and cultures, though it is only in relatively recent years that the range and dimensions of the problem have come to light. Consequently, there is still much which is not definitively known about the causes of child sexual abuse and much is yet to be learned about its control and elimination.

Because the Commission was not able to undertake a psychological assessment of either the offenders or the victims, conclusive determinations about them have not been possible. Instead, the Commission has had to rely for its conclusions on what it was able to learn about the offenders and victims in the Archdiocese and on what it knows about offenders and victims from the most recent literature on the subject. This chapter defines many of the terms and concepts related to the problem and provides an overview of child sexual abuse. More comprehensive reviews of current thinking about child sexual abuse are included in Volume Two of this Report.

### Terms and Definitions

**Child Sexual Abuse.** Different people – even with similar interests and points of view – use different words to talk about the crime with which this report is chiefly concerned. In this Report the Commission has chosen to use the term *child sexual abuse* for several reasons. It is not only the term most widely used locally by professionals, the media and the public, but it is also a term that covers a wide range of abusive experiences, unlike *molestation* which is more limited in the kind of act it describes. So although the term *child sexual abuse* is used in this Report, other words used in the literature about this kind of problem often signify approximately the same thing.

Defining child sexual abuse is often even more difficult than agreeing upon a name for it. This is partly because there are several different dimensions to such abuse, such as legal, psychological, social and moral. Thus while some definitions emphasize the legal and moral implications of the child's or adolescent's inability to understand the implications of a sexual act, other definitions emphasize the

effects of such experiences on the physical, intellectual and emotional well-being of the victim.

The Canadian justice system, too, defines different sexual crimes in various ways, and judicial response to these crimes also varies according to the type of act and the age of the victim, the "legal age" ranging from 14 to 18 years.<sup>11</sup>

A useful working definition of child sexual abuse was developed by the British Standing Committee On Sexual Abuse of Children (cited in Glaser and Frosh, 1988, 9). It says, in part:

Any child below the age of consent may be deemed to have been sexually abused when a sexually mature person has, by design or by neglect of their usual societal or specific responsibilities in relation to the child, engaged or permitted the engagement of that child in any activity of a sexual nature which is intended to lead to the sexual gratification of the sexually mature person. This definition pertains whether or not this activity involves explicit coercion by any means, whether or not it involves genital or physical contact, whether or not initiated by the child, and whether or not there is discernible harmful outcome in the short term.

Because the concern of the Commission is more specific than this definition, which describes a wide-spread abuse in society in general, this Report will concentrate on the abuses which occurred under those circumstances outlined in the preceding chapter.

The focus of this Report is thus restricted to the involvement of male children under the age of 18 in any form of sexual activity with members of the Roman Catholic clergy. The Commission also recognizes that such sexual activity between a child or adolescent and a member of the clergy involves an abuse of power and betrayal of trust in such a way that the victim is unable to give informed consent for participating in such acts. It is consequently a profound violation of the personhood of the victim.

**Sex Offenders.** The term *sex offender* is used in this report to designate the perpetrator of these acts because it is the designation used in the Terms of Reference of this Commission, and it is also the label most often used in the literature about child sexual abuse.

The term *sex offender* also emphasises that the act is an offence with legal consequences and encourages a consideration of the similarities among different kinds of offenders rather than their differences. *Child molester* may encourage the image of the stereotypical - but rare - abuser, the old man in a dirty coat who fondles young children, while *pedophile* denotes a too exclusive category of offenders and it also reflects a narrow psychiatric view of child sexual abuse. Such

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<sup>11</sup> See, for example, Sections 151 and 153 of the Criminal Code of Canada.

a view in itself may contribute to a kind of acceptance of the abuse because it makes it easier to dismiss the offenders as sick, "not like the rest of us", and probably untreatable.

Further, *pedophilia* and *pedophile* are terms that are generally overused, and sometimes wrongly used, both in the literature by professionals and by the general public. The German psychiatrist Kraft-Ebing coined the term *pedophilia* in the late nineteenth century to describe a psycho-sexual perversion in which an adult is erotically attracted to children. The *Diagnostic and Statistical Manual of Mental Disorders* (cited in Goldstein, 1987, 20) defines the term as "recurrent, intense sexual urges and sexually arousing fantasies, of at least six months duration, involving sexual activity with a prepubescent child".

**Types of Abusive Acts.** Abusive acts fall into two general categories, non-contact abuse and contact abuse.

*Non-contact* abuse refers to encounters that do not involve physical interaction, such as exhibitionism, voyeurism, solicitations or threats. Although these acts may be isolated and the offender may do nothing more, they may also be part of a process of seduction leading up to contact abuse.

*Contact abuse* includes all activities that involve physical interaction between the offender and the victim. This kind of abuse may involve touching, fondling or actual penetration. Again, all such activities can occur singly, in conjunction with other activities, or as part of a progression. The actions perpetrated on the victims considered in this report, may have begun with non-contact abuse but soon progressed to include kissing, fondling, masturbation, oral-genital contact and anal penetration.

Usually in both categories of abusive acts the perpetrator is male and is a parent, another relative, a friend, a neighbour, or – less often – a stranger, but this report focuses on a particular kind of offender, priests. These are adults who were known to their victims and had with them a *fiduciary* relationship. (See below, The Victim.) This is a relationship of trust and faith where the victim depends on the offender for his spiritual well-being, as a patient might depend on and trust in a medical doctor for his physical health. The nature and character of the offender are discussed more fully later in this chapter.

### Extent of Child Sexual Abuse

There is general agreement that it is impossible to determine the full extent of child sexual abuse in society, but data on both *incidence* and *prevalence* are used to give at least some indication of the magnitude of the problem.

**Incidence.** This is based on the number of new cases of child sexual abuse in a given period of time, usually one year. Attempts to determine incidence are usually based on the number of cases reported to various agencies such as police, hospitals, or child protection agencies. In Canada in 1988 there were nearly

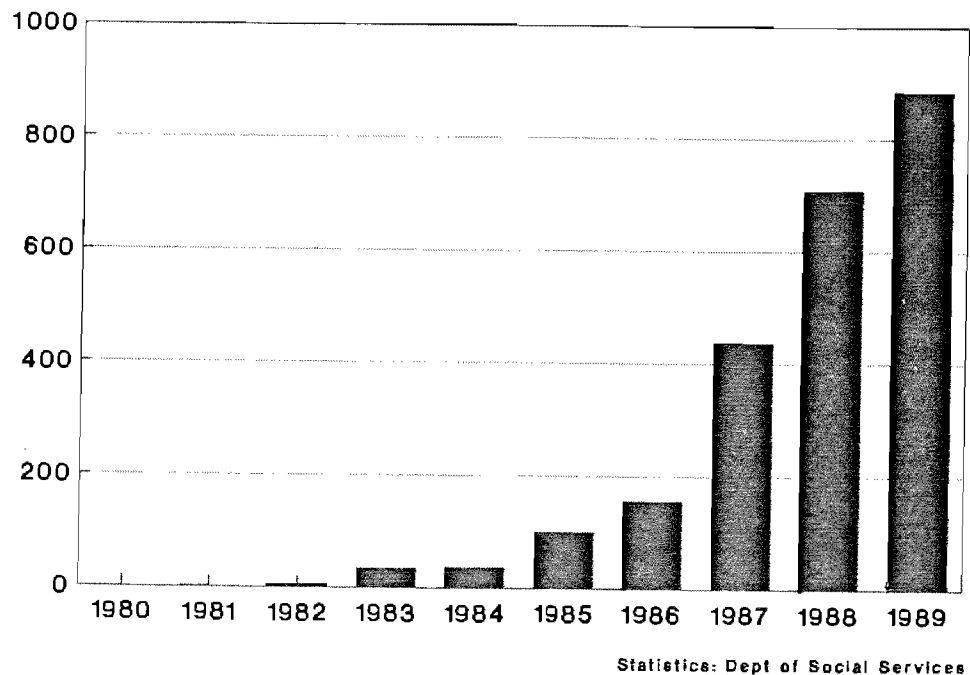
30,000 reports of sexual assaults, and there may have been another 40,000 sexual assaults which were not reported.

**Prevalence.** This is defined as the proportion of the population that has been sexually abused during their childhood. Data about prevalence is usually obtained by conducting random surveys of the general population or of particular groups within the general population, such as college students.

Determining the actual prevalence of abuse is difficult, though, because as the *Report of the Committee on Sexual Offences against Children and Youth* (the Badgley Commission, 1984) has indicated, as many as three out of four female victims and nine out of ten male victims keep their abuse secret. Nonetheless, that report found that in Canada 50% of females and 33% of males experienced unwanted sexual acts at some time in their lives, and 80% of these acts occurred before the age of 21.

Although the rate of reporting varies from study to study, research on the subject suggests that underreporting is typical. Therefore, it is reasonable to assume that the dimensions of the child sexual abuse problem in this Archdiocese, as in all other parts of society, are not fully known.

**Figure 3.1: Reported Cases of Child Sexual Abuse  
Newfoundland and Labrador, 1980-1989**



Within Newfoundland and Labrador, statistics from the provincial Department of Social Services indicate that reports of child sexual abuse increased annually from 17 cases in 1981 to 885 cases by 1988/89 – more than a 5,000% increase. (See Figure 3.1.) In the Eastern region alone, an area geographically similar to the Archdiocese of St. John's, child sexual abuse reporting increased from 252 cases in 1986 to 445 cases in 1988. But as drastic as this increase in reported abuse has been, it is still difficult to ascertain whether the incidence of child sexual abuse has actually increased. As we have seen, most acts are not reported, and the willingness of some individuals to tell their stories and the high level of media interest these disclosures have received may be encouraging others to divulge what they had thought were private and isolated violations.

### Context

To comprehend the nature of child sexual abuse and the basis of many of the conclusions arrived at in this Report, it is necessary to understand the broader social context within which such abuse occurs and why it is often not acknowledged. The discussion which follows often speaks jointly of the position of women and children in society. This is because throughout most of history the two groups have usually been treated in similar ways by both society in general and by legal systems in particular. The social order has been governed almost exclusively by adult males (patriarchy) and all others, whether children or women, who do not belong to this class have tended to be dominated by it in a similar way. Until relatively recent times, for instance, in many countries a woman's right of ownership and her legal status were equal to those of a child; and even the traditional wedding ceremony still demands the wife's promise of obedience to her husband, a promise which comes just after she has been "given away" by her father. A fuller frame of reference and a more detailed consideration of all of these factors are presented in Volume Two of this Report.

**Historical Factors.** The historical origins of society have played a significant role in determining what society is today, in this country, province and Archdiocese. About child sexual abuse, specifically, history reveals three important themes. First, abusive practices toward children have long existed, in varying degrees, within ordinary, accepted social behaviour. Second, denial of the existence and significance of child sexual abuse has persisted throughout history. Third, the dominance of patriarchal values throughout history has denigrated the rights of both women and children.

Acts of child sexual abuse, too, go back to antiquity and are described in the earliest historical accounts, captured in the most ancient clay markings. One five-thousand-year-old tablet, for instance, reveals an encounter in which a goddess protests intercourse because her body is too small. Some early Greek cultures advocated and encouraged sexual relationships between mature and immature males, a practice known as *pederasty*. The Old Testament and the Talmud, for

instance, provide many references to women and children as property. The concept of *patria potestas* dominated civil and criminal law in Roman society for centuries; wives, slaves, and children were considered possessions of males.

In the sixteenth century reforms began to occur, and although the possibility of child rape was acknowledged, ten years was the age at which a child could legally consent to sex. History records offenders being freed because a rape had taken place shortly after the victim's tenth birthday.

During the Industrial Revolution, there was considerable disruption in the older ways of life as more and more people left rural communities and moved into towns and cities to work for wages. Family structure changed in response to new divisions of labour; children were exploited in factories and worked under abominable conditions, often even worse than those described in the nineteenth-century novels of Charles Dickens. Records of the time also indicated an increase in sexual assaults on children and in the number of children becoming involved in prostitution.

In the first half of the twentieth century Sigmund Freud's theories had a profound effect on societal attitudes towards children. His theory of the Oedipus Complex (Oedipus is a character in Greek literature who unknowingly married his own mother) postulated that every child between three and six years of age goes through a stage during which he or she sexually desires the parent of the opposite sex. As a result, many reports of child sexual abuse were discounted altogether or the blame was placed on the victim and not on the offending adult. This denial or blaming the victim continues to be part of the response to child sexual abuse even outside the applications of psychotherapy.

Child sexual abuse began to surface as a real issue of public concern only during the 1940s, and then it was deemed an aberration proceeding from the loosening of sexual values and the disruptiveness of two world wars. And it was not considered a problem of major concern within the family. Rather, it was believed that abusers were primarily strangers, not parents, trusted friends or respected members of the community. Prevention, treatment services or research into the causes and effects of child sexual abuse were virtually non-existent.

In an important research project undertaken from 1938 to 1949, Dr. Alfred Kinsey discovered a high incidence of child sexual abuse in American society. However, the study underestimated the seriousness of the impact of child sexual abuse on the victim and again placed the blame on the victim, the child.

Current recognition of the nature and extent of child sexual abuse as a pervasive social problem has evolved from the work on the physical abuse of children, begun in the early 1960s by such noted American pediatricians as Dr. Henry Kempe and Dr. Ray Helfer. In the intervening years a movement to respect the rights of children has increased professional awareness of child sexual abuse and alerted the public to the seriousness of the issue.

Although it happened very slowly, attitudes about children's worth, status and rights have changed considerably throughout history. It might be argued that in general, attitudes towards children have become more humane; practices such as institutional corporal punishment and child labour have been eliminated or reduced in many cultures. Perhaps because energies have been so often taken up in other basic issues concerning the welfare of children, most societies fail to recognize the pervasiveness of the more hidden problems of child sexual abuse, child pornography and child prostitution.

It is significant that the problems society has tackled most successfully are those tied closely to economic structures. Those that remain, while sometimes having economic implications (particularly in the sale of pornography), primarily involve the pleasure and gratification of men. Yet, no less than attitudes toward child labour, they reflect a primitive perspective of humanity and the value and place of men, women and children within our social structures.

During the past several decades Canadians have become more sensitive to the rights and needs of children. Education is now available to all children, and recreation and entertainment are plentiful. Yet many families and children are not supported by adequate services in other areas, especially children in trouble, and experts question the willingness of the public to allocate more resources to the problem of child sexual abuse.

In Newfoundland the status of the child may be traced in the slow evolution of the statutes intended to provide them with services and protection. Legislative reforms which were moving forward in Canada in the mid-nineteenth century were not adopted in Newfoundland until 1931 with the passing of the *Health and Public Welfare Act*. Before this time the entire responsibility for children fell to the family or charitable institutions such as the Churches. The adoption of children was not formally regulated until 1940 and the universal provision of education was not formalized until 1942 with the *School Attendance Act*. The first *Welfare of Children Act* was passed in 1944, but the child's independent rights to safety, protection and well being were not specifically legislated until the *Child Welfare Act* of 1972, in which it was finally acknowledged that these rights needed to be formally safeguarded by society.

In addition to the lack of children's legal rights, attitudes towards children in Newfoundland have tended to reflect those held in traditionally conservative societies. As one woman in her 30s stated at the public meeting in Ferryland, "Children of my generation were brought up to be seen and not heard". Another woman stated, "I believe we haven't reared our children properly in this province. Over the years children had no say. They had no opinions, their opinions were neither accepted nor encouraged".

In the last 20 years, with the impact of television and other technology, Newfoundlanders have been exposed to the competing notions of a sentimentalized view of childhood, the children's rights movement and adolescence as an

accepted period of quasi-independence. All of these factors have provided new ideas about child-rearing practices but in doing so they have often added further pressures to more traditional family models. In this province, today, the patriarchal value system is only slowly and reluctantly giving way as the long record of child sexual abuse under investigation by this Enquiry attests.

Current research supports the contention, that "child sexual abuse is a social phenomenon linked to general attitudes and practices towards children and also to the ways sexual relationships are organized and regulated in any particular society" (Glaser and Frosh, 1988, 19). These attitudes and behaviours arise out of the process of socialization, the way individuals learn about group standards, acceptable behaviours and norms. The persistence of these attitudes led the Commission to examine the family – the basic social unit – as well as those other institutions and agents that directly contribute to the socialization of children and which may contribute to both the incidence and denial of child sexual abuse.

**The Family.** Because families are the primary socializing agents in our culture, the child-rearing practices that prevail at any given time generally both reflect and inform the attitudes and values of the wider society. Although the definition of the family unit has undergone continual revision throughout recorded history, today there is the recognition that a dramatically accelerated rate of social change has been occurring throughout western civilization during the last half century. Such change has destabilized the family and has required alteration of the traditional family model.

Since World War II, rising standards of living combined with a range of income security programmes have displaced the family as the bastion of defense against most needs, and have even reduced the financial motivation for maintaining the family as an economic unit. There has been also an attendant shift in what is valued by individuals within society in general and in the family in particular. Because most people do not have to worry about simple survival any more, self-preservation and preservation of offspring is less a primary concern. This has allowed more time and energy to be spent on developing personal dimensions and satisfying more individual needs. While this is not always bad, it may be producing in society an increasingly narcissistic and hedonistic individualism; that is, an individualism which is primarily concerned with the wants and satisfaction of the self and is less concerned with and responsive to the needs of others. One natural result of this kind of individualism is the further weakening of marriage ties and other family relationships.

In any case, statistics show that more children are now being raised in one-parent families, the majority of which are headed by young women. These families are increasing in number because more women are choosing to be single parents and because of a rising rate of marriage breakdown. Many marriages are ending during the first five years and as a result, the children of these families lack the

presence of two parents to share the role of parenting. The impact of this on future generations of adults is not yet known.

During and after the "Sexual Revolution" of the 1960s there was less commitment to the notion of sexual fidelity within marriage. More recently, the increasing threat of sexually transmitted diseases, including AIDS, is beginning to restrict sexual practices once more but it is doing so without strengthening the moral and emotional commitment within relationships. People may be less sexually active with different partners from fear rather than from a greater sense of fidelity.

Today, children are fewer in number and more first children are being born to older parents. These parents, who are beginning child-rearing in their late 30s and early 40s often combine the task with demanding professional careers which must necessarily diminish the time available for participating in the family.

Changing economic factors in Newfoundland society have forced families to relocate, often repeatedly. This is different from the father's leaving home to work for extended periods, a more traditional practice which has not been without its own stress for parents and children alike. However, unlike the absence of the father, family relocation removes the support of an extended kinship system where grandparents, aunts and uncles are near by, and may lead to increasing social isolation of the nuclear family in each subsequent place of residence.

In recent years more marriages are breaking down when a couple reach their forties, and this, too, will significantly affect the value formation of both young and adolescent children. At an age that earlier generations considered to be stable and settled, large numbers of men and women are undergoing painful change and growth. More people have been experiencing mid-life crises, probably the result of many different factors coming together at this phase of their lives. If they had children when they were younger, their child-rearing tasks are now largely completed, and shifts within the labour force may disrupt their careers or undermine the perceived value of their work.

The Roman Catholic Church has always had an interest in family life, but its influence in this area may be waning as more people find it difficult to accept the Church's stand on the permanence of the bond of marriage. Among increasing numbers of divorced Roman Catholics who wish to remarry there is a strong indication that the Church's influence has almost disappeared in this important social dimension.

**The Church.** The contribution to socialization by organized religion parallels or, for some people, supersedes that provided by families. While many individuals have positive experiences because they belong to a religious community, there are values and attitudes transmitted by the organization and teachings of churches that may actually create, influence and perpetuate abusive relationships.

For instance, the Assembly of Quebec Bishops, in its recent document entitled *Violence*, acknowledges the contribution to domestic violence of male dominance within society and the Church. Unquestioning obedience to authority

figures, viewing suffering as desirous and unavoidable, and emphasis on inherent sinfulness can have negative effects on those who are victimized by sexual abuse because they reinforce both guilt and responsibility. Also within the Church, the emphasis on unlimited and often unconditional forgiveness and the requirement to keep the family intact, no matter what the cost, may perpetuate the abuse because it discourages the victim from escaping from the abuser.<sup>12</sup>

Religious systems have also imparted negative attitudes about sexuality issues and have suppressed discussion of sex and sexuality, a situation which makes disclosure of sexual abuse all the more difficult. Patton (1988, 129) describes the atmosphere surrounding sex in Roman Catholicism:

Traditional Catholic education, obsessed with how sinful Catholics were as human beings, taught the ordinary Catholic to distrust his or her sexual feelings and all erotic behaviour .... Catholicism tended to keep people passive and receptive. It did little to help them think for themselves. Catholics became conditioned because of the massive use of fear. It was in this context that sex became such a corrosive element in Catholic life. It was also in the atmosphere that so much obsessive-compulsive behaviour developed in the name of religion and sex. Catholics were not encouraged to love themselves when all their energy was enjoined so rigorously to chain the "evil beast" of sex within themselves. That this methodology was unhealthy is now unquestionable, but that it was used extensively is undeniable. The consequences for people who were given a distorted sense of themselves and their humanity over sex and religion are difficult if not impossible to measure fully.

**The School.** Schools continue the traditional socialization process often begun in the family and church. The separate denominational education system which has been the norm in Newfoundland for more than a century may further influence the attitudes and socialization of children.

One of the significant socialization effects with which this Report is concerned is sexual stereotyping and the reinforcement of traditional male-dominant roles. Several studies show contradictions in some teachers' interactions with children, such as expressing favour for the "feminine" mode of conduct (obedience, quietness, neatness and reading) while at the same time maintaining an overriding preference for teaching boys. The rationale given for this preference is that males are more active, open and honest, males are easier to talk to, and that males are more outspoken and willing to exchange ideas.

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<sup>12</sup> Redmond, 1986, cited in *Family Violence in a Patriarchal Culture*, the Canadian Council on Justice and Corrections et al, 1988.

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The problem of stereotyping in the school system is present in the classroom but also extends to textbooks. According to the Ontario Teachers' Federation (1987, 10), several studies of English and French textbooks in Canada all found stereotyping: "The subtle, almost subliminal, message of these texts was that women are secondary and perhaps less effective participants in life's important events while men must always be competent, knowledgeable and strong". Nevertheless, awareness of stereotyping and male bias in curriculum materials is growing as educational systems have begun to examine the values and attitudes they bring to their work and consequently to their pupils.

**The Media.** Television, music, music videos and advertising are powerful and sometimes insidious contributors to social learning. On television and in motion pictures males are often portrayed in dominant roles while women are frequently depicted as victims of violence. Many music videos are especially culpable in this regard. Their emotional messages are directed to a juvenile audience who are highly susceptible to their violent imagery.

Advertising is a powerful means of communication that can influence values and standards as well as shopping preferences. The sexualization of children in fashion promotion is an example of the sexually exploitive role that advertising can assume. Images of children dressed as adults, assuming sexual poses and having apparently seductive facial expressions, are becoming more prevalent. This trend to make children sexual objects may have serious effects on the incidence of child sexual abuse since it appears to legitimize objectification. As well, children are encouraged to become prematurely sophisticated, a pretext often used by abusers.

**Current Child-Rearing Practices.** Although most writers and professionals will stand by the premise that families can be the most satisfactory environment for children, they do question the assumption that it is always a safe haven, that families always know best when it comes to children, and that families can do everything for the child on their own. They suggest that families need to examine their roles in the socialization of children by scrutinizing values and attitudes that are transmitted even within socially acceptable approaches to child rearing.

For instance, in society these acceptable approaches often incorporate the reliance on corporal punishment. According to Glaser and Frosh (1988, 23), "over 84% of American parents use physical punishment as a means of disciplining their children; in Britain, corporal punishment is regarded by many as acceptable within the home and legitimate at school". Although our society does not usually judge slapping or spanking as child abuse, such punishments are nevertheless forms of violent behaviour that convey several messages to the child. Besides indicating parental disapproval of the child's behaviour, the child may also learn more subtle messages that validate violence within the family. These messages may well resurface in the perpetration of abusive acts when the child becomes an adult.

The division of our society into male and female roles and institutions amounts to sexual stereotyping which, as we have seen, may be perpetuated by all those who are involved in raising children – the family, the church and the school. This restriction is detrimental to both sexes. Boys who are not allowed to display feelings and emotions may turn away from intimacy. Girls, on the other hand, are supposed to be emotional, understanding and forgiving. They learn to desire romantic, sentimental love relationships but also to expect a sexually aggressive male who is in control of the social and sexual interaction. Glaser and Frosh (24) describe the link between traditional masculine socialization and sexual abuse:

Traditional "masculinity" focuses on dominance and independence, an orientation to the world which is active and assertive, which valorises competitiveness and turns its face from intimacy, achieving esteem in the glorification of force. The fear at the heart of this image is of emotion – that which makes people vulnerable and "womanly"; emotion is dangerous not only because it implies dependence, but also because it is alien, a representation of all that masculinity rejects. This fear of emotion in turn makes sex both over-and under-invested in by men. Sex is one of the few socially acceptable ways in which men can aspire to closeness with others, and as such it becomes the carrier of all the unexpressed desires that men's emotional illiteracy produces. However, this same power of sex to produce emotionally makes it dangerous to men whose identity is built upon the rejection of emotion; sex then becomes split off, limited to the activity of the penis, an act rather than an encounter. It is also a means of taking up a particular place in the world of men: sexual "conquest" as a symbol of male prowess. The link between such a form of masculinity and sexual abuse is apparent: it is not just present, but inherent in a mode of personality organisation that rejects intimacy. Sex as triumph and achievement slides naturally into sex as rejection and degradation of the other.

David Finkelhor (1984) outlines several differences between men and women which he thinks help explain why men are much more likely to abuse children sexually. He believes that the differences result from distinct masculine and feminine socialization patterns, and that they reflect differences learned while young children in the family setting.

According to Finkelhor, women learn earlier and much more completely to distinguish between sexual and nonsexual forms of affection. Women are sensitized to appreciate affection without a sexual component while men, from the time they are young, are not given many opportunities to practise nurturing and express affection. Men, however, grow up seeing heterosexual success as much more important to their identity as men, and sex is often used as a way of

reconfirming their adequacy on other issues. Men are socialized so that they focus their sexual interest on sexual acts isolated from the context of a relationship, while women are taught to focus on whole relationships. The ability of men to relate more concretely to sexual acts is illustrated in their greater interest in pornography as well as their ability to be aroused by children. Men are socialized to see as their appropriate sexual partners persons who are younger and smaller than themselves, while women are socialized to see as their appropriate sexual partners as older and larger. Finkelhor thus considers it less of a contortion for a man to find a child sexually attractive because children are merely an extension of the gradient on which men are already focused.

Not all of these attitudes are developed in the context of the family but certainly the separation between male and female socialization begins there and is confirmed as the child's world broadens to include peers, church, school and television.

Our culture places a positive value on obedience and, as we have seen, even condones the use of physical punishment to enforce it. Children are taught to respect adults and their authority simply because they are adults who supposedly know what is best. Such emphasis on obedience and deference to authority because of position has obvious implications for child sexual abuse. Children who are unable to question the behaviour of an adult because they feel they have no right to do so are vulnerable to that adult, and to adults in general.

Certainly there are many other factors to consider but the intimidation by authority and the inequality it breeds are frequently mentioned by both victims and therapists.

**Sexuality.** Sexuality is central to who people are. Every human being is a sexual person, whether young, old, single, celibate, divorced, widowed or disabled. As James Reed (1985, 44-45) writes,

Sexuality, while not the whole of our personhood, is very basic and permeates and affects our feelings, thoughts and actions. Sexuality is our self-understanding and our way of being in the world as male and female. It includes attitudes about our bodies and those of others ... sexuality reminds us of our uniqueness ... we look different and feel differently from any other person. Sexuality also is a sign and a symbol of our call to communication and communion with others ... to reach out and embrace others physically and spiritually.

While sexuality is a positive and necessary part of both self and society, sometimes the expression of that sexuality has become distorted and destructive. People may confuse intimacy and sex, equate sexual activity with sexual violence, establish unequal relationships and then abuse the resulting power imbalance through emotional and physical violence. The sexual abuse of children in the Archdiocese is one extreme example of this kind of distortion and confusion.

Children begin to learn about sexuality in the family setting. However, recent studies suggest that family communication about sexuality is most often characterized by the exercise of authority and arbitrary rule-making, and not by mutual discussion, exploration and understanding of values (Butler, 1978, 134). Negative attitudes about sexuality within the family can create a climate of repression and denial of sexual feelings, so that even a child's innocent question about body function or casual exploration of his or her genitals can lead to over-reaction by other family members.

Today, in more liberal societies, young people still obtain most of their information about sex and sexuality from magazines, movies and their friends, rather than from their parents. Many young people find it difficult to ask intimate and troubling questions because they sense, and are put off by, the discomfort felt by their parents. This difficulty that parents and children share stems from a number of sources. One is that parents might not feel they know enough and do not wish to display their own uncertainties and confusion. Another is mutual denial of, and discomfort with, each other's sexuality: young people find it difficult to see their parents as sexual beings like themselves, while parents find it difficult to see adolescents as anything but sexual.

Adults may also fall into the trap of thinking that there are only two postures that can be taken with regard to sexuality – the permissive or the repressive. Many parents choose what they think is the safer approach – repression. Even if they simply say nothing they are still providing negative messages. According to Butler, "Many of us fall into uneasy silence when it comes to discussing sexual matters with our children. And with our silence we guarantee that another generation will share our awkwardness and failure to achieve a deep and caring intimacy with loved ones" (1985, 37).

### The Victim

This section examines the general characteristics of victims and victimization. It is important to emphasize that a full understanding of the dynamics of victimization must include knowledge about the offender, the relationship he has with the child and the approaches he uses. A description of these elements follows this section on the victim.

**Vulnerability.** Since child sexual abuse does not usually involve physical violence or physical force, it is sometimes difficult to understand the vulnerability of the victim and his powerlessness to repel a skilled seducer. Goldstein (1987) presents five characteristics that make children ideal victims from the *offender's* perspective.

**Natural curiosity.** Children are naturally curious about sex. Because sex is so often treated as a taboo subject, little open discussion takes place and little accurate information is presented throughout childhood and adolescence. As in Goldstein's study, the Commission's research indicates that most Newfoundland

male adolescents receive their information about sexual matters from their peers. Thus, natural curiosity and the lack of information can be exploited by a sex offender to lower a victim's inhibitions and gradually seduce him into sexual activity.

***Easily led by adults.*** Children are taught to respect and obey adults. They learn early in life that their survival depends on these "powerful" figures whose role it is to meet their physical and emotional needs and to control them. Children are taught to believe that adults know what is best for them and would not ask them to do something wrong or harmful. Some children have also been instilled with a fear of adults, especially those in extra-powerful positions: clergy, police officers and teachers. Apart from this, any sex offender may use his size to control a child's behaviour.

***Need for attention and affection.*** This characteristic is a very significant one in making children and adolescents ideal victims. Even when they receive attention and affection at home, children still crave it from other significant people in their lives. Although all children are at risk from seduction techniques, it seems that the child who feels his emotional needs have not been satisfied or who has strong feelings of alienation from his family is most vulnerable to abuse outside the family.

***Need to defy parents.*** Some sex offenders may exploit children, especially adolescents, by taking advantage of a period when they are seeking independence from their parents. This succeeds particularly well in silencing victims. Any child who is victimized as a result of disobeying some parental guideline or instruction is going to be very reluctant to tell anyone about it. This is especially true of adolescent boys, who might feel they will lose some of their freedom if they reveal their victimization.

***View of children as fantasizers and liars.*** Although the criminal justice system has been changing in the way it views testimony from children, the belief that children frequently lie or cannot distinguish reality from fantasy still persists. From the offender's point of view this certainly contributes to the child's being an ideal victim.

The size and innocence of young children help people to understand and accept their vulnerability. However, the vulnerability of adolescents is less obvious and is often questioned. People expect that teens, particularly males, will be old enough and mature enough to protect themselves. Such an expectation, though, overlooks the element of power that is such a fundamental part of most abusive relationships and ignores the insecurities and difficulties that are an inherent part of the adolescent stage of development. As Ruth S. Kempe and C. Henry Kempe state in their book *The Common Secret, Sexual Abuse of Children and Adolescents* (1984), "Although the adolescent victim of sexual abuse is developmentally more mature and therefore presumably better able to cope with sexual abuse, the

adolescent is also in the process of forming his/her sexual identity and is therefore very vulnerable in this aspect of development".

Clinicians concur with this view and believe that the victim's self-esteem is also a factor which contributes to adolescent vulnerability. Adolescence is a time when children are developing their personal identity and struggling with dependencies on, and independencies from, the family. Hence, they seek assurances from others in many aspects of their lives. Offenders targeting this age group will use tactics that will boost the adolescent's self-esteem and make them feel honoured and privileged. As one victim of James Hickey said,

He treated us so good and he was so nice to everybody. Like everybody in the community thought he was a really nice fellow and we used to keep on going back there and it was just like such a nice place. Like if you were drunk or anything you could go up there and he wouldn't say nothing instead of going home and getting bawled out by your parents. He used to treat us at our level and like kind of an understanding man .... He used to leave money around for us. (Court Transcript)

Because adolescents are frequently in "trouble" with someone – teachers, parents, peers – they may be particularly vulnerable. They also experience these and other changes at a time in their lives when they are moving from elementary to junior high school, leaving old friends and establishing new friendships. For all these reasons they may be seeking new forms of social approval.

For many teens, the excitement of sexual experimentation entices them even if they have fears and questions about the sexual activity itself. Offenders will also take advantage of this, the adolescents' confused sexual feelings and the adolescents' shaky sense of what they are and are not supposed to do. A local victim stated,

It was almost like an evolution. As you became comfortable with one thing you were led to be comfortable doing something else ... touching up and fondling us ... mutual masturbation ... and oral sex and that kind of thing. Later there was kissing .... Later he began to, I guess, using his hands, you know, put his fingers in my rectum. (Court Transcript)

Although children who feel good about themselves and have a basic trust in their instincts and abilities may be less vulnerable to the lures of a sex offender, in certain situations and with certain people even these children may be vulnerable. In short, any child may become a victim of sexual abuse.

**The Relationship between Offender and Victim.** The relationship of the offender to the victim will also influence the vulnerability of the victim. If the offender is an important authority figure such as a priest, the relationship is complicated by issues of authority, trust, loyalty, dependency, caring and love.

Another victim stated, "I didn't really consent. I felt I had no other choice but consent. I was afraid to say no. I didn't know what would happen if I did say no. So I guess more than anything I was afraid, scared, frightened" (Court Transcript).

Many of the victims who testified locally also gave strong indications of positive feelings toward their abusers within the context of highly dependent relationships. And at least one of the local offenders had previously been held in the highest esteem by a wide sector of the general population.

**Male Victimization.** It is important to comment on the issue of victimization particularly as it relates to male victims. As we have seen, while child sexual abuse of both males and females has been under-reported, the sexual victimization of males has been especially ignored. This situation is evident in the Archdiocese. Some current charges against the convicted priests relate to incidents which occurred about twenty years ago. Many authors believe this reluctance of males to disclose is a result of the socialization of males which expects them to be strong and forceful, and which presents the notion that "boys will be boys" and always "fool around" sexually. Another inhibition to disclosure that males have expressed is the fear of being labelled a homosexual, a result of the general and obvious homophobia in our society.

Finally, male victims themselves often have difficulty identifying that the abuse was coercive, as the following quotes indicate:

I feel I was gradually led into something in a very subtle, very, you know, very unsuspectingly brought into something that I knew absolutely nothing about really, and it gradually evolved and developed and it was almost like you were being taught and then almost like you graduate and then when he was finished you were just dropped and that was it.

One day last year it was an insignificant event. I started to think back on how all these are coming in on top of me ... the feelings, the being used ... and for the first time ever, and I don't know why, it just popped into my head that it's almost as if I'm being abused, and I never thought that before. (Court Transcript)

**Blaming the Victim.** Although children are not responsible for their own victimization, child sexual abuse offers many opportunities for "victim blaming". Even people who are not offenders have sometimes said, "He must have known what he was doing or he would have told someone". Following the convictions of two priests in this Archdiocese, for example, a number of articles and letters appeared in the local and national press attributing blame to victims. In another instance relating directly to the Commission, the office of the Archbishop issued a press release following the televised disclosure of a victim which discredited the victim's allegation even as it offered him support. Such actions constituted re-victimization and revealed the lack of public awareness about the imbalance of power, betrayal of trust and inability to give informed consent which are critical

elements in child sexual abuse. It is also important to address the issues that contribute to the belief that the victims are responsible for their own fate since this belief can help to perpetuate abuse in the future.

The offender capitalizes on these kinds of social misconceptions, and often attempts to transfer the responsibility for initiating the sexual behaviour to the victim. Through denial, rationalization and manipulation the offender succeeds in convincing the victim that he himself is responsible, as can be seen in the following victim's account:

I phoned him one night and simply said, "Its over. It's finished. I don't want to be your friend any more. You're not really my friend." ... About half an hour later the doorbell rang and Mom called upstairs and she said he was here and wanted to see [me] ... It was dark ... I went out and got in his car and we drove. He parked and began to talk to me and said, "You're not some dumb kid that was taken advantage of. You knew what you were getting into all along. If I get in trouble with the police then you're going to be in just as much trouble, and if I go to jail they'll put you in a place for boys that's not very nice." And that was the end of that. We went back to the normal routine. (Court Transcript)

Further, the guilt, shame and self-blame experienced by the victim often prevent the disclosure. As another local victim said, "I never consented ... [but] I never said anything because I was ashamed of it".

Another reason for blaming the victim might be that the consequences of believing the child are too great for people to face: a family member could go to jail, or faith in a revered leader could be shattered. The easier response is to blame the victim for his own victimization.

### The Offender

There are numerous theories about the nature of the perpetrator of child sexual abuse, but it is known that the great majority of sex offenders are male, as are those under investigation in the Archdiocese. (All references to sex offenders will therefore use the masculine pronoun.) Discovering and understanding more than this – who he is, why he offends and where his life should and will proceed – is a complicated and challenging task. However, it is important that the challenge be accepted so that society can recognize why the offender does what he does and thus prevent the abuse, assess treatment plans, and determine the risk of the offender's repeating the offence after treatment.

**Classifications of Sex Offenders.** Sex offenders who abuse children are classified as heterosexual when they abuse girls, homosexual when they abuse boys, and bisexual when they abuse both. This does not mean they have the same

orientation towards adults. Little is known about homosexual sex offenders who abuse post-pubescent male children.

A number of researchers have attempted to develop broad classification systems for sex offenders and some distinguishing characteristics have also been outlined in the literature. Classification systems may help distinguish among types of sex offenders, but a clear understanding of these distinctions is complicated by the different terms used by individual researchers.

Summaries of two classification systems, developed by studying large groups of offenders who have been identified by the justice system, are presented below. However, these broad systems are not sensitive enough to characterize precisely the small group of priests charged within the Archdiocese.

*Regressed and fixated Offenders.* According to Groth (1978, 6-10), a distinction can be made between regressed and fixated offenders. The *regressed offender* prefers peer or adult partners but, because of precipitating stress, turns to children for sexual gratification. The abuse is often more impulsive than premeditated. These offenders are generally more amenable to therapeutic intervention than the fixated offender.

A *fixated offender* will have been, from adolescence, primarily or exclusively attracted to children. The attraction persists regardless of other sexual experiences: it is the preferred sexual lifestyle. Rather than a reaction to an active crisis situation, the offender displays a pattern of repeated sexual contacts which may be with younger children or adolescents.

Fixated sex offenders can be further sub-divided into four types.

*Pseudo-Affective.* This offender uses seduction or persuasion to approach the child. The offender will pick a child who is vulnerable in some way and court him over a period of time. He leads the child to believe that he is important to the offender. The child will usually be abandoned when he no longer conforms to the image that the offender expects of him.

*Dominating.* This type of offender does not want to pursue his contacts with the child beyond the sexual encounters. His approach may vary from paying the child to abduction and physical coercion.

*Sadistic.* This type of offender has strong preferences for children. In order for the offender to be aroused, he needs to inflict pain on the child. In extreme cases this may lead to murder.

*Aggressive.* For this type of offender the aggressive components of the act are more important than the sexual. The difference between sadistic and the aggressive is that the former tends to feel excitement while committing the abuse while the latter's overriding emotion is anger.

*Situational and Preferential Child Molesters.* Goldstein (1987) refers to those who sexually abuse children as child molesters. He divides them into two broad categories, situational and preferential, and distinguishes further sub-groups within

these divisions. The *situational child molester* does not have a true sexual preference for children but engages in sex with children for other varied and sometimes complex reasons. Abuse may range from a once-in-a-lifetime act to a long-term pattern of behaviour. Goldstein believes that most offenders are situational and that their numbers are increasing faster than those of preferential child molesters. Within this category, Goldstein identifies four major patterns of behaviour:

*Regressed.* This kind of behaviour is exhibited by what appears to be a reasonably "normal" individual who turns to children as a sexual substitute for preferred, peer sex partners. The main criterion for victim selection seems to be availability, and many of these offenders molest their own children.

*Morally indiscriminate.* Sexual abuse of children is simply part of a general pattern of abuse; children are molested because of their vulnerability and availability. This type of sex offender uses force, lures and manipulation; his victims can be strangers, acquaintances or his own children.

*Sexually indiscriminate.* This individual appears to be discriminating in his behaviour except when it comes to sex. He likes to experiment sexually and is motivated toward sex with children out of boredom. He may abuse his own children or share them with others.

*Inadequate.* This category includes misfits, those suffering from psychiatric or personality disorders, mental retardation or senility. The individual becomes sexually involved with children out of insecurity or curiosity. He finds children to be non-threatening objects and might choose a vulnerable adult for the same reason. If frustrated, he can sometimes become unpredictable, and has a potential for violence.

*Preferential child molesters* have a definite sexual preference for children. Their sexual fantasies and erotic imagery focus on children. Although this type of child molester may be fewer in number than situational child molesters, both types have the potential to molest large numbers of victims. The preferential offender may exhibit specific patterns of behaviour as well which associate him with one of three major subdivisions:

*Seductive.* The offender engages children in sexual activity by seducing them in much the same way as adults seduce each other – with attention, affection and gifts. His goal is to lower the child's sexual inhibitions over a period of time; frequently victims reach a point where they will trade sex for the attention, affection and other benefits they receive from the offender.

*Introverted.* The offender has a preference for children but lacks the interpersonal skills necessary to seduce them. He usually molests strangers or very young children and engages in a minimal amount of verbal communication with his victims. This introverted sex offender is most like the stereotypical child molester – more likely to hang around places where children gather, such as playgrounds, and watch them or engage them in brief sexual encounters.

**Sadistic.** This type of offender has a sexual preference for children but, in order to be aroused or gratified, must inflict pain or suffering on the child victim; he uses lures or force to gain access to his victims and is more likely than other molesters to abduct and even murder them.

A comparison of the two classification systems summarized above suggests similarities between Groth's fixated pseudo-affective offender and Goldstein's regressed situational child molester. In reality sex offenders rarely fit neatly into any one classification system described in the literature. The sex offenders under investigation by this Commission exhibit characteristics of both Groth's and Goldstein's descriptions, of both pseudo-affective and of regressed homosexuals. In the absence of detailed psycho-social assessments the Commission has thus referred to them as pseudo-affective regressed homosexuals. Psychiatric evaluations and individualized therapy would refine this designation further.

**Common Characteristics.** Although sex offenders are a very heterogeneous group, researchers and clinicians working with sex offenders have determined some commonalities within some general characteristics, personality traits, coping skills and defence mechanisms. However, because this is based on information given by identified victims and offenders reliable predictions cannot be based on it.

**Sex.** Most of the research has dealt with male sex offenders because women make up a very small percentage of identified sex offenders. Statistics have ranged from 1.1% (*National Corrections Survey*) to 2.8% (*National Population Survey*). Badgley (1984, 215) reported that in his study 99.2% of the sexual offences against female victims were committed by males and although the proportion of female assailants was higher when boys were victims, most boys and male youths were assaulted by other males. In most cases convicted female offenders were involved with male accomplices, usually a husband, common-law partner or boyfriend. However, clinicians are beginning to identify more offenders among adult female patients.

**Age.** Most offenders are between the ages of 20 and 40, although they can be younger or older. Groth (1984, 4) found that all convicted offenders had committed their first known offence before the age of 40, more than 80% were first offenders by the age of 30 and almost 5% had committed their first sexual assault before they reached adolescence.

**Family background.** The information pertaining to the family background of sex offenders is far from conclusive. Most of the results of studies and clinical work have shown that sex offenders usually come from broken or disrupted families. However, Badgley found that most offenders surveyed had both natural parents present during their childhood.

The childhood backgrounds of offenders tend to involve "double bind parenting", where conflicting or opposing messages are given to a child regarding the appropriateness of certain behaviours and the acceptance of certain emotions. Offenders also tend to come from homes where an authoritarian style of parenting

was practised, where emotions were closely monitored and suppressed, and where verbal and non-verbal behavioural controls were frequent.

**Personality.** Offenders are often very self-centred in relation to others. They may be so insecure and immature emotionally that they do not see past their own needs. They will usually have a poorly developed moral sense and poor impulse control, and they have a great fear of rejection; when they experience rejection they often react strongly, sometimes violently.

**Attitudes.** The majority of sex offenders initially deny their behaviour. Theirs is usually both a denial of guilt and a denial of responsibility. They often reveal a number of inappropriate attitudes or distorted perceptions of the world of other people. Sex offenders may believe that children who do not forcibly resist them really want to have sex and that they enjoy it. Some also say that they are not really harming the child if no physical force has been used and see it as a positive, healthy learning experience for the child.

**Sexual preference.** Marshall and Barbaree in their studies of men who had molested boys, looked at their sexual orientation to adults. Only one-third of the men were classified as homosexual and most of these men were married but reported that their sexual relations with their wives were unsatisfactory. These men hid their sexual orientation from family and friends and targeted boys who were older (an average 12.4 years) than those targeted by the heterosexuals (an average of 7.3 years). There is no evidence in the literature that male adult homosexuals are more likely to prefer children to adult partners.

**Sexual knowledge.** Many individuals' knowledge of sexuality is limited because of a lack of open discussion in our society, but sex offenders, in particular, have a very confined and inadequate knowledge of sexuality, though they are afraid to acknowledge their ignorance. They tend to be "prudish" and only feel comfortable with limited activities.

**Sexual needs.** Offenders have difficulties with intimacy and generally do not know how to relate with affection to adults. They are often ignorant of the fact that sex serves more needs than physical gratification. Hence, they often feel unsatisfied by sex because they have a limited knowledge of what sex is supposed to do.

**Sexual dysfunctions.** Few sex offenders suffer from actual sexual dysfunction. Some may show signs of impotency with adults but not with children.

### Why Men Sexually Abuse Children

In the short time that they have been given serious study, theories on child sexual abuse have undergone many changes. Generally, though, theories have progressed from strictly medical or psychiatric models to include social and cultural factors. Some of the more common categories of theories are described here.

*Physio-chemical theories* suggest that biological factors may be a source of instability contributing to sexually abusive behaviour. Although they may have some merit, they are underdeveloped and controversial. Such an explanation can sometimes be taken as a justification for abusive behaviour, making attempts at prevention medically, ethically and legally complicated, if not impossible.

*Behavioral theories* have developed and changed over the years and now rely more heavily on cognitive theory. The main focus of these theories is that sexual attractions underlie the behaviour and these sexual attractions are learned via classical conditioning processes. However, experiments done in laboratory settings have not confirmed the association between deviant fantasies and deviant acts.

*Psychoanalytic perspectives* have generally focused on unresolved childhood trauma which may have produced such manifestations as hatred towards women, strong feelings of anger and fixated psychosexual development. More recently, psychoanalytic theory has been used to explain how the processes of male socialization, which emphasize the development of masculine qualities such as assertion and aggression over intimacy, may contribute to sexually abusive behaviour.

*Situational theories* view child sexual abuse mainly as an unplanned, circumstantial occurrence. They examine aspects of the victim's behaviour that may have contributed to the abuse and consider the circumstances of the offender at the time, such as the influence of alcohol or drugs. The danger of such theories is that they may contribute to blaming the victim and minimizing sexual abuse as a serious and pervasive social problem.

*Feminist analyses* have looked at the problem in broad socio-cultural terms. Sexual abuse is seen as a function of the inferior status of women and children and of predatory attitudes directed toward them by pornography and other media. Patriarchal social structure and patterns of male socialization are seen as the chief causes of child sexual abuse.

**Comprehensive Approaches.** An approach developed by Marshall and Barbaree (1984) attempts to integrate biological endowment, childhood experiences and the influence of the socio-cultural environment with both situational factors and the specific circumstances of the event. This theory unifies the wide range of factors that have been shown to contribute to some extent to the development of sexually abusive behaviour.

Finkelhor, too, offers a model which combines several individual theories and social/cultural factors that contribute to child sexual abuse. He believes that these four pre-conditions must be met for the abuse to occur.

**Motivation.** The sex offender must have some motivation to abuse a child sexually. There are three components to this motivation:

*Emotional congruence.* The offender may not see himself as different from the child. His immaturity and low self-esteem make it difficult for him to relate to adults and he may feel that he can get children to do what an adult wouldn't.

*Sexual arousal.* This generally refers to the physiological response of the offender. Early sexual experiences may have caused him to find children arousing.

*Blockage.* The offender is blocked in his ability to get his sexual and emotional needs met in adult relationships.

*Overcoming internal inhibitions.* Along with the motivation to abuse sexually, the offender must overcome his own internal inhibitions. Alcohol is frequently used as a disinhibitor, and he may rely on a number of social/cultural factors to rationalize his behaviour. Child pornography, weak criminal sanctions and the traditional power of the father may support the offender's view that he is not really doing anything wrong.

*Overcoming external inhibitions.* Once the offender is motivated and has overcome internal inhibitions he must then eliminate certain external forces before he commits the sexual abuse. The most important of these is the supervision of the child by other people. Abuse is more likely to occur in situations where access to the child is more readily and privately available, so offenders are very good at setting up situations that allow this access.

*Overcoming the child's resistance.* This is a very important part of the chain of events. The approaches used by the offender have already been discussed and obviously play a key role in the enticement and entrapment of the child. The other element is the vulnerability of the child already discussed at length in a previous section of the chapter. The offender is very good at picking and setting up his victims.

Finkelhor's model has gained wide acceptance among professionals in the assessment and treatment of offenders and victims, and it has provided this Commission with a useful framework for analyzing the problem of child sexual abuse in this Archdiocese. It may be concluded that elements of Finkelhor's model were present in the situations of abuse which occurred in the Archdiocese, such as the selection of victims, the use of alcohol and other elements of seduction.

### **Informed Consent**

The issue of *informed consent* relates directly to the issue of blaming the victim and is particularly pertinent to the cases in the Archdiocese. Under certain circumstances consent cannot actually (morally or legally) be given. The following excerpt is part of a report prepared, at the Commission's request, by Dr. Jocelyn Aubut, Chief of Psychiatry at Montreal's Institut Pinel. (The full report can be found in Volume Two.) Aubut examines the issue by posing questions used to test the validity of consent:

The relationship between a priest guiding the spiritual life of a child or adolescent can easily be understood as a fiduciary one. This is a social relationship in which one person accepts the trust and confidence of another to act in the latter's best interest.

It has been demonstrated ... that there are many types of sexual abuse and abusers. It would be too lengthy in the context of this paper to discuss the ethical problems for each and every one of them. Moreover, almost everyone will agree that the continuous and brutal sexual abuse of a child, using unnecessary physical constraint, is unethical. The child cannot be considered to give consent to this form of abuse.

The discussion will focus on the fixed abuser of the pseudo-affective type who uses persuasion with no unnecessary physical constraint and who tries to keep a guiding role with the child. In this type of sexual abuse, the first criterion of informed consent is, Does the abuser explain to the child the nature of the behaviour that is expected of him? The abuser will usually state explicitly what he wants from the child. The corollary, of course, is related to the age of the child. At what age is a child able to understand the real nature of a sexual contact? The law helps us here by stating that under 14 years of age, a child cannot give consent to any form of sexual activity. Do adolescents understand the nature of sexual activity? Most of them probably do but this has to be balanced by other factors: psychological maturity, prior sexual experience, prior abuse, parental and personal standards on sexuality, etc.

The second standard is, Does the child understand the purpose of the sexual activity that is demanded by the abuser? Sexuality may serve many purposes; physical, psychological even sociological dimensions are associated with it. The simple hedonistic sharing of pleasure, reproduction (continuation of the species), the sharing of love, the assertion of one sex over the other are just a few examples of different meanings that have been associated with sexual activity. For most adults, the meaning of their sexual activities changes over time. It takes a long time to integrate the different dimensions of sexuality. It is not something which is acquired and fixed with the legal age of adulthood.

Abusers have many ways to rationalize their actions. Many think that they are doing it for the child, to show him affection, to help him understand his own sexuality, to prevent him from "being abused" by someone else. Fixed abusers of the pseudo-affective type are especially prone to these types of cognitive distortions. In fact, it has been demonstrated that in the dynamics of this type of abuse, the child is

used either as a mirror or as a sustainer for the lowered self-esteem of the abuser. In the end, the purpose of the sexual act is not mutual pleasure nor love. Mutuality is most often excluded. What is proposed is an illusion of a relationship. If the child does not answer to the "scenario" of the abuser he will be dropped. The child thinks that the purpose of the act is love, or a way of making him feel special or important. In the end, he will usually learn that it is the other way around. He is being used to boost the abuser's failing ego. The psychological dimensions of the sexual activity were certainly not explained to him and he definitely did not have the background to grasp the different purposes involved in the sexual contact with the abuser.

The third standard is, Have the risks of the sexual contact been discussed with the child? In the case of fixed abusers of the pseudo-affective type there is usually little risk of physical harm or damage. There is always the risk of transmitting a venereal disease to the child, and this certainly is not discussed with the child. But, most importantly, the risk of psychological harm is not evoked. Moreover, the abuser will have a strong tendency to exaggerate the advantages by using a variety of rationalizations ("it is love", "it will make you less lonely", "you will be better prepared to face adult sexuality", etc). The effects of sexual abuse will be presented in another chapter. They are many: disturbances in sexual identity, mistrust of adults, hyper or hypo-sexuality, decline in school performance, etc. The fixed abuser of the pseudo-affective sub-type will usually try to keep the relationship going with the child as long as possible. He will witness some of the side effects of the abuse on the child. He will seldom have a tendency to blame himself for these disturbances in the child. He will have a strong tendency to blame the environment of the child ("the mother is not adequate for the child", "the school is no good", etc). The general message that comes across to the child from the abuser is that adults are generally bad for him. Instead of discussing the risks of the abuse with the child, the abuser will blame adults in general. The notion of "secrecy" is also quite relevant to this third criterion. By making the abuse a secret between him and the child, the abuser will not only avoid discussing the possible risks involved, but will also prevent the child from discussing the situation with other adults who could provide other information to the child or adolescent.

The fourth criterion is, Does the child know the benefits he will gain from engaging in the sexual contact with the abuser? ... On a superficial level, the abuser proposes love, affection, understanding, mutuality, making the child feel that he is a special person. On a

deeper level, the child is used as a mirror. He himself has to conform to the idealistic view the abuser has of him. As soon as he wants to differentiate himself from that image, he will be abandoned. Even if some child-abusers have some sort of caring for the child, it is a narcissistic caring and the fact remains that the child will come out of the experience with the strong feeling that he has been used, that he is worthless, that the relation was just an illusion.

The fifth criterion is quite important and is, Does the child have the choice to engage or not in the sexual contacts with the abuser? The question is easy to answer when we consider the fixed abusers of the dominant or sadistic type. This question is more delicate when we look at the abusers of the fixed pseudo-affective type. Most of these abusers will state that they have not forced the child; they did not exercise any physical coercion; the child came to them; he had been abused before, so he knew what was going to happen and he even wanted it and liked it. Many arguments can be used against this type of rationalization. First, the situation at hand is characterized by unequal power. The priest is the bearer of the Holy Truth and he has been mandated by God to lead his parishioners (adults and children). Priests are thus invested with authority and an aura of sanctity. By definition, they cannot lie; what they suggest to their parishioners is the truth. Their level of power over the child is two-fold: they are adults and they are mandated by God. Second, the priest has acquired special knowledge about the vulnerabilities of the child. Fixed abusers of the pseudo-affective type have known the child for a while before engaging in sexual activities. Finally, the argument that some children have been abused many times and therefore could easily get out of the situation can also be dismissed. Repeating or reliving a traumatic situation over and over is a well-known psychological phenomenon. It is seen in a variety of clinical situations. It is seen as a normal phenomenon in children who have been to the dentist and play dentist when they come back home. It is seen also as a normal phenomenon when people dream over and over again of a traumatic situation they have recently experienced (eg a car accident). It is seen as a less normal phenomenon in some women who have had alcoholic fathers and marry alcoholics. Putting oneself through a traumatic situation over and over again, whether in dream or in reality, is a way of trying to master the anxiety and sense of annihilation which was experienced at the time. Unfortunately, it becomes a self-defeating pattern when it is the only way a person deals with the trauma. Children who find themselves in repetitive situations of sexual abuse do not remain in it because they want it or like it. They do it usually because it is the only way they have found to deal with their abuse.

But more than anything, the fact that many children get involved in repetitive situations of abuse reflects clearly society's incapacity to protect them adequately.

In conclusion, the "consent" given by a child to an abuser can never be an informed one, even in the case of the less aggressive or less physically abusive type of abuser (fixed pseudo-affective). At least four out of the five criteria, using the fiduciary model, are not met: priests establish "fiduciary-type" relations with their parishioners and, as such, are supposed to take the best interest in the children under their care or supervision. This means that they must promote their growth and their autonomy, and accompany them into adulthood. By engaging in sexual activities with these children, priests are in a conflict of interest. Promoting growth and autonomy implies "losing" the children under their supervision. At the same time, they would be losing one of, if not their major, sources of sexual satisfaction and pseudo-affection.

Thus it simply is impossible to impute blame or responsibility to victims. As Court and Crime Compensation Commission records show, the victims in the Archdiocese were systematically conditioned and subtly deceived over an extended period by criminals whose calculating patience and cunning must not be underestimated. It is important, in the Commission's view, that this matter be clearly understood, especially in light of comments made by senior Church officials and others – in this and other dioceses – about the complicity of the victims. It is important for the victims. It is important for the whole community.

### Conclusion

It is apparent from the preceding analysis that the problem involves characteristics of both the individual offender and of our society in general, and it suggests that the abusive behaviour evolves over time as well as being a particular event or action having certain more specific characteristics and consequences.

The evidence available to the Commission indicates that the pattern of sexual assault by these offenders always involved boys of at least 12 years of age at the onset of contact sexual abuse, so there is no compelling evidence of classical pedophilia, which involves a preference for pre-pubescent males. Some of these men were sexually active with a number of adolescent male partners at any given time. They also appear to be homosexual. There is no recorded history in any of these offenders' priesthood years of sexual involvement with female partners.

The Commission does not intend to imply, however, that the sexual abuse of children is simply the consequence of homosexuality or homosexual behaviour. In fact, there is evidence that homosexual persons are, statistically, not the group

most likely to abuse children sexually. The specific abuses this Commission has investigated are, therefore, a statistical anomaly, since the abuses for which convictions have been handed down were committed by men who appear, on the evidence assembled, to have been engaging in homosexual behaviour by preference.

Although the Commission would like to have been able to draw further conclusions about the type of sex offender involved in local events, it is limited by the quantity and quality of the data available to it about the individuals implicated in the Archdiocese. In general terms, though, and based on a review of the literature, the evidence presented to the Commission supports the conclusion that the offenders in these cases were for the most part regressed homosexuals. Chapter Five will examine in detail how such men, placed in positions of priestly power and authority, with inadequate theological and psychological maturity, deteriorating peer support and inadequate opportunities for developing healthy and caring relationships, came to perpetrate sexual abuses and why they could continue the abuses for so long.

# **The Church in the Archdiocese**

## *Chapter Four*

## Chapter Four: The Church in the Archdiocese

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### Introduction

As indicated earlier in this Report, the particular pattern of child sexual abuse – an extensive and chronic problem in society generally – with which this Enquiry is concerned is distinguished by the fact that the offenders held a privileged place as priests and exploited their position and power to commit sexual assaults on adolescent boys. The special spiritual and social authority exercised by priests within the community was a factor in the commission of these crimes.

Thus two critical elements came together in the particular offences with which this Report is concerned: the societal problem of child sexual abuse discussed in the previous chapter, and the local organization and administration of the Church itself, which forms the subject of this chapter.

A knowledge of the nature and structure of the Roman Catholic Church in the Archdiocese is necessary not only to provide insight into the climate within which the abuse occurred but also to permit an understanding of other matters which the Commission was constituted to investigate: why and how these abuses could have continued for so long; how the institutional Church might deal with such an occurrence in the future; and how priests are selected and supported within the local church.

Throughout its investigation the Commission has heard repeatedly the assertion that weak organizational structures and poor management of the Church within the Archdiocese were major factors which contributed to the sexual abuse of children. This matter is directly examined in Chapter Five. From the outset, however, it became clear that many of those who spoke had very different perceptions of what the Church is and of how the institutional Church is organized and functions. Many also asked questions about the responsibilities of various offices, organizations and individuals, such as the Archbishop, the Canadian Conference of Catholic Bishops and the Pope himself. Some also expressed a particular need to know how priests are selected and trained, how they obtain pastoral assignments, and how authority is exercised by the Archbishop.

In many of its structural aspects the local Church in the Archdiocese is like any other diocese within the Roman Catholic Church. Some features, however, require special consideration in light of the occurrences which have given rise to this Commission. The remarks which follow thus combine general information about the Church with specific commentary on the Church in the Archdiocese.

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In addition to the general structure of the Church, as it is constituted in canon law, the Commission was urged to analyze the special social position and power of the priesthood within the local community and to look at the more specific cultural practices of the Church in Newfoundland over several generations.

What follows, therefore, is a double portrait: what canon law recommends for the Church and what the Commission has found the Church in the Archdiocese of St. John's actually to be. It describes how priests are chosen and trained, distinguishes among different orders and congregations of religious and lay people within the Church, and describes the various hierarchical structures and lines of communication and responsibility within the local Church.

### The People of God

The Roman Catholic Church throughout the world is governed by what is called the Code of Canon Law. Equally governed by the provisions of canon law are the local or *particular* churches in the 2,000 or so Roman Catholic dioceses around the world. Canon law regulates organization and discipline within each diocese, and defines the variety of relationships with other dioceses and with the Church universal.

The Code was last revised in 1983, almost 20 years after the close of the Second Vatican Council. That Council, the first in nearly a hundred years, was a meeting of approximately 2,300 bishops who debated the nature and mission of the Church for three months during each year between 1962 and 1965. What emerged from the Second Vatican Council was a radically different and renewed vision of what the Church is and does, with changes so deep and so profound that the 1983 revision of canon law was necessary in order to accommodate and implement that new vision. The Church's work, now, was to become the responsibility not just of the clergy, but of the laity too, with more lay involvement in the service and other areas of the Church. One of the most significant things the Council did was to initiate this shift away from thinking of the Church as the hierarchy to thinking of the Church as the "people of God", the Christian faithful.

In many ways Vatican II was an exploration of the powers of the "people of God" in communion with God and, therefore, with each other. The "people of God" as described by the Council includes both lay and ordained members, each with essential gifts to share. The documents of the Council speak sometimes of *powers*, but often the word used is *charisms* or gifts which, as Vatican II makes clear, are received by members of the church not from priests or bishops or popes but from the Holy Spirit directly through baptism.

Within the Council of Priests there have been attempts to establish meaningful patterns of delegation of function and authority. The Archdiocese has also established an extensive network of commissions and committees involving

with laity and clergy. Generally, however, the experience in all these bodies is one of deep frustration. Initiatives, the Commission is told, are chronically blocked by small, competing visions of Church, or by the incapacity of the Archbishop to facilitate, co-ordinate and sanction the efforts of these bodies or to follow through on commitments made to and through them.

The Commission has evidence that there is, among the people of God in the Archdiocese of St. John's, a growing sense of need to explore and take responsibility for what Vatican II has described as their powers or gifts. However, among the 25 years since Vatican II the crucial sense of "communion" has not been as it might throughout the Archdiocese.

While Vatican II made strides towards opening up the Church to all the baptized and redefining the relationship between priest and lay person, the transition has not always been easy for priests during this period. One recent Canadian report has commented that within the Church the

... theology of ministry is presently in transition because of two competing ecclesiologies. On the one hand, there is the "traditional" hierarchic model represented by the image of the shepherd (bishop and priests) and the flock (laity); on the other hand, there is the "people of God" model in which Baptism constitutes for all Christians a call to ministry. Since Vatican II, it is this latter model which has been most fruitful in the life of the Church.

As a result of this ecclesiological development, the identity of the priest is in transition. Many priests feel a great deal of personal insecurity in relation to their role, their function and their place in the Church and in the Christian community.

Priests are now considered more "one of us" than a caste separate from the rest of God's People. This vision has had a profound impact on their lifestyle. Unlike the majority of other Christians working in new ministries, priests don't have a marriage to sustain and a family to support. They have not yet found new structures to affirm them in a celibate lifestyle.<sup>13</sup>

#### 11. Church Hierarchy

The initial syllable of the word *hierarchy* can be misleading because it sounds like the English word *higher*. In fact, however, *hier* comes from a Greek word meaning *holy*. Members of the Christian faithful who are ordained (the clergy) are called bishops, priests or deacons. Their service to the rest of the people of God

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<sup>13</sup> Report of the Pastoral Commission on Sexual Ethics in the Diocese of Gatineau-Hull 1986, 18-19.

is through a ministry of teaching, sanctifying, and governing. Referring particularly to the role of the bishop, the Second Vatican Council pointed out:

As the laity through the divine choice have Christ as their brother, who, though Lord of all, came not to be served but to serve (cf Mt. 20:28), they also have as brothers those in the sacred ministry who by teaching, by sanctifying and by ruling with the authority of Christ so nourish the family of God that the new commandment of love may be fulfilled by all. (*Lumen Gentium* IV, 32)

To be an ordained member of the clergy, therefore, means that one carries three responsibilities related to "holy" things, namely teaching, sanctifying, and governing. The role of the clergy lies in helping the people of God to see, accept and be transformed by the holiness of Redemption. That is the essence of the services of teaching, sanctifying and the governing which clergy perform for the community of the people of God. Hierarchical authority is one of service. In the Second Vatican Council's vision of Church, the clergy's role is to serve the needs of the faithful in helping them, first, to recognize what is holy, and then to act out of that recognition in building the sacrament of unity which is the people of God. Speaking of his own hierarchical role, St. Augustine says:

When I am frightened by what I am to you, then I am consoled by what I am with you. To you I am the bishop, with you I am a christian. The first is an office, the second a grace; the first a danger, the second salvation.

Canon 207 (cf Canon 204) defines the relationship, within the people of God, between the laity and those in Holy Orders as follows:

By divine institution, among Christ's faithful there are in the Church sacred ministers, who in law are also called clerics; the others are called lay people.

and provides the following as the framework of their relationship:

#### Canon 212

§1 Christ's faithful, conscious of their own responsibility, are bound to show christian obedience to what the sacred Pastors, who represent Christ, declare as teachers of the faith and prescribe as rulers of the Church.

Thus, the laity are required to let the teachers teach where matters of "faith" are concerned, and to let the rulers rule in accordance with the provisions of the Code of Canon Law.

Bishops and priests perform services, therefore, within and for the people of God sacramentally united in the Church. These services are specified and there are structures set out in canon law according to which they are to be performed. Where these services are no longer recognised as constituting the real basis for an

exercise of power, or where the laws governing their exercise cease to be observed, the power loses its ground and becomes dangerous.

### **The Pope**

For Roman Catholics, the Pope is the personal instrument of unity among the members of the community which is the Church, and he is the highest authority within it. He exercises "supreme, full, immediate and universal ordinary power in the Church, which he can always freely exercise" (Canon 331). He is the Bishop of Rome, a bishop like all the other bishops in their dioceses. But he is also, for Roman Catholics, the principle of unity of the Church universal. In accordance with Canon 364, the Papal Pro-Nuncio represents the Holy See in a particular country.

Although other larger organizational levels exist between the level of the diocese and the Pope, the line of authority runs directly between the pope and an individual bishop. Only the Pope can appoint a bishop, and only the Pope can accept a bishop's resignation.

### **Conference of Bishops**

Throughout the Church universal there are Conferences of Bishops which are generally made up of all the bishops of a particular country. In their functioning, however, the independence of individual bishops is recognized. In Canada, the Roman Catholic bishops operate a national body known as the Canadian Conference of Catholic Bishops, the CCCB. All of Newfoundland's Roman Catholic bishops are members of the Canadian Conference.

Although the CCCB has no governing authority within individual dioceses, in certain cases it can issue general decrees for the whole Church in Canada, or collectively address the concerns of individual bishops by offering advice or guidance. For instance, in late 1987 the CCCB issued general guidelines and procedures which may be followed within a diocese in cases of child sexual abuse by a cleric. (See Appendix D for the CCCB guidelines.) These guidelines were not formally adopted by the CCCB; rather they were intended to offer procedural guidance to bishops who might encounter incidents of child sexual abuse in their dioceses. The guidelines were distributed to all Canadian bishops on December 1, 1987.

In its guidelines the CCCB stated that as a precautionary measure each diocese should appoint a diocesan-level team, composed of persons knowledgeable in law (including canon law) and in medicine, with the mandate to establish for the diocese a basic policy which should reflect existing civil, criminal and canon law. It was also suggested that each diocese should appoint one or more priests to investigate complaints; retain a lawyer to handle civil proceedings; build a

relationship with possible treatment centres; establish a relationship with the media; establish a contingency fund to cover possible liability, legal and medical expenses; and publish diocesan policies and procedures.

In the event that a complaint is lodged against a cleric, the CCCB proposed that local Church officials conduct an internal investigation using one or more designated priests. Concurrently, arrangements should be made to have the alleged victim interviewed by qualified treatment or counselling personnel, to have a lawyer appointed for the accused priest and to arrange a meeting with civil authorities. The CCCB suggested that during the internal investigation, the Bishop could give the accused priest an administrative leave and bar him from parish-related duties. Should the investigation support the accusation, the accused priest should be immediately assessed by appropriate medical/psychological personnel. Depending on the assessment outcome the Bishop could choose a number of canon law remedies. Should the complaint be verified, the diocese should continue its assistance to the victims and their families. The accused should not return to active ministry without having received therapy. A recommendation on appropriate duties should come from the diocesan-level team.

The CCCB guidelines state that throughout the process of dealing with a complaint, the Diocese should maintain a thorough, written record of all actions taken. The primary reason is to ensure that the canonical and civil rights of the accused cleric and the diocese are respected.

These guidelines were developed only to provide guidance to local bishops should they encounter complaints of sexual abuse involving the clergy. Each bishop in Canada is free to develop diocesan policies and procedures. In March 1990, and two and a half years after the CCCB guidelines were issued, the Archdiocese of St. John's drafted a policy and procedures for handling complaints of sexual abuse.

### Ecclesiastical Provinces

Within smaller geographical areas several bishops come together to form an Ecclesiastical Province, an organization also intended to help the bishops collaborate more effectively in their pastoral activities. As with Conferences, Provinces have no actual authority over member dioceses. All the dioceses on the island of Newfoundland - St. John's, Grand Falls and St. George's - form the Ecclesiastical Province of Newfoundland, while the Diocese of Labrador City-Schefferville is part of the large northern Province of Keewatin-Le Pas.

The senior diocese of an ecclesiastical province is an archdiocese, and is presided over by an archbishop, who is also called the metropolitan bishop. Although an archbishop may observe what is going on in the other dioceses within the Ecclesiastical Province (which are called suffragan dioceses), and may

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§1. Within the suffragan dioceses, the Metropolitan is competent:

1° to see that faith and ecclesiastical discipline are carefully observed and to notify the Roman Pontiff if there be any abuses;

2° for a reason approved beforehand by the Apostolic See, to conduct a canonical visitation if the suffragan Bishop has neglected it;

3° to appoint a diocesan Administrator in accordance with cann. 421, §2 and 25, §3.

2. Where circumstances require it, the Apostolic See can give the Metropolitan special functions and power, to be determined in particular law.

3. The metropolitan has no other power of governance over suffragan dioceses. He may, however, celebrate sacred functions in all churches as if he were a Bishop in his own diocese, provided, if it is the cathedral church, the diocesan Bishop has been previously notified.

report serious problems to the Pope, he has no governing power within any other diocese.

A local example of the sort of collaborative inter-diocesan work which may take place within an ecclesiastical province may be seen in the fact that the Catholic Education Council is chaired by the Archbishop with the other Newfoundland Bishops as co-chairmen. The educational system in the Archdiocese is a public school system funded on both capital and current account by the province, and operated by the various denominations. The Catholic Education Council is a statutory body which has specific administrative responsibilities within six areas: curriculum, educational policy, legislation, school boards, building grants, teacher recruitment and certification.

Neighbouring ecclesiastical provinces may also come together as an ecclesiastical region. For instance, all of the ecclesiastical provinces of Atlantic Canada form the Atlantic Conference of Catholic Bishops which is made up of twelve bishops – eleven from Atlantic Canada and one from Labrador.

### Historical Development of the Archdiocese

The Ecclesiastical Province of Newfoundland, and in particular the Archdiocese of St. John's, is today the product both of the hierarchical order outlined above and of the unique history by which it evolved here in British North America. Consequently the history of the Archdiocese is important for an understanding of the present situation in the local Church and of the conditions which prevailed at the time the sexual abuses took place. It is also felt by the Commission that this history offers a useful insight into how the present management style of the Church in the Archdiocese developed as it did.

The first priests to take up residence in Newfoundland were likely those who accompanied Lord Baltimore when he left Protestant England to establish a Roman Catholic colony in the New World at Ferryland in the 1620s, though this colony was disbanded within a few years. Later in the century, in 1657, Pope Alexander VII constituted the area known as New France as a Vicariate Apostolic. In 1674 New France became a diocese, with Newfoundland as a part of its territory. In those early years, Roman Catholic settlers were rare in Newfoundland, except at the French stronghold of Placentia during the late 1600s. By the middle of the 1700s a significant Irish immigration had begun, and the number of Roman Catholics in the colony began to increase. They were tolerated by the English Protestant majority only with severe curtailment of their civil and spiritual rights and without the legal right to public worship until 1784.

Nevertheless, in 1795 with sufficient numbers of Roman Catholics, Pope Clement XIV elevated the Prefecture of Newfoundland, with the approval of the English government, to a Vicariate, and the Prefect Apostolic, James O'Donel, was consecrated titular bishop, to become the first resident bishop on the island. In

1847, Pope Pius IX further elevated the Vicariate of Newfoundland to the status of a diocese. In 1856 the Diocese of Newfoundland was sub-divided, when the Diocese of Harbour Grace (moved to Grand Falls in 1964) was created, and again in 1870 when the western region of the island was made a Prefecture Apostolic.

While the first bishops in Newfoundland – O'Donel, Lambert and Scallan – were largely content with accepting the status given to them by the ruling Protestant establishment, Bishops Fleming and Mullock were much more vocal and effective in their attempts to obtain civil, political and economic rights for the Roman Catholic population of the Island. This was achieved through political as well as theological means, with the two bishops becoming active in various attempts to secure the island's autonomy from Britain.

As their political strength grew, the position and authority of Roman Catholics – both clerics and laity – grew also. Indeed, such was the power of the Roman Catholic populace in the mid and late 1800s that there were few elections or other political issues that did not take on a denominational or sectarian character. Such politicizing of religion resulted in many bitter incidents between Protestants and Roman Catholics during this period. By the latter half of the 1800s and into this century much of the secular authority and administration in Newfoundland had been settled along denominational lines – often the result of political compromise – with the rights of each group virtually enshrined in public practice. Whether education allocations, justices on the bench, distribution of relief funds, or the composition of the civil service – each had its denominational consideration, and each denomination had to have its measured share.

Throughout this same period and into the latter half of the century, the local Church was also involved in a continuing struggle with the Holy See over its status and independence. The Holy See had long insisted that the Newfoundland Church community be linked either to the Church in Quebec or in the Canadian Maritimes. But local Church leaders resisted strongly on a variety of grounds, citing practical and geographical considerations as well as matters of culture and history. Rome finally accepted the Newfoundland Church's position, but not until 1904 when Bishop Michael Howley became the first Archbishop of the Ecclesiastical Province, comprising by then three Newfoundland dioceses.

By the early part of this century, then, the Roman Catholic Church was a powerful and independent entity in Newfoundland society, answerable only to the Holy See, and politically secure. When the campaign for Confederation with Canada began in the late 1940s it is probably not surprising that the Church in the Archdiocese, led by Archbishop Edward P. Roche since 1917, actively condemned the notion of Confederation for a number of reasons. Not the least of these was the loss of autonomy and power it was feared would result. Archbishop Roche went to very considerable lengths to persuade the people of his Archdiocese, and even those of neighbouring Newfoundland dioceses, of the spiritual and moral dangers which Confederation would bring. The Archdiocesan

newspaper, the *Monitor*, became a strong public voice of anti-Confederate expressions by the local Church. As a consequence, the Confederation campaign took on some of the older sectarian characteristics. Even when the pro-Confederates won by a slim majority, the new Premier of the new province was careful to try to maintain the old denominational balance of power within his administration.

When Archbishop Roche died in 1950 he was succeeded by Archbishop Patrick Skinner. Archbishop Skinner continued in office until 1979, and was Archbishop during and after the period of the Second Vatican Council. During the fifteen years following the Council, Archbishop Skinner initiated a renewal in Church life and ministry which Vatican II had called for. He established the Communications Office and Catholic Information Centre, the Family Life Bureau (to complement the health care and community service work already provided by St. Clare's Mercy Hospital and St. Patrick's Mercy Home), the Liturgical Commission, the Senate of Priests (now called the Council of Priests), the Denominational Education Committee (subsequently renamed the Denominational Education Council), the Diocesan Pastoral Council, the Board of Administration, the Catholic Women's League and others.

The Commission has been told, however, that the renewal process of Vatican II did not really go very far beyond the structural level under Archbishop Skinner, perhaps partly because the 1970s saw a large exodus of men from the priesthood. The Commission is informed that parish priests were not adequately enabled to understand and implement the full message of renewal intended by Vatican II, though Sunday morning homilies and liturgy managed to include some of the new language used in the documents of Vatican II.

Thus when Archbishop Alphonsus Penney assumed office in 1979 he inherited an Archdiocese with the major service and administrative structures already in place, but without very much internalization of the Second Vatican Council's message of "Church as Sacrament and Communion" into the thinking and life of the Archdiocese. Under Archbishop Penney other commissions were established, including the Social Action Commission and the Faith Development Commission while existing commissions were renewed. There was also significant expansion in the number of parishes with parish pastoral councils until, at the present time, only two parishes are without a pastoral council.

Archbishop Penney inherited, too, the history of the Roman Catholic Church in Newfoundland, the legacy of an evolutionary process which moved from a position of weakness to a hard-fought position of strength, power and self-confidence. The Church had to battle for its position in Newfoundland society and politics, but when it won that position it had made sure it would be entrenched in the social and political order. The Church had also accumulated a long tradition of independence, one which seems to have welcomed isolation, always working towards independence from "foreign" control (even within the

Church) as it pushed for ecclesiastical separation from New France, political freedom from Britain, administrative independence from the Quebec and Maritime links Rome wanted, and rejection of the Canadian Confederation.

#### Canon 555

§1. Apart from the faculties lawfully given to him by particular law, the Vicar forane [the dean] has the duty and the right:

1° to promote and coordinate common pastoral action in the vicariate;

2° to see that the clerics of his district lead a life befitting their state, and discharge their obligations carefully;

3° to ensure that religious functions are celebrated according to the provisions of the sacred liturgy; that the elegance and neatness of the churches and sacred furnishings are properly maintained, particularly in regard to the celebration of the Eucharist and the custody of the blessed Sacrament; that the parish registers are correctly entered and duly safeguarded; that ecclesiastical goods are carefully administered; finally, that the parochial house is looked after with care.

§2. In the vicariate entrusted to him, the Vicar forane:

1° is to encourage the clergy, in accordance with the provisions of particular law, to attend at the prescribed time lectures and theological meetings or conferences, in accordance with can. 272 §2.

2° is to see to it that spiritual assistance is available to the priests of his district, and he is to show a particular solicitude for those who are in difficult circumstances or are troubled by problems.

§3. When he has come to know that parish priests of his district are seriously ill, the Vicar forane is to ensure that they do not lack spiritual and material help. When they die, he is to ensure that their funerals are worthily celebrated. Moreover, should any of them fall ill or die, he is to see to it that books, documents, sacred furnishings and other items belonging to the Church are not lost or removed.

§4. The Vicar forane is obliged to visit the parishes of his district in accordance with the arrangement made by the diocesan Bishop.

#### The Archdiocese of St. John's

Today the Archdiocese of St. John's has 44 parishes, with 23 parishes in the immediate St. John's metropolitan area and 21 parishes in rural areas of the Archdiocese. Its boundaries run along the coast of Fortune Bay and the Burin Peninsula, and include most of the Avalon Peninsula. The territorial area of the Archdiocese increased slightly in 1984 with the transfer of the parish at St. Bernard's from the Diocese of St. George's to the Archdiocese. At present there are approximately 60 active and retired priests in the Archdiocese, collectively called the Presbyterium.

Within the Archdiocese neighbouring parishes are joined together in deaneries presided over by a dean. The dean is a priest appointed by the Archbishop after consultation with the other priests in the deanery. The rights and duties of a dean are the promotion and coordination of general pastoral activity in his area, positive leadership of the clergy in matters of lifestyle and ministry, supervising liturgical functions, care of the churches and ecclesiastical records. Within the Archdiocese there are seven deaneries: Burin Peninsula, St. John's Centre, St. John's West, St. John's North, Southern Shore, Placentia, and Conception Bay.

**A Diocese and its Bishop.** In the diocese or archdiocese, the bishop holds the position of highest religious authority, over all priests, religious men and women and other members of the Church residing there. According to Canon 375 the bishop performs the three hierarchical functions noted earlier: teacher of doctrine, priest of worship and minister of government. He is concerned both with the spiritual welfare of all the people of God in the diocese (or archdiocese) and with the administration of the temporal affairs of that diocese.

As a minister of Church government in his diocese a bishop has not only executive power to apply the laws of the Church universal in the diocese either personally or through various vicars, but also legislative and judicial power. He personally exercises legislative power to make particular laws, such as the requirement that those planning marriage attend pre-marriage courses. As a judge he has authority, either personally or through a vicar, to suspend a priest from active ministry for various appropriate reasons.

Although the bishop exercises these powers within the Church, he must always act according to the "norm of law" as laid down in canon law. The bishop is also required to carry out his duties with a sensitivity to the higher competency of the Pope, and also to the legitimate role to be played by other individuals and groups within the diocesan church. As citizen, too, he must observe all the civil

and criminal laws of the country in which he resides. A bishop's power, therefore, is not unlimited nor can it be arbitrary,

for he is at the centre of a ministry of service within the particular church. Hence he is called to foster the conditions necessary for all believers to exercise their sacramentally grounded mission in the church and in the world. Accordingly he is to fulfil the various dimensions of his office constantly according to the norm of law. (Coriden *et al* 1985, 325)

Yet his position – for practical ecclesiastical purposes answerable only to the Pope – carries the potential for great power within the diocese. Canon 369 states that

A diocese is a portion of the people of God, which is entrusted to a Bishop to be nurtured by him, with the cooperation of the presbyterium, in such a way that, remaining close to its pastor and gathered by him through the Gospel and the Eucharist, in the Holy Spirit, it constitutes a particular Church. In this Church, the one, holy, catholic and apostolic Church of Christ truly exists and functions.

The diocesan bishop's relationships with the Presbyterium will vary depending on whether he is dealing with a diocesan priest or a priest from a religious community working in the diocese. In any event, they are all to collaborate in fostering the union of the faithful with Christ in the diocese.

A diocesan bishop, therefore, has all the ordinary, proper and immediate power required for the exercise of his pastoral office except for what might be reserved to the Pope or some other authority such as a national conference of bishops, like the CCCB (Canon 381). One commentator remarks:

The present Canon (381) reflects an ongoing tension in the constitutional life of the church: the bishop is to enjoy increased decisional discretion in the daily exercise of his office; yet, he is still situated within a hierarchical structure, which stretches both above and below him. (Coriden *et al* 1977, 325)

Administratively the Archdiocese of St. John's is structured in accordance with the model set out in canon law. Figure 4.1 shows the administrative structures within the Archdiocese of St. John's.

**Vicar General and Chancellor.** To assist him in administering the Archdiocese, the Archbishop appoints from among his priests a Vicar General and a Chancellor. The Vicar General represents the executive power of the Archbishop throughout the whole diocese and is, so to speak, the alter ego of the bishop. He must report his activities to the bishop, however, and is never to act contrary to the "mind of the bishop".

#### Canon 135

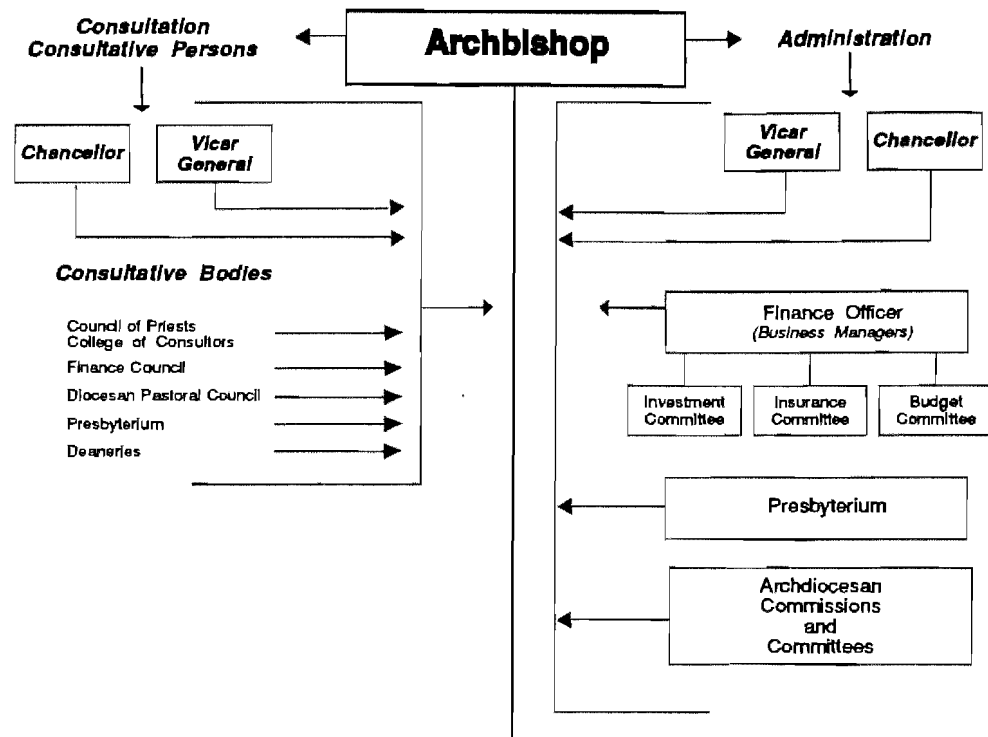
§1. The power of governance is divided into legislative, executive and judicial power.

§2. Legislative power is to be exercised in the manner prescribed by law; that which in the Church a legislator lower than the supreme authority has, cannot be delegated, unless the law explicitly provides otherwise. A lower legislator cannot validly make a law which is contrary to that of a higher legislator.

§3. Judicial power, which is possessed by judges and judicial colleges, is to be exercised in the manner prescribed by law, and cannot be delegated except for the performance of acts preparatory to some act of judgment.

§4. As far as the exercise of executive power is concerned, the provisions of the following canons are to be observed.

**Figure 4.1: Archdiocese of St. John's**  
(Administrative Structure)



Source: Chancellor, Archdiocese of St. John's

The Chancellor is primarily responsible for ensuring that the diocesan records are systematically kept in archives. The Chancellor is also the notary for the diocese, and may fill the role of secretary to the bishop.

**Finance Committee.** The Archbishop's administration of the temporal affairs of the Archdiocese is generally co-ordinated through the Roman Catholic Episcopal Corporation. In civil law the Archbishop is the Corporation sole. The Corporation fulfils a number of distinct management functions that are administered by a series of committees.

The Finance Committee, also known as the Board of Administration, is one of the key administrative bodies of the Archdiocese. It is established by the Archbishop in accordance with canon law. The Committee is composed of seven men and women from different professions appropriate to financial administration. Besides preparing an annual archdiocesan budget under the direction of the Archbishop, this Committee examines a year-end financial report and makes

recommendations concerning finances, loans and retirement funds. A finance officer administers the goods of the Archdiocese under the authority of the Archbishop in accordance with the budget set by the Finance Committee and reports to it at the end of each year.

To support the operations of the Finance Committee, an Archdiocesan Budget Committee was set up in the Archdiocese in 1974. Its membership is drawn from the Finance Committee and priests from each of the deaneries in the Archdiocese. Those nominated to the Budget Committee are confirmed in office by the Archbishop for one year. The duties of this Committee include preparing the annual Archdiocesan budget and recommending financial policy for the Archdiocese. These recommendations are taken to the Archdiocesan Finance Committee for discussion and advice. From there, the budget is taken to a special meeting of the Presbyterium at which a lay representative from each of the 44 parishes is present.

Two additional committees provide advice to the Finance Committee: an insurance committee monitors the amount of insurance on all Archdiocesan property; and an investment committee provides financial advice on the administration of the Archdiocesan investment portfolio.

**Consultors.** As shown in Figure 4.1, the College of Consultors plays a role in overseeing temporal matters in the Archdiocese. However, this is not its only function. It plays an important role in overseeing the general administration of the Archdiocese. The College is made up of at least six priests chosen from the Council of Priests and others as the Archbishop decides. Its functions include the election of the diocesan administrator when the diocese is, for some reason, without a bishop, approving loans above a certain limit, and giving consent to the sale of certain church property.

A Council of Priests has existed in the Archdiocese since 1966. This Council of Priests is composed of priests of the diocese, and is designed to assist the Archbishop in governing the diocese so that the pastoral welfare of all the people of the Church may be promoted effectively. Appropriately used, it should act as "the primary consultative body concerning diocesan governance".<sup>14</sup> Under its Constitution it meets monthly, produces an annual report and has a membership of nine priests, seven of whom are elected by members of the Presbyterium, and two members, the Vicar General and the Chancellor are *ex-officio*. Priests are elected to the Council for a five-year term, with possible re-election for a second term.

The Commission has been informed that, for the most part, the Presbyterium in the Archdiocese has little faith in the utility or effectiveness of this Council, that agendas rarely change, that issues are rarely resolved, and that effective

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<sup>14</sup> *Directory of the Pastoral Ministry of Bishops*, 1973, no. 303c.

decision-making cannot occur because the Archbishop has shown no effective capacity to listen to and take the advice of his brother priests on important matters. A serious consequence of the Archbishop's management of the Council is that many priests report themselves unwilling to let their names stand for election.

**Diocesan Pastoral Council.** The principal planning body for a diocese is its Diocesan Pastoral Council (DPC). In the Archdiocese a DPC was first established in 1970 to study and deliberate on pastoral matters and make practical suggestions for the whole diocese. It is intended, under canon law, to be responsible for determining the pastoral priorities of the Archdiocese. The present membership, which meets three times a year, is representative of the regions of the Archdiocese and is made up of priests, religious and lay people, the laity being in the majority. The Archbishop is President of the Council. The present Chairperson is a lay woman.

The Commission did not receive comment of any form from the Diocesan Pastoral Council. Despite invitations by letter and in person, the Commission's attempts to secure the insight and guidance of the DPC have failed.

**Committees and Commissions.** The Archdiocese has also established various committees and commissions to facilitate activities of the people of God both lay and ordained, and to help the administration of the Archdiocese. All such councils and committees are advisory.

As noted previously, it was under the administration of Archbishop Skinner that the majority of the Archdiocesan commissions were established to address a number of needs. The Family Life Commission, the Liturgical Commission, and the Communications Commission were thus in place before Archbishop Penney assumed office. But under Archbishop Penney other commissions were established. In 1990 there are about a dozen such commissions operating within the Archdiocese. Those which appear to have the highest profile include the Faith Development Commission, the Liturgical Commission, the Social Action Commission<sup>15</sup> and the Family Life Commission. Many were established in response to the vision of the Church proposed at the Second Vatican Council which reaffirmed the need for more participation by the people in the daily life and activity of the church community, and the need for the means of developing the faith and theology of lay leaders in the Church. The various missions of these organizations, as their constitutions make clear, are to provide resources upon which the Archdiocese and individual parishes may call to support the work of renewal, particularly in the areas of adult education, liturgy and social justice. Other such commissions include the Social Communications Commission, the

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<sup>15</sup> See Volume Two for the brief presented jointly by these three commissions.

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Vocations Commission, the Stewardship Commission, the Catholic Youth Commission, the Mission Commission, and the Ecumenical Commission.

Through its consultations, this Commission of Enquiry has seen significant dissatisfaction among some priests, Parish Pastoral Council Members, and the laity at large with some of the Archdiocesan commissions and committees. This is especially true for members of remote parishes who feel that, although they provide financial support to the Archdiocese, the Archdiocesan commissions do not provide them the needed services and resources.

There are also areas of bitter fundamental dispute about the role and operation of the commissions. Some charge that certain of the commissions act without regard to the views of the Archdiocesan community as a whole. Others charge that only one model of Church dominates the work of the more visible commissions. Still others argue that the commissions act with impunity, since Archbishop Penney refuses to impose any restrictions on their actions or on the actions of certain executive directors, Religious women who have held office for many years. This latter concern is compounded by the view, expressed by a significant minority, that there is a "radical feminist" agenda driving the leadership of certain of the commissions which, some allege, poses a threat to the integrity of Church teaching, and to lines of authority and responsibility within the Church.

The commissions are, therefore, the subject of much comment. It is not within the mandate of this Commission of Enquiry to adjudicate the strength or weakness of any of these charges. However, the extent of the animosity and dissention generated with respect to these groups is an index, in the view of this Commission, of the poor communication and generally low emotional and spiritual health of the Archdiocese.

While parties on both sides of these disputes frankly acknowledged shortcomings during their separate meetings with this Commission, the long-standing practice of carrying on what are sometimes very acrimonious disputes behind each others' backs instead of within structured debate stood out as the most destructive feature of this behaviour. The failure to exercise firm authority, and to require that suspicions and disagreements be faced directly and responsibly within an appropriately designed forum, has, in the view of this Commission, done very great harm to the Christian character of life in the Archdiocese.

There are also certain special ad hoc and issue-specific committees. For instance, in addition to appointing this Special Commission of Enquiry, the Archbishop has also established committees to deal with different aspects of the child sexual abuse crisis. They are the Interdisciplinary Committee on Sexual Abuse and the Archdiocesan Committee on Child Sexual Abuse.

The Interdisciplinary Committee was established in 1988 with the mandate to handle complaints of sexual abuse made against members of the clergy and lay employees of the Archdiocese. The Archbishop attends all meetings of this

committee, although he is not a member of it. The Committee is also responsible for developing an Archdiocesan policy for handling complaints of sexual abuse against clergy and against lay employees of the Archdiocese. In March 1990<sup>16</sup> the Committee provided the Commission with a statement of the Archdiocesan policies and procedures for handling allegations of sexual abuse. The application of the Archdiocesan policy requires that an internal enquiry will commence with the receipt of a complaint that either a priest or a lay employee is sexually abusing either an adult or a child under the age of sixteen. Once the complaint is received, the Interdisciplinary Committee is responsible for overseeing the enquiry. The Committee's chairperson, the Vicar General or his designate, is directly responsible for investigating all complaints and for reporting his findings to the Committee and ultimately to the Archbishop.

In the event there is an admission of guilt by the accused offender, the procedures require the Archbishop to suspend the accused and, where appropriate, the Archbishop will advise civil authorities. In the event there is denial of guilt by the accused, the Vicar General will conduct an investigation. The current policy outlines separate procedures for dealing with complaints involving the sexual abuse of adults and the sexual abuse of children under the age of sixteen.

In the event the complainant is over the age of sixteen, the Vicar General will meet with the complainant. He will advise the complainant of his or her rights under civil law; of the counselling services that are available within the community; and that the Archdiocese will investigate the complaint. The Vicar General will also meet with the accused and will advise him of his rights under civil, criminal and canon law. The Vicar General will determine whether the complaint has any validity. Following these initial interviews the Vicar General will report to the Committee and the Committee will prepare recommendations on appropriate action for the Archbishop.

In the event the complainant is under the age of sixteen, the policy states that "the priest receiving the complaint" will follow the *Child Welfare Act* (1972) by reporting the complaint to the appropriate civil authority. Concurrently, the priest receiving the complaint will contact the Vicar General. The Vicar General will then advise the Archbishop that a complaint has been received. The Vicar General will interview the accused advising him of his rights under civil, criminal and canon law. The Vicar General will also advise the accused that recommendations on remedies (eg suspension of pastoral duties) available to the Archbishop will be made. Neither the complainants nor their parents are to be interviewed.

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<sup>16</sup> The Commission was advised on May 14th, 1990 that the Interdisciplinary Committee had revised the policy and procedures for handling complaints of sexual abuse. The Commission was unable to complete an analysis of the revised document.

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The Archdiocesan Committee on Child Sexual Abuse (ACCSA) was established in May 1989, with funding for only one year, to ensure that adequate and appropriate services are put in place for the victims and their families. In September 1989 ACCSA hired a full-time counsellor with the mandate to identify needs of victims and families and to co-ordinate the Archdiocesan response. At the outset this was achieved by making various church organizations, parishes and the general public aware of its existence. When the Commission met with representatives of ACCSA in late 1989, the response to its services had been minimal, which reflects two realities. First, the passage of time between the start of the crisis in the Archdiocese in late 1987 and the establishment of ACCSA in 1989 meant that many of the victims had already sought counselling from established agencies; and second, victims were apprehensive about having anything to do with a Church-sponsored counselling service.

It became apparent to ACCSA that in addition to providing the victims with the opportunity to receive confidential assistance, it should also develop credibility within the Church community and the community at large if needs were to be addressed. ACCSA recognized that credibility could only be earned, over time, through community-based development work. This work clearly is important and will probably need to be supported by the Archdiocese for some time.

**The Priest and the Parish.** Diocesan clergy do not take vows as members of religious orders do. All clergy, however, are bound by a special obligation to show reverence and obedience to the Pope and to their own bishop (Canon 273). The obedience that a diocesan cleric owes his bishop is called "canonical obedience" to distinguish it from religious obedience owed to a religious superior and grounded in a vow.

The Sacrament of Holy Orders provides the grounds for the exercise of ministerial priestly service within the Church (Canon 129 §1). The Code of Canon Law, particularly in Canons 232-297, provides the structure for the legitimate exercise of those powers. Any action which exceeds, violates or contradicts the Code compromises the whole Church community. It is critically important, therefore, when confronted with evidence of any significant abuse of priestly ministry and power, to assess the selection, preparation, and continuing suitability of priests who exercise that ministry and those powers.

The Code of Canon Law specifically requires (Canon 537) that each parish must have a functioning finance committee. While canon law does not actually require the operation of a parish pastoral council, it nonetheless provides for the establishment of such a body in all parishes. Some local parishes, however, either continue to lack parish councils or, in certain of the parishes where they have been established, they remain ineffectual. There are frequent reports of poor co-operation between parish priests and parish pastoral councils. The Diocesan Pastoral Council, the body which is recommended under canon law (Canons 511-

514) to act as the senior planning body for the Archdiocese as a whole, appears not to exercise any effective pastoral role. Among those who spoke several raised concerns over the authority exercised within the parishes:

The failure of many pastors to follow the directives of Vatican II and form a parish council responsible for the operation of the parish resulted in too much power being held by the priest. This was particularly evident in the control over parish monies. (Volume Two, C24-25)

The parish priest's ministry is regularly and formally (Canon 519) described by the Code as having the three elements which characterize the service of clergy, "teaching, sanctifying and ruling the people of God". The Second Vatican Council's reaffirmation of these functions as central to the vision of the Church as a sacrament of unity of the people of God has been noted above. The powers which bishops and priests exercise are linked, in canon law, to their provision of these services within and for the people of God. (See Canons 255, 375, 386-391.) The work of the parish priest is set out in Canon 519:

The parish priest is the proper pastor of the parish entrusted to him. He exercises the pastoral care of the community entrusted to him under the authority of the diocesan Bishop, whose ministry of Christ he is called to share, so that for this community he may carry out the offices of teaching, sanctifying and ruling with the cooperation of other priests or deacons and with the assistance of lay members of Christ's faithful, in accordance with the law.

A parish is a specific community of Christian faithful established on a stable basis within a particular church with a priest assigned to it under the authority of the bishop. Central to the notion of parish as a community of the christian faithful is the concept of communion noted above. The Second Vatican Council and the Code of Canon Law stress the relational aspect of the Church rather than the institutional. Just as the diocese is described as "a portion of the people of God", so a parish is a community of persons. Once legitimately set up, a parish is a legal entity in the Church and therefore is the subject of rights and obligations. A priest participates in the ministry of the bishop and therefore his primary role is to teach, sanctify and govern. The parish priest is the spiritual head of the parish and it is his duty to unite the individual faithful in a community founded in and for Christ.

A parish may be served by a diocesan priest or a religious priest. The pastor is required by canon law to be a priest, have sound doctrine and integrity of morals, be endowed with zeal for souls and other virtues, and "possess those qualities which ... are required for the care of the parish in question" (Canon 521). The bishop may name a pastor for a specific term or period of time: "In all juridical matters, the parish priest acts in the person of the parish, in accordance

with the law. He is to ensure that the parish goods are administered in accordance with cann. 1281-1288" (Canon 532).

There are other priests as well, members of religious orders or congregations, who do parish work in the Archdiocese. Usually members of religious orders live and work communally, whereas diocesan priests usually work alone in their parish without the close network of support available to Religious. The Redemptorist Fathers serve St. Teresa's Parish in St. John's; the Capuchins serve at Mary Queen of the World Parish; and the Jesuits teach and minister to St. Pius X Parish and have lately accepted parish duties in Ferryland-Cape Broyle and in St. Thomas of Villanova Parish.

Also active within some parishes of the Archdiocese are one congregation of lay religious men and three of lay religious women. Members of lay Religious Congregations are not ordained. The Congregation of Christian Brothers has been primarily involved in teaching, in community work, and administering Mount Cashel Orphanage from its establishment in the late nineteenth century until its recent closure. The Congregation of the Presentation of the Blessed Virgin Mary and the Congregation of the Sisters of Mercy have been involved in Roman Catholic education in the Archdiocese since the mid-nineteenth century. The Sisters of Mercy have also played a significant role in developing and delivering hospital services in the Archdiocese, and are currently responsible for overseeing the operations of St. Clare's Mercy Hospital and St. Patrick's Mercy Home in St. John's. Most recently a third congregation of religious women, Les Recluses Missionnaires, was established in the Archdiocese.

For most lay persons the priest provides the normal personal contact they have with the church hierarchy. He informs the people of the Church's teachings, interprets the rules of the Church, and dispenses moral and spiritual guidance to his parishioners. As the front-line representative of the Church, often working alone in the parish, a priest carries considerable responsibility and exercises significant personal power. However, as has been noted, the position of the priest in the parish, the diocese, and within the whole Church has been undergoing change in recent years, especially since Vatican II.

*Parish Councils and Finance Committees.* Parish Pastoral Councils have been formed in most parishes of the Archdiocese and all have finance committees in place. As noted previously, Canon 537 states that all parishes should have their own finance committee to "help the parish priest in the administration of the goods of the parish". The general activities of parish finance committees are set out in Archdiocesan guidelines (see Appendix E). The parish priest remains responsible, under canon law, for the operation of the parish, and pastoral councils work in conjunction with the parish priest. The model for the operation of the councils at the parish level is similar in some respects to the operation of

the Archdiocesan Finance Committee, with members who are generally knowledgeable in legal and financial matters.

The Commission received allegations that financial irregularities had occurred in several parishes in which two of the convicted priests were pastors. It was alleged that because of the financial control system used by the Archdiocese, the convicted priests had been able to use parish funds to support their deviant sexual lifestyle.

To address these allegations the Commission examined the records of certain parishes to determine whether effective financial control and accounting systems existed in those parishes at the time that the convicted priests were assigned. The Commission also wanted to determine whether proper authorization existed for the expenditures of parish funds and whether funds were spent in accordance with the authorization. (See Volume Two for a summary of the conclusions and recommendations made to the Commission.)

The Archdiocese's basic policy was formally outlined in the *Guidelines for Parish Finance Committees* and approved in June 1986. Before that date there were no formal guidelines, but Archdiocesan-level approvals were required for capital projects over a certain amount and for borrowing funds. The *Guidelines* state that the parish priest has the responsibility under canon law for the administration of parish finances and the authority to issue parish cheques under his signature should he choose not to have a second signing officer. For capital projects at the parish-level, such as the construction, extension or renovation of buildings, the parish finance committee and the Archbishop must give approval if the cost exceeds \$7,500.

The parish finance committee should prepare an annual budget and should meet at least after each fiscal quarter to compare actual revenues and expenditures against the forecasts made in the parish budget. The parish finance committee is required to present quarterly reports to the parish priest and to the parish council. All anticipated capital expenditures over \$7,500 and requests for bank loans must be presented to and dealt with by motion of the parish finance committee and the parish council before being presented to the Archdiocesan Finance Committee. All other expenditures of a parish must be made in accordance with the approved budget.

The Commission's review of the financial affairs of the Parishes of Pouch Cove-Flatrock, Portugal Cove and Ferryland-Cape Broyle revealed that effective financial controls and accounting systems did not exist during the periods examined. Complete records were not available. Only at Ferryland-Cape Broyle were supporting records available, such as bank statements, paid cheques, some payroll support records and incomplete supplier invoices. The records and information provided to the Commission show that there was lack of control over revenues and that bank deposits were not made regularly in some parishes. Expenditures were under the complete control of one person, the parish priest,

and were not subject to detailed review either at the parish or at the Archdiocesan level. From the records, supporting documentation and information available to us, it would appear that complete support documentation for expenditures was not maintained in an orderly fashion.

In the Parishes of Ferryland-Cape Broyle during the period examined by the Commission, the Archdiocese had issued guidelines for the operation of parish finance committees. These Parishes had Finance Committees at the time, but the *Guidelines for Parish Finance Committees* were not applied. Approvals were not obtained, as required, for certain projects which exceeded the \$7,500 ceiling established by the Archdiocese. In the Commission's opinion, during the period in which James Hickey was parish priest in the Parishes of Ferryland-Cape Broyle, parish finances were not managed in accordance with the financial guidelines established by the Archdiocese.

In Ferryland Parish the Commission notes that one project undertaken while James Hickey was parish priest involved expenditures of approximately \$35,000 which were made without the appropriate approval. Another project with expenditures of approximately \$102,000 was completed, even though approval was only granted for expenditures of \$30,000. Also while Hickey was parish priest there was an expenditure of \$10,722 in Cape Broyle Parish which did not have the appropriate approval. As supporting records were either not available or incomplete, the Commission could not be certain whether all funds were spent appropriately.

Aside from the aforementioned capital projects, the Commission uncovered an irregularity involving the payment of unemployment premiums on behalf of an individual by the Parishes of Ferryland-Cape Broyle. Apparently the individual in question was a friend of James Hickey who lived for a period at the presbytery in Ferryland. The parish records show the parish remitted unemployment insurance premiums and issued a T4 form<sup>17</sup> to this person without actually paying any monies to him for services rendered to the parish. The Commission is concerned about this incident.

In two other parishes examined by the Commission, Pouch Cove-Flatrock and Portugal Cove, the periods examined ended on July 16, 1986. Because the Archdiocesan *Guidelines for Parish Finance Committees* were only approved by the Council of Priests on June 11, 1986, the *Guidelines* were not considered applicable to our review. In these two Parishes, capital projects over \$7,500 and bank loans, which came to our attention, were approved at the Archdiocesan level. From the information that was available to the Commission, it would appear that during the period reviewed the finances of the Parishes of Pouch Cove-Flatrock and Portugal Cove, were managed in accordance with the requirements of the time.

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<sup>17</sup> A T4 form is a record of employment earnings issued by an employer for income tax purposes.

Canon 521

*§1. To be validly appointed a parish priest, one must be in the sacred order of priesthood.*

*§2. He is also to be outstanding in sound doctrine and uprightness of character, endowed with zeal for souls and other virtues, and possessed of those qualities which by universal or particular law are required for the care of the parish in question.*

*§3. In order that one be appointed to the office of parish priest, his suitability must be clearly established, in a manner determined by the diocesan Bishop, even by examination.*

## **The Formation of Priests for Parish Work**

There is concern over the appropriateness of traditional priestly formation, both past and present, as preparation for parish ministry. The question has been posed whether a traditional semi-monastic model of seminary training is any longer appropriate for the formation of persons who will spend their lives in parish priestly ministry. The Commission conducted a general review of present and past Archdiocesan practices with respect to seminarians and to seminary formation.

Some older priests told the Commission that the pattern of selection for the priesthood under the previous Archbishop, Archbishop Skinner, and his immediate predecessor was very simple. A man considering the priesthood would approach his local parish priest or the Archbishop's office directly. A personal statement affirming a sense of vocation, together with a testimonial from the candidate's parish priest was generally all that was required if there was no impediment or condition which might bar or delay his entry into a seminary. There was very little formal screening done at the Archdiocesan level, and a great deal of reliance was placed on the judgement of the parish priests who, in previous times, could be expected to have had a reasonable familiarity with those in their parishes.

In the past, many of the candidates for the Archdiocese of St. John's entered All Hallows Seminary in Dublin, Ireland as there had been a close traditional link with this seminary. Other candidates were sent to mainland Canadian seminaries, either to the former Holy Heart Seminary in Halifax, or to St. Paul's in Ottawa, St. Peter's in London, Ontario, or St. Augustine's in Toronto.

Within the seminary little attention was paid to matters of secular daily life or to preparing to live out their faith as priests in a community. Once out of the seminary a kind of mentoring or apprenticeship was the traditional way in which recently ordained priests established themselves in their profession and found ways to live out the responsibilities and obligations of their ministry, especially the obligation for celibacy. Concern was expressed about the adequacy of the curriculum, past and present, in preparing seminarians for the financial, the administrative and the social responsibilities they carry as part of their parish pastoral ministry.

In some respects present practice is different, but in others it is relatively unchanged. One senior priest with broad experience nationally and internationally spoke with concern that, in some cases, men were turning to the priesthood for the wrong reasons. A hostile, cold world was forcing some to look to the seminary as a "nesting" place. Seminary Rectors with whom the Commission spoke on this issue expressed keen awareness of this phenomenon, and described in detail the admission and promotion programmes in place to prevent the seminary being used as a refuge from the pressures of the world.

## Canon 233

§1. *It is the duty of the whole christian community to foster vocations so that the needs of the sacred ministry are sufficiently met in the entire Church. In particular, this duty binds christian families, educators and, in a special way, priests, especially parish priests. Diocesan Bishops, who must show the greatest concern to promote vocations, are to instruct the people entrusted to them on the importance of the sacred ministry and the need for ministers in the Church. They are to encourage and support initiatives to promote vocations, especially movements established for this purpose.*

§2. *Moreover, priests and especially diocesan Bishops are to be solicitous that men of more mature years who believe they are called to the sacred ministries are prudently assisted by word and deed and are duly prepared.*

During questioning before the Commission, the Archbishop was asked about the selection process currently in place within the Archdiocese. He described the role of the Vocation Director as pivotal in securing necessary background information on candidates. When asked about the criteria used in discerning the presence of a vocation, the Archbishop said that while he regards the candidate's personal sense of calling as very significant evidence and not lightly dismissed, the discernment process must also include the kinds of tests provided by the pre-seminary psychological assessment. The Archbishop also stated that they must also include an assessment of the candidate's maturity, his capacity to find employment, and his experience with some sort of pastoral ministry.

There are currently four men in seminary formation for the Archdiocese. It may be significant that five men from the Archdiocese are also in formation for the Eastern Canadian Province of the Redemptorist Order. There are only nine in total in training for the Redemptorists at the moment, so the five Newfoundlanders constitute a majority. Even allowing for personal preference for an order rather than a diocesan ministry, and allowing, too, for the particularly effective ministry offered by the Redemptorists, the number of men who have chosen not to enter formation for the Archdiocese strikes the Commission as noteworthy. A partial explanation for this apparently disproportionate distribution may be that there seem to be very few facilities in place to welcome and encourage Archdiocesan seminarians.

As noted previously, there is a Vocations Commission but, in effect, the work falls to one already very busy parish priest who can at best devote only part of his time to the job of Vocation Director. This arrangement leads to frustration for those seeking guidance in considering the ministerial priesthood as their life work. Appointments for interviews are difficult to arrange; candidates are given vague directions on what course of studies to follow; appointments with the Archbishop are rare or impossible to arrange; the candidate's own faith in the reliability of screening and psychological testing is compromised.

In the Commission's view the Archdiocese has not, for some time, maintained a credible "vocations programme" aimed at recruiting and welcoming new members of the ministerial priesthood or at supporting those whose vocations lead into other lay ministries. The lack of a programme affects more than just the seminarians themselves but the community as a whole. The Community sees no effort being made to sustain or renew one of its key institutions. Already struggling to meet, and grow within, the pluralist secular world which often puts little stock in their Christian values, some among the laity see this lack of credible effort to sustain vocations as another indication of the Archdiocese's own failure of nerve, of hope and of faith in the validity of its own work. The presbyterium, too, appears to share in the demoralization that flows from ignoring the future.

Canon 241 requires that

The diocesan Bishop is to admit to the major seminary only those whose human, moral, spiritual and intellectual gifts, as well as physical and psychological health and right intention, show that they are capable of dedicating themselves permanently to the sacred ministries.

The Archdiocese of St. John's operates a screening process administered by a professional psychologist whom the Commission interviewed, and who confirmed the information provided by the seminaries. In addition to these diocesan screening processes, the seminaries have a similar full range of admission and pre-admission criteria and test procedures which must be met. The seminary administrations take pains to avoid admitting any applicant, heterosexual or homosexual, who is not in peaceful possession of his sexuality, and who is not prepared to sustain the mature commitment to chastity required of all Christians including those in the ministerial priesthood.

At St. Paul's, the Seminary now most frequently used by this Archdiocese, all candidates must be interviewed by an admissions panel on which there is a woman and a trained psychologist. It was frequently emphasized, however, by all involved that, while psychological testing is essential for many reasons, it is not a reliable predictor for the kind of psycho-sexual deviance with which the Commission is concerned. It was also stressed that those determined to manipulate and dodge the system can unfortunately do so, despite these screens. Many stressed the importance of having women as members of screening committees and of seminary faculties, and spoke strongly of the need for evidence from the candidate's local community of prior involvement in parish activity.

The Commission was struck to find that local parishes play no effective role in determining the admission of candidates to the seminary. One intervenor reminded the Commission that the ordination service itself asserts that the ordination proceeds, "After inquiry among the people of God he has been found worthy". No effective part is played by the laity in the selection or support of the candidates. This is seen by most seminarians as unfortunate, not only because it denies them access to the wisdom of the community with respect to their own talents, but also because it compromises their own personal integration into the community when they return, since they are seen too often as outsiders.

Within the seminaries, prospective priests receive training in a variety of theological and secular areas in accordance with Canon 234 §2 which states

... young men who aspire to the priesthood are to receive that same human and scientific formation which prepares their peers in their region for higher studies.

The Archdiocesan seminarians and their teachers reported that some material dealing with sexual matters, including theological, moral, dogmatic, pastoral, psychological, anthropological and clinical issues, is presented in seminary studies.

However, it is felt by some not to be an adequately developed component of the curriculum considering their needs to prepare both for personal commitment to life-long celibate chastity, and also for parish pastoral ministry.

The Commission was struck to discover the relative lack of a developed theology of sexuality available as a basis for exploration, discussion and teaching within the seminaries. Despite some valuable tentative work in the field by various scholars, including some Canadians, there does not appear to be available any very fully elaborated theology of sexuality which takes account of the insights deriving either from modern biblical and theological scholarship or from the human sciences of the last Century or so, as appear to be actually required under Canon 234 §2. (cf Canons 248 and 251)

There are urgent questions about sexuality being asked by Roman Catholics today as the full complexity of human experience unfolds within an increasingly pluralist society. Parish priests therefore can expect to be increasingly pressed by their parishioners for help to work through these questions in the light of their faith. The lack of a developed theology of sexuality may also affect the degree of understanding and commitment to the Roman Catholic Church's requirement of priestly celibacy.

Canon 247 requires that:

§1 By appropriate instruction they [seminarians] are to be prepared to observe celibacy and to learn to hold it in honour as a special gift of God.

§2 The students are to be given all the requisite knowledge concerning the duties and burdens which are proper to the sacred ministers of the Church, concealing nothing of the difficulties of the priestly life.

However, the pressures on priestly life have also changed over the years. As the *Report of the Pastoral Commission on Sexual Ethics in the Diocese of Gatineau-Hull* puts it:

Even in seminaries ... the style of life, the exercise of personal responsibility, contacts with the outside, the presence of women in spiritual formation, and other similar factors have created an atmosphere which is very different from that of the past. This context is more positive from the point of view of normal human contacts and favours personal and sexual maturity. (20)

It appears, however, that there was a period during the late 1970s and early 1980s when some seminary students came into contact with those espousing and practising what is generally known as a gay (homosexual) lifestyle. This may have caused some confusion for some seminarians in formation at the time, especially as it occurred while the parishes were changing their old and familiar geographic and social boundaries because of the increasing mobility in the society. It

coincided, as well, with the decision of many talented, well educated priests to return to the lay state. It coincided, finally, with cultural interruptions in the transmission of family values which have taken place over the last three decades. The publication of the encyclical *Humanae Vitae* in 1968 also appears to have had a profound impact on the Roman Catholic community. *Humanae Vitae* appears to have set doctrinal concerns in tension with pastoral concerns. Many among both the clergy and the laity felt deeply compromised. The result was that commitment to the Church's moral teaching in this area diminished significantly.

To what extent this has affected experience within the Archdiocese of St. John's is very difficult to determine. It is clear, however, that there is within the Presbyterium a marked lack of mutual confidence in the faithfulness of all members to their promise of celibacy and to chastity. This lack of mutual trust has, in the Commission's view, created a serious impediment to the collegiality necessary to the work of the presbyterium.

The Commission was told that a kind of "mentoring" or apprenticeship is the traditional way in which seminarians and recently ordained priests in this Archdiocese establish themselves in their profession and find ways to live out the responsibilities and obligations of their ministry, and in particular the special obligation to priestly celibate chastity. Learning by the experience of those who go before is valuable only if their experience is relevant, however. In the current situation of the Church in this Archdiocese this apprenticeship approach may be dangerous. An older parish priest may no longer be a reliable guide because the needs and experiences of the parish have changed so dramatically. This is especially true in the context of sexual awareness and preparedness for a life of celibate chastity within a society whose sexual values are so volatile.

The Commission is concerned that the traditional seminary preparation for parish priests may be inappropriate to the emerging needs of the Christian community in the Archdiocese. The difficulties which graduates of such institutions have in accommodating to, fostering and meeting the expectations of the people of God within some kind of parish setting can not be ignored, and is indeed specifically required under Canon 255:

Although the whole formation of students in the seminary has a pastoral purpose, a specifically pastoral formation is also to be provided there; in this the students are to learn the principles and techniques which, according to the needs of place and time, are relevant to the ministry of teaching, sanctifying and ruling the people of God.

It is likely, therefore, that the Archdiocese will need to consider some options for priestly recruitment, formation and continuing education.

### **Present and Future Trends**

As the number of priests continues to diminish certain questions invite attention: Where does the priest and priestly ministry fit within the diversity of ministries of the people of God? How does this specific ministry harmonize with other services required for the life and growth of the people of God? How can the Church meet the expectations of the baptized? Is there a place for a ministry of married priests within the Roman Church? Is the ordination of women a valid and valuable development of the ordained ministry of the Church?

The Commission heard many calls for, and no opposition to, the notion of a married clergy as an option for those who find that they have not received what canon law refers to as the "gift" of celibacy, and who find celibacy of no value to their priestly ministry. This position was put not only by those few who felt that priestly celibacy was, itself, a contributing factor to the incidence of child sexual abuse by some members of the clergy, but also by those who recognized that statistical and demographic evidence shows celibacy is not a significant contributing factor in such abuse.

The Presbyterium, while not unanimously clamouring for a change in the Church's discipline on celibacy, was nonetheless very strongly in favour of such a change, not merely for reasons of personal growth, but also to serve the priestly teaching ministry. It is hard to spread the Gospel within a society which sees male priestly celibacy, politically, as a further rejection by the Church of feminine experience and influence.

In order to address the former three of the questions cited above the Archbishop recently established three committees charged with examining and advising on Archdiocesan renewal, personnel, and structures. The latter committee has studied the options for ministry within the Archdiocese in the light of projections provided by CARA, the U.S.-based Centre for Applied Research in the Apostolate. These studies suggested that, optimistically, the Archdiocese can hope to have only 56 priests by the year 2001 of whom 16 will be over the age of 65. The pessimistic figure suggests that the Archdiocese will have just 37 priests of whom 16 will be over the age of 65.

In 1988 the age distribution for active priests in the Archdiocese is as follows: four between the ages of 20-30; ten between the age of 31-40; eight between the age of 41-50; twelve between the age of 51-60; and ten priests who are older than age 60. This suggests that something close to the pessimistic figure may be reached somewhat before 2001, possibly by 1995.

Among those who spoke and presented briefs to the Commission there appears to be a growing recognition of what these figures mean. At each of the three public meetings the Commission heard suggestions that a team of priests, living together in a central location might very well serve larger areas more effectively than is presently the case with smaller parishes served by individual

priests. Others spoke of the need to recognise and to employ the pastoral talents of the laity and religious. The repeated and unanimous demand for the effective implementation of finance committees and responsible pastoral councils with meaningful tasks was clear evidence of a change from more traditional attitudes. The Commission is convinced that there is a growing attitude within the Archdiocese of willingness to address questions such as:

How can the work of the diocesan priest be supplemented and complemented by ministerial teams made up of lay and religious members?

What are the most appropriate community boundaries in the contemporary Archdiocese? What makes up the "community" of which the Church is the "Sacrament"? Is it the "family", the traditional "parish", the "community at large" or some integration of these?

Who should provide pastoral care? Is it solely the responsibility of a bishop with his priests, or should there be mixed groups of priests and lay, paid and volunteer, full- and part-time?

The Commission does not offer recommendations on any of these issues, but does note the apparent readiness of the Archdiocesan community to address them urgently, constructively and openly. The Commission also holds that the resolution to such questions lies at the heart of any effective provisions for becoming aware of, reporting and dealing with incidents of deviant behaviour that might occur, and thus for re-establishing the community's trust in itself and in its ministers.

## Conclusion

The Commission's examination of the Church in the Archdiocese has led the Commission to conclude that the sexual abuse of children by some members of the clergy of the Archdiocese is due to a convergence of several different factors in this particular Archdiocese over the past several decades. This is examined in more detail in the following chapter. The vision of Church operating within the Archdiocese at the individual and community level appears not yet to conform fully or effectively to the vision of Church found in the documents of the Second Vatican Council, or in the ecclesiology which has been developing since that Council.

# **Why it Happened**

## *Chapter Five*

## Chapter Five: Why it Happened

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### Introduction

In the previous three chapters the Commission has set out the events surrounding the sexual abuse of children by some members of the clergy in the Archdiocese, described some of the relevant features of the phenomenon of child sexual abuse, and has identified the context of power, organization and management within which this abuse took place. This chapter assesses the manner in which these various elements came together to provide the context for the sexual abuse of children by some priests in the Archdiocese of St. John's. In examining the management of the Archdiocese, the Chapter also addresses the question of how the behaviour escaped public notice for such a long time.

The Commission's examination of the nature of child sexual abuse, the profile of the offender, the characteristics of the victim and history of the operation of the Church in the Archdiocese has led it to conclude that no single cause can account for the sexual abuses which are the subject of this Commission's enquiry. Rather, it is the Commission's view that a combination of factors coincided to allow the abuses to occur. Some of these were direct, such as the regressed sexuality of the offenders, their access to children, and the powerful status accorded to priests within the patriarchal Church community. Others were indirect, and worked in less obvious ways, some to protect the offenders and inhibit public acknowledgement of the offences. They included a variety of socio-cultural factors, a general lack of an appropriate understanding of sexuality, the social isolation of priests, inadequate support systems, ineffective and inappropriate management by the Archdiocesan administration, and a recurring pattern of denial throughout the Archdiocese generally.

In Chapter Three child sexual abuse is described as a problem facing all elements of society. The occurrence of these abuses within the Church and the relative security these offenders enjoyed also led the Commission to examine the nature of the Church in the Archdiocese, which has itself been described in terms of "deviance". The Roman Catholic School Board for St. John's, for instance, expressed a view which was echoed in various ways by many who spoke. The Board referred to what it called a "misplaced sense of community". Some used stronger language, and spoke of the Church in the Archdiocese as a "dys-functional" community exhibiting the kind of dishonest behaviour which is symptomatic of addictive pathologies. The same theme was echoed, in only slightly

different language, when the Commission was told, time after time, how totally, blindly and unhesitatingly the laity of the Archdiocese have tended for generations to trust and fear the priests, and how much power the Church has exercised in the Archdiocese.

While the Commission has had no objective measures by which to test the accuracy of these descriptions of experiences within the Archdiocese, the feelings of widespread and deep disharmony are very strong. Whatever the truth of these observations themselves, there is a general perception that the Church in the Archdiocese has failed to comprehend or integrate the vision of the Church flowing from the Second Vatican Council and the revised Code of Canon Law.

It is also apparent that throughout the Archdiocesan community there was some anxiety and suspicion about the behaviour of some priests long before the victims' disclosures were made public. Unfortunately, these apprehensions were not matched with sufficient courage or insight to initiate action; had more people in the Archdiocese voiced their concerns at the time, the public disclosures might have come sooner. These faults of omission must also be acknowledged.

#### Power

One parish group very succinctly connected the sexual deviancy of the offenders with the special context in which the offences took place in the Archdiocese, that of the institutional Church in Newfoundland:

The power, status, prestige, and lack of accountability at the parish level in particular, may have created a climate in which the insecure, power-hungry, or the deviant believed they could exploit and abuse victims with immunity from discovery or punishment. (Volume Two, C120)

Another Church organization told the Commission,

This culturally accepted image of the priesthood created two dangerous situations. For the priest himself, in some cases, it resulted in an exaggerated sense of his power, authority and influence over people. For the people there was a sense of helplessness .... (Volume Two, C24)

This was a message the Commission heard from many groups and individuals: in the Archdiocese power has been seen as the prerogative of the clergy. The historical sketch of the Archdiocese provided in Chapter Four (and in Appendix B) describes the deep local roots of this attitude, but that picture is unique to neither this Archdiocese nor to this culture. Avery Dulles (1977, 9) describes the attitudes of North American Roman Catholics of a decade ago:

Catholics tend to wait passively for some directive to come down from on high, and when it does they are all too likely to receive it without enthusiasm.

The words used to describe the particular experience of passivity within this Archdiocese were *helplessness* and *complacency*. Many lay people feel shut out of the exercise of power within their church community, and within many of the social institutions which are part of the Church, despite the Second Vatican Council's clear mandate to the laity that it take up its full role within the Church.

Within the Roman Catholic Church the sacrament of Holy Orders provides the basis for the priest's power, but the Commission has heard from parishioners that this power has not always remained within the domain of Church matters. The joint submission to the Commission from the Religious Sisters of the Archdiocese, for instance, made the following observation:

We find that our priests have no structures that call them to be accountable to their bishop or to their people. This can lead to irresponsibility in ministerial and financial matters, to individualism and isolation. Such a lack of accountability has many implications for themselves, their parishes, their diocese and all the members of the church. (Volume Two, C91)

We have seen through the history of the Archdiocesan Church, too, that there are deep traditions of individualism and political and cultural paternalism.

Closely associated with this kind of power is the concept of patriarchy, a system within which the father (either an actual father, or as in the Church, a symbolic father) rules by virtue of position alone, and not by virtue of capacity or service. The Commission has been told repeatedly that the model of authority prevailing within the Archdiocese is patriarchal and that the "father figure" image has dominated the administrative style of successive Archdiocesan administrations. The Commission was told that it continues to dominate the thinking of Archbishop Penney and of many priests within the Archdiocese. Some argue, further, that it is an inescapable aspect of traditional Roman Catholic discipline, at least up to the Second Vatican Council.

Paternalism and sexism are very much in evidence, the Commission was told, among both young and old priests in the Archdiocese. Many who spoke and presented briefs to the Commission described an alarming lack of awareness and insensitivity in the use of patriarchal language and imagery in worship, and in preaching and teaching throughout the Archdiocese. In some situations the inability to separate power from clerical position, combined with an institutionally conditioned reticence toward women, has been so pronounced that parish councils at times have been rendered ineffective.

Many have argued that patriarchal thinking is one of the contributing factors to the sexual abuse of children within the Archdiocese because of the

power and position it confers upon the members of the patriarchal establishment, in particular the ordained clergy. In our culture this has been linked to the power over women and children which males have traditionally exercised. Such arbitrary assignment of authority, whether to men generally in a male-dominated society, or to priests specifically in a patriarchal church, can preclude freedom of insight and liberty of action.

### Education

The acceptance of patriarchy begins early in the life of Church community members. The denominational schools of the Province may help to strengthen the sense of community within the Roman Catholic population in the Archdiocese, but there is also the danger that this closed system perpetuates, and even magnifies, the cultural and institutional weaknesses of that community as much as its strengths. Thus the denominational educational experience, while providing in many cases an important experience of community, may also have tended to compound paternalistic and patriarchal attitudes. The Commission was told repeatedly that many teachers and administrators felt it improper or dangerous to broach and deal openly with any issues which might tarnish the image of the Church, its ministers, institutions or policies. Some teachers and administrators spoke of their frustration at not having any opportunity for genuinely open discussion and communication on substantial issues of morality, discipline and faith. Some educators spoke of this prevailing climate as a natural breeding ground for undetected abuse.

One theme which recurred several times during the Commission's hearings was the fear associated with the Church's administrative role in education. This note was struck by teachers but also by others. There was a sense expressed that the Church's presence was threatening if not repressive, and that teachers tended to avoid dealing with contentious and substantial issues both in the classroom and in their professional relations with each other, with their boards and with their professional association. The substance of comment was that fear and unwillingness to deal with substantial issues must be replaced with openness and trust. Teachers must be given confidence that the leadership will listen intelligently to their real concerns and will provide the facilities and the atmosphere for free, professional and mature communication. The consensus would appear to be that such an atmosphere, complemented by proper professional in-service training and an adequate curriculum, would provide the basis for re-establishing trust within the system and reduce the risk of future abuses going unchallenged.

The Commission received much comment to the effect that the education facilities of the Archdiocese - primary, secondary and adult - have not adequately addressed the need to design and implement curricula and teaching strategies that address the problems of violence, male domination and human

exploitation in general, which are so deeply ingrained in our culture and in the Church community. These and similar matters of Christian conscience, which should be informed by Christ's own experience as a victim, appear not to have engaged the attention of the Archdiocesan schools as significantly and as forcefully as they must.

It was argued, therefore, that the Archdiocesan community as a whole urgently needs to refocus its commitment to the education of its children. Among the specific concerns raised before the Commission were defining the appropriate roles of the school and parish in such activities as sacramental preparation and liturgies, including the manner in which confession is conducted, adult community formation and participation in parish and school programmes, and in-service training of teachers in matters relating to sexuality, Christian theology and ethics. Other concerns included the appropriate way for priests to visit classrooms so as to complement the work of the school without disruption and to encourage informed debate on substantial issues.

Teachers say they are frustrated by an inadequate curriculum, insufficient specialist training and – as are students – by the lack of any appropriate opportunity for meaningful discussion and debate of moral and ethical concerns. Many teachers spoke of the bitterness and the hurt they feel personally and encounter in the classroom as a result of the recent disclosures of child sexual abuse. This arises not only because the abuse occurred and went unchecked over such a long period, but because it was perpetrated by those most trusted within the community. The violation of personal trust and the betrayal of values on which the community has relied must be addressed, the Commission was told, before any rebuilding within the schools can begin. This betrayal was seen not only in the criminal acts of those convicted but as part of a broader problem. In its brief to the Commission, the Newfoundland Teachers' Association described it in these terms:

At the bottom of the "power totem pole" in the community were the children, the most vulnerable, the most easily awed, the most easily led, and the most easily abused. (Volume Two, C101)

It is also suggested that the children have been doubly betrayed. First, they were left vulnerable by an inadequate curriculum and educational services; then, more immediately, they were violated by some of the most trusted members of the faith community.

A perceived lack of lay involvement in the real thinking and decisions of the church community on educational issues – and on moral issues as they impinge on that system – was repeatedly cited as another contributing element to the frustration and isolation experienced by teachers. The Commission notes the requirements of the Code of Canon Law in this respect, and in particular Canon 793:

§1. Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the catholic education of their children.

At the public and private meetings which the Commission held throughout the Archdiocese, many teachers spoke and presented briefs not only as teachers or administrators but also as parents and as members of the Archdiocesan community. Their strong message was that the community's resources were being wasted because of an outmoded style of Church thinking and authority. There was evidence of real determination on the part of many not to allow the deep values of the Christian faith and its Roman Catholic expression to be lost to the young people because of poor, absent or inappropriate leadership. An incessant theme at all the Commission's meetings was that the laity must begin to accept and exercise their proper community ministries.

The issue was pressed in two ways. First, increased effective lay authority was seen as an essential corrective to what is recognised as an unhealthy tradition of priestly power within the Archdiocese. Second was the desire to utilize the particular gifts of the laity within the school community, which would also accord with the Church's vision of the people of God, as expressed in the documents of the Second Vatican Council and those which have built on the work of that council during the past three decades.

Some who spoke also suggested that the schools have increasingly been forced to accept more responsibility for faith development than may really be healthy for families and parishes throughout the Archdiocese. This situation creates the impression that Christian formation is something for children only and appropriate only in a school setting. Many pointed to the urgent need for increased provision of adult Christian formation.

The Commission is convinced that there is as much unresolved anger, guilt, confusion and anxiety among the students as among the teachers. The results of some preliminary focus group research conducted for the Commission describes the students' reaction in these terms:

The Church's credibility in the eyes of these young people is generally quite low. This low credibility is not so much due to the abuse for which clergy have been accused and convicted, but rather due to the fact that the Church is not the central force in their lives that it was in their parents'. If the Church is to make a greater impact on these young people, it should not try to do so directly, but should operate tangentially through youth groups wherein these young people can exercise their obvious idealism through practical projects that help people. There are also indications that teenagers would be willing to participate in discussion groups on moral and ethical issues. A need for

leadership training is evident if the Church hopes to influence the moral development of teenagers using vehicles outside structured, formal church activities. The school system is one potential vehicle. (Volume Two, D14)

### Sexuality and Support

Much concern has been expressed over the possible link between priestly celibacy<sup>18</sup>, which is required by long-standing discipline of the Roman Catholic Church, and the occurrence of child sexual abuse. The Commission has been unable to establish any direct correlation in this, and statistics tend to indicate that the incidence of sexual abuse of children among celibate clergy is no different from that among other groups within the general population. The commission has deep concern, however, in face of the evidence it has assembled, that there has been a long and disturbing anxiety within the Presbyterium relating to the observance of priestly celibacy. The Commission therefore concludes that celibacy as an absolute requirement for the ministerial priesthood must be more fully examined by bishops, and that for some individuals it may create excessive and destructive pressures.

#### Canon 277

*§1. Clerics are obliged to observe perfect and perpetual continence for the sake of the Kingdom of heaven, and are therefore bound to celibacy. Celibacy is a special gift of God by which sacred ministers can more easily remain close to Christ with an undivided heart, and can dedicate themselves more freely to the service of God and their neighbour.*

*§2. Clerics are to behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful.*

*§3. The diocesan Bishop has authority to establish more detailed rules concerning this matter, and to pass judgement on the observance of the obligation in particular cases.*

Archdiocesan officials had been aware for some time that some priests, despite the requirement of celibacy, may have been sexually active, some in a deviant and criminal manner with children and others with consenting adults.<sup>19</sup> It is to Archbishop Penney's credit that he established the Ministry to Priests Program (MPP) in 1980 to address these problems and to deal with other issues affecting priestly life. This was one of the first and most important undertakings of his episcopate, an attempt to meet these needs while also addressing the serious morale problems priests were encountering in conflicting visions of Church and ministry. The new Archbishop clearly felt that the post-Vatican II renewal had not taken root as deeply as it should have within the Archdiocese, in part because the renewal and continuing education needs of the priests had been neglected.

The Archdiocese of St. John's was the first in Canada to undertake the programme, which was developed in the United States. Within the programme priests ministered to one another and it was to be built on honesty, confidentiality and trust. It had two main elements: one-to-one ministry and support group ministry. The one-to-one ministry was conducted by a team of five or six priests selected by the Presbyterium to minister in the areas of spirituality and prayer,

<sup>18</sup> Celibacy is a tradition in the Roman Catholic Church – and in other religious traditions – which dates from the fourth century, but it was not until the twelfth century that celibacy became a requirement for all clergy in the Western Church. Today, deacons within the Roman Catholic church may be married.

<sup>19</sup> See Chapter Two.

intellectual growth and ministry, physical well-being, and emotional life. Each member of the Presbyterium could choose one of the members of the team to minister to him individually. One priest who participated as a team member, however, summed up his experience this way:

My experience with the one-to-one ministry was that it remained on a superficial level. Its greatest value was the getting together with another priest several times a year.

In addition to the one-to-one ministry, seven support groups were formed, each consisting of eight to 12 priests. In consultation with the Center for Human Development, the Presbyterium selected a variety of themes for these support groups, including personal growth issues, recreation, skills development and study. Each priest had to decide which group he wanted to join. Groups were supposed to meet once a month, for at least an evening.

Three of the support groups were reasonably successful. Two others lasted only a short time. It was a continual struggle, the Commission was told, to maintain the groups since commitment from the Presbyterium and effective full-time leadership were lacking. Of the three groups that were successful, two continue to be active today. As indicated in Chapter Two, the members of a now-defunct recreational group were largely, but not exclusively, priests who were regarded by their colleagues as having a homosexual orientation. Several of those convicted or charged with sexual offences involving children belonged to this one group within the Ministry to Priests Program.

From the beginning the programme had problems. Some felt that the entire concept was flawed because it was monastic in conception, and repeated the outdated, inconsistent thinking of seminary formation for parish priests modeled for monastery life. Others complained that proper structure and professionalism were lacking in the design and maintenance of the groups. Still others observed that the project failed because too many of the priests merely offered lip service, and never made any actual commitment to the programme.

Another serious weakness was its implicit ecclesiology, which in practice reinforced and maintained the separation of the priest from the community by distinguishing a ministry to priests from a ministry to the people. The result was that priests were able to get away to be with "their own kind" when they should have been integrating with the whole community. Psychologically it was suspect because it was an attempt to heal themselves by themselves, isolated and separated from the rest of the community, when a key problem to begin with was isolation.

Another critical problem faced by the programme can be traced, in part at least, to a failure to abide by the first clause of the contract which was signed on October 30, 1980 between the Archdiocese and the Center for Human Development, developers of the MPP. That clause reads:

The Archdiocese will appoint a full-time Director of Continuing Education who will minister to the priests of the Archdiocese and act as liaison between the Archdiocese and the Center.

This Director of Continuing Education was never actually put in place full time. Monsignor Denis Walsh was appointed as the first director, and was succeeded by Reverend James Doody in June 1984, but neither was ever able to devote an adequate amount of time to the job because of other duties given to them. As early as January 1982 the Archdiocese was cautioned by Reverend David Kiefer of the Center for Human Development that "Some team members are showing some signs of having too many responsibilities. This needs to be monitored". Furthermore, the role of the Director was never actually focused on the strategic planning and development of "continuing education" for the priests. Rather, the Director was seen more as a pastoral resource and an administrator.

The most disturbing aspect of the administrative structure of the programme, however, is the possibility that it created a divided sense of responsibility. The Director of the programme was required to respect a bond of confidentiality between himself and the priests to whom he ministered. On the other hand, issues which affected the life and health and canonical discipline of the Archdiocese were, and remain, properly the responsibility of the Archbishop. These two potentially conflicting areas of responsibility appear to have posed confusion within the programme and, on one occasion, may have prevented the Archbishop from becoming fully aware of matters involving James Hickey which were reported to the Director of the programme by the Royal Newfoundland Constabulary in 1984.

In December 1982 the Archbishop received a letter from Reverend David Kiefer reporting on a workshop he had held with some of the priests of the Archdiocese in connection with a review of the programme. Reverend David Kiefer refers to being "uneasy" about "the particular questions on homosexuality which came up ... because of the speculation and apparent labelling". He goes on to refer to the concern of some of the priests "about the apparent growing homosexuality of many of their peers". He continues:

It was very strongly expressed at the third meeting of the team. I suggest that you continue to monitor the feelings and perceptions among the priests, but continue to act very slowly and cautiously. Hopefully, the continuing education presentations in April by Fr. Jim Campbell and Adult Development and those dealing with intimacy and sexuality next fall with Fr. Martin Pable will address that issue in a safe environment.

Archbishop Penney seems to have been made aware, then, by an outside source, of a concern about the disproportionate numbers of priests presumed to have a homosexual orientation. In addition to this letter, on September 18, 1986 Reverend Philip Lewis, then pastor of St. Paul's Parish in St. John's, wrote the

Director of the Ministry of Priests Program, with a copy to the Archbishop, in which he expressed concern in pointed and unambiguous language about the lack of a real "forum" for communication on these issues, the "denial" of sexuality dominating the practice of celibacy, and the disproportionate numbers of homosexual men within the priesthood.

Among the many elements emphasized by the programme was the principle that all adult persons, priests included, must learn "to be comfortable with their sexuality". A second goal was "self-actualization". Although it was clearly not the intent of the programme, or of the vast majority of its participants, there were concerns that these themes might be distorted by the unscrupulous to mean "deviance is acceptable" and "selfishness is good". Given the low level of maturity and moral insight of some of those later convicted, who paid lip service to the programme, it is possible that such misinterpretations played a part in their thinking.

Apart from the creation of the Ministry to Priests Program, Archbishop Penney also initiated other attempts to meet the needs of his priests in this area of their lives. Between May 14 and May 18, 1984, for instance, a visiting priest, Reverend Martin Pable, gave a workshop on sexuality for the priests of the Archdiocese. However, many priests did not attend, which perhaps suggests that such resources were not taken seriously, that the importance of such services was not adequately stressed, or that many priests were so uncomfortable with the issue of sexuality that they could not participate.

The Archbishop also retained professional counselling services and informed the priests that they were free to use them. It appears that the Archbishop specifically encouraged certain priests to take counselling but did not force the issue when some of these men did not participate. Nor is there any evidence of follow-up and continued monitoring by the Archbishop or any of his delegates. The Commission was informed that one or two of those who failed to take counselling after they were encouraged to do so were subsequently charged with sexual abuse of children.

Thus, on various occasions from 1980 onwards, concerns and questions about the sexual behaviour of priests were raised with the Archbishop, both publicly and privately. Nevertheless, the Commission is of the view that the measures taken to meet this anxiety within the Presbyterium were insufficient, ineffectual, and, in some respects, inappropriate. The measures which were taken, moreover, were not administered consistently, in an effective manner or in accordance with their design. There was no effective follow-up; nor did the Archbishop exercise his canonical or pastoral authority to ensure that the priests received the treatment they needed. In the Ministry to Priests Program specifically, the fact that no director was sufficiently relieved of other priestly duties that he could devote his full time to the programme was a very serious error. In the same context, the apparent blurring of lines of disciplinary and pastoral responsibility which may

have crept into the practice of the programme (as noted above) raises serious concerns in the Commission's mind about the implications for Canon 277 §3.

### **In the Parish**

The pressures on priests do not come merely from the demands of the new vision of Church and the need to live a celibate priesthood within a new and complex social and pastoral environment. These pressures are compounded further by the practical contradiction they face in their financial and personal dependence on the Archbishop. The relationship between a bishop and his priests is complex and different from that which operates between a bishop and the laity, or the laity and a priest. Some priests are dependent financially and personally on their bishop, and he is seen as responsible for their temporal welfare in a way that he is not responsible for the temporal welfare of the laity.

While Religious take vows of poverty, diocesan clergy do not, and the matter of how priests are compensated and the lack of any "career path" is a serious irritant. When priests engage in a ministry within a parish, they are entitled by canon law to receive a decent living wage commensurate with the normal wage standards paid for professional social or pastoral services in the community where they live. However, this is rarely the case in the Archdiocese, and the direct monetary compensation and the method of providing benefits to priests tend to keep them in a state of dependency.<sup>20</sup>

All priests, regardless of age, service or seniority, receive virtually the same salary, which is at best meagre by professional standards. Thus, the newest curate fresh out of a seminary and his parish priest of 30 years service receive pay which is nearly identical. The Commission finds it hard to understand how such a practice can recognise the needs of individual priests to develop independence, personal identity and freedom.

The Commission has been told by many of the priests that the current formula employed by the Archdiocese to compensate its priests must be changed. They expressed feelings of frustration about the unnecessary level of dependency that the current arrangement inflicts upon them. They also express concern about their inability to provide for themselves when they retire from the active ministry. Although there are members of the presbyterium who may have access to independent funds, this is not the case for the great majority. Such a dependency and concern for their financial future may lead some priests to pursue commerce

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<sup>20</sup> In the Archdiocese priests are paid a monthly salary which ranges from \$1,100 for priests with less than 10 years service to \$1,200 for priests with 25 years or more service. Included in the salary is an allowance of \$140 to cover room and board. Additional income may accrue from stipends which are paid, for example, for conducting a marriage ceremony. Contributions are also made on behalf of the priest to a registered pension plan, group life insurance, long-term disability insurance and medical insurance.

as a means of generating additional wealth, though Canon 286 forbids clerics "to practise commerce or trade, either personally or through another, for their own or another's benefit, except with the permission of the lawful ecclesiastical authority".<sup>21</sup>

Many parish priests of the Archdiocese pointed out other pressures during their interviews and interventions with the Commission. The emotional distance still maintained by the laity and the way in which most lay people are uneasy in treating the priest as a co-worker or member of an equal team is a profoundly alienating and hurtful experience for many priests. This experience frustrates the effective life of the parishes, encourages the arbitrary exercise of power and is contrary to the Second Vatican Council's vision of the Church.

From the laity, the Commission heard constant reference to the power of the priests and to the unquestioning "blind" obedience given to them in all things. The lay persons who spoke indicated that they were intimidated by the parish priest and had no effective vehicle for comments about and criticisms of the priest. Yet, some priests themselves painted a very different picture. They saw themselves not as being powerful but as being under pressure from all sides. Especially during the last few years, many have been hurt, angered, made to feel ridiculous and demoralized by the revelation of child sexual abuse by some of their colleagues. They feel they have irretrievably lost respect and support from their people. Some have also demonstrated an inability to deal with basic questions raised by these events and seem overwhelmed by fear, anxiety and discouragement.

Yet even before this crisis in the local Church, the priesthood was under great stress. The Second Vatican Council challenged old structures and understandings, and the confusion and conflict of old and new have been deeply felt by priests and people alike. In the Archdiocese a new vision of Church to which all have given whole-hearted assent has not been adequately instituted. Without a clear, shared vision of Church, the role of the priest cannot be clarified. Another sad paradox is that while some laity clamour for more power – some in a highly confrontational manner – many priests are anguished because they cannot find enough help with parish activities and committees, despite pleading for parish council and committee members.

Many of the laity feel that they have had no say in the kind of priest they have: that a new priest with a different vision of the parish can come in and overnight destroy a community's growth and identity. Some priests were concerned

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<sup>21</sup> The Commission found that during the period 1976 to 1988, despite Canon 286, James Hickey was involved in real estate speculation in the greater St. John's area, which, it appears, generated gross profits in excess of \$100,000. The Commission received no evidence that the profits obtained from these transactions were used to support his criminal behaviour nor did the Commission receive any evidence that the Archdiocese was aware of Hickey's real estate speculation.

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that involvement in the parish was a "voluntary" activity on the part of some laity who could come and go as they wished without ever having to assume full responsibility for the consequences of their decisions.

Relationships with the laity and other clerics are poorly developed by some priests. This is not only related to pressures of time and the constant demand to respond to others, but also to the theological and socio-cultural pressures of priestly celibacy. For some priests, there is real suffering and anguish and an inability to have friends within a parish without jealous criticism. Others find that all of their activities are scrutinized and judged. Relationships with couples, married women, unmarried women and other men all received criticism and suspicion. If a priest has no friends he is "aloof and unfeeling"; if he has them he has "favourites" or is in danger of being "unfaithful". Strong friendships among priests are also infrequent and when they do occur opportunities for contact are rare.

All of these frustrations appear further aggravated by lack of an effective forum for the public discussion and debate of urgent, spiritual, moral and doctrinal issues within the Archdiocese. There is no opportunity for a prayerful, honest, supportive reflection on the needs of the Church today or the needs of its priests. Structures now in place, such as Diocesan and Parish Councils are not effective, so that priests and people rarely share hopes and dreams for the Christian community. Nor does the Archdiocesan paper, the *Monitor*, provide the kind of informed, mature coverage and discussion of such issues which could bring priests and laity into a substantial and healthy dialogue.

The contemporary parish priest in this Archdiocese is thus caught in situations where, already compromised by his own lack of independence from the Archbishop, he is expected to work with laity, many of whom are unable to relate to him as a person. And he must do this with reduced numbers of fellow priests, who, like himself, are too overworked to make social contact possible. Some priests thus do not feel support at any level – from the Archbishop, from each other or from the laity; at the same time many among the laity feel increasingly estranged from their Church.

### Management

The events which occurred in the Archdiocese did not take place in a vacuum. Chapter Two contains an account of the events upon which the following analysis is based. It indicates the failure of Archbishops Skinner and Penney to respond appropriately to disclosures of possible sexual abuse and other indications of deviant sexual behaviour involving the clergy.

As early as 1975, for example, the Archdiocese began to receive signals that James Hickey posed a threat to children. The allegations made known to Church officials in the mid-1970s were not the only signals that some priests were acting

out deviant sexual behaviour with children. Sometime in the mid-70s, an incident occurred outside the Archdiocese which, in the Commission's view, may have some bearing on the way in which Archbishop Penney later chose to deal with problems of the sort which prompted the creation of this Commission. While Bishop of the Diocese of Grand Falls, Bishop Penney was informed by parents of a young boy that a priest for whom he was responsible had acted in a manner which had given the parents cause for concern. Bishop Penney examined the reported incident in consultation with the parents and arranged residential help for the priest concerned at Southdown. The incident was not reported to civil authorities by the parents or by the Bishop.

The Commission cites this incident because it provides early evidence of Archbishop Penney's approach to managing allegations of sexual impropriety by a priest involving children. It raises questions about the appropriateness and adequacy of Archbishop Penney's management of the matter in light of the *Child Welfare Act* then in place.<sup>22</sup>

The evidence shows that when appointed Archbishop in 1979, Archbishop Penney was thus in a position to have been sensitive to the possibility of the deviant sexuality of some priests. A series of events occurred in 1979 which further supports this conclusion and illustrate the Archbishop's approach to managing accusations of deviant behaviour. At that time he was advised by Monsignor Morrissey that a number of priests in the Archdiocese were likely to be homosexual. No suggestion was made, so far as the Commission has been able to determine, that these priests were engaging in homosexual acts or acts involving children.<sup>23</sup> The Archbishop stated to the Commission that among the priests named were James Hickey and others who were later charged with sexual offences involving children.

The Archbishop's evidence is that he was not surprised to hear the concerns. He informed the Commission that because Monsignor Morrissey had made no allegation that these priests were engaging in homosexual acts in

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<sup>22</sup> Section 49 of the *Child Welfare Act* (1972) stated,

- (1) Every person having information of the abandonment, desertion, physical ill-treatment or need for protection of a child shall report the information to the Director or a welfare officer.
- (2) Subsection (1) applies notwithstanding that the information is confidential or privileged ....
- (3) Any person who fails to comply with or otherwise contravenes any of the provisions of this section is guilty of an offence.

<sup>23</sup> The information was apparently conveyed to the Archbishop for his own knowledge. In an initial interview with this Commission the Archbishop stated the list may have been in writing or may have been given orally. In a subsequent interview the Archbishop stated that the list was not given in writing.

contravention of canon or criminal law he could do no more than take the matter under advisement. He did consult with an out-of-province canon lawyer who advised him that if there were no accusations of illegal behaviour he would have no grounds on which to intervene. There is no evidence that Monsignor Morrissey informed Archbishop Penney of the 1975-76 allegations involving James Hickey.

In September 1979 the Archbishop was informed of sexual abuse involving a priest from another diocese, Kevin Bennett. In the Commission's opinion, the Archbishop's reaction was inappropriate though consistent with his previous treatment of such an issue. Archbishop Penney's complete and sustained lack of recollection of any of the particulars associated with this matter is surprising to the Commission. Even when presented, under close and careful questioning, with incidental details provided by the victim which might be expected to jog his memory, the Archbishop could recall nothing of the interview with the victim.

The evidence provided to the Commission is that the Archbishop did not follow up on that disclosure at any time once the matter had been referred to the Bishop of the Diocese of St. George's. From a pastoral perspective the Archbishop exhibited little concern for the victim. From the perspective of his office as Metropolitan, Archbishop Penney showed a surprising lack of concern about how a serious criminal charge against a priest was resolved. It would appear that he did not enquire further about the matter.

In 1979 additional evidence of deviant sexual behaviour involving priests was brought forward and was made known to the Archbishop. In 1979 a priest in the Diocese of St. George's pleaded guilty to sexually assaulting children. He was given a suspended sentence and went to Southdown for treatment. In that same year, a priest of the Archdiocese was found in a parked car sexually engaged with an adult male. The evidence pertaining to this event was that the former Vicar General, Monsignor Morrissey, and the former Archbishop, P.J. Skinner, met with a representative of the Royal Newfoundland Constabulary who informed them of the matter. The police official had requested a meeting with Monsignor Morrissey because they were personally acquainted. Monsignor Morrissey was then pastor of St. Patrick's Parish in St. John's. When the meeting began Monsignor Morrissey suggested that the former Archbishop attend. Archbishop Skinner was then residing at St. Patrick's Presbytery. The policeman was questioned at length by the two concerning the accuracy of the revelation he had given. The priest involved subsequently attended Southdown for several months and shortly after his return assumed pastoral responsibilities in a rural parish of the Archdiocese.

The treatment of this event and the management of other incidents of suspicious sexual behaviour are examples of the Archdiocesan administration's apparent willingness to believe that significant deviations from priestly celibacy could be handled by a period of care at Southdown. The Southdown facility seems to have been seen as a quick fix for nearly any kind of behavioural problem, and

Archbishop Penney's management of behavioural difficulties involving clergy.<sup>24</sup> Such a dependence on treatment centres and a belief in the adequacy of this kind of response shows, even for that time, a naive understanding of the dynamics of sexuality problems.

Such a response also suggests a misinterpretation of the Presbyterium's own growing concerns about priestly life within the Archdiocese. Concerns about the general lifestyle of priests in the Archdiocese continued to be expressed into the early 1980s. After the Ministry to Priests Program was introduced in the Archdiocese, the rumours continued to persist about the lifestyle of certain priests.

In 1982 during a meeting of the Presbyterium, concerns relating to "priestly lifestyle" were raised from the floor and placed on the agenda for consideration. Among the themes for discussion by various groups in 1982 was the proposition that "our celibacy and lifestyle isolates us. They are obstacles to the priesthood today". That same meeting discussed the question, "What image of priesthood are we projecting - homosexual, heterosexual, intimacy?" Yet the evidence shows that the issue of sexuality was not fully addressed.

In 1982 another priest, Anthony Bennett, who was found in a sexually compromising position with a male adult in a St. John's shopping mall, also received treatment at Southdown, and, on his return, was assigned as an assistant to the parish priest in Marystown. The Archbishop offered it as his opinion, when questioned, that he was reasonably sure that the parish priest knew of Bennett's visit to Southdown but would probably not know the problem for which he had received treatment.

Further incidents of deviant sexual behaviour involving priests began to accumulate during the tenure of Archbishop Penney. In 1984 a police report to the Archdiocese referred to an unsubstantiated allegation of sexual assault involving James Hickey. The same incident was also reported to Reverend James Doody (Director of the MPP) by the police a short time later. Also in 1984, a priest informed the Vicar General of concerns expressed by members of the community about the sexual behaviour of another priest. Before this, in 1979, this priest had been found in a compromising position with an adult male, a fact of which the Archdiocesan administration was already aware.

In 1985 two priests of the Archdiocese were reported frequenting a reputed homosexual area of St. John's. In the fall of that year the matter was reported to Archdiocesan officials. In 1986 further concerns were raised about sexual deviance. A young mother advised the Archbishop of an episode involving her

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<sup>24</sup> The Commission visited Southdown and recognizes that it is an important element within the range of services required by offenders and by society as a whole. The Commission's concerns are about the inappropriate role Southdown came to play in the Archdiocese. Despite what were, at best, very rudimentary continuing-care and after-care facilities, both Archbishop Skinner and Archbishop Penney seem to have regarded it as a panacea for a multitude of behavioural problems.

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parish priest and her three-year old son. Again a police investigation ensued but no charges were laid.

In October 1986, during a meeting of the Presbyterium, participants addressed the Archbishop concerning some priests of the Archdiocese who were reported to be frequenting "gay bars" in St. John's, and expressed concerns that some of these priests were perceived as being sexually active despite their requirement of celibacy. The subject was not effectively discussed, however, and what debate there was appears to have focused on the fact that some priests were reputed to be associating too freely with women. The overall issue of priestly celibacy was turned over to an ad hoc committee which later produced a general reflection on the issues involved, but did not address any specific allegations or accusations. It would appear that there was no investigation of the accusations raised at that Presbyterium meeting. Yet, the signals of sexual activity involving priests continued to present themselves to the Archbishop.

Allegations of child sexual abuse involving priests in neighbouring dioceses were made public in 1987. Two priests, one from the Diocese of Grand Falls and one from the Diocese of St. George's, were charged and convicted of sex-related offences involving males. The Commission draws attention to events which occurred outside the Archdiocese because of the perspective they lend to events which occurred within the Archdiocese. By this time clergymen of several denominations had been charged and convicted, both locally and across Canada. This should have alerted Archdiocesan officials that child sexual abuse among local clergy was a real possibility. Allegations of such crimes involving Archdiocesan priests should not, therefore, have lacked credibility.

In October 1987, a victim whom the Archbishop knew personally met with him and disclosed that while he was a child he had been abused by a priest in the Archdiocese. On November 4, 1987 the victim wrote the Archbishop and identified James Hickey as the offender. After an informal visit by a senior official of the Department of Social Services and an official visit by the police, the Archbishop finally confronted James Hickey on December 6, 1987. James Hickey denied the allegation and the Archbishop chose to let him continue his duties in his parish.

The Archbishop made this decision despite the general signals that he had received about James Hickey for nearly ten years. Only when Hickey was charged by police on January 11, 1988 did the Archbishop suspend him from his pastoral duties.

The Commission is deeply concerned by the Archbishop's tragic decision that James Hickey would remain as pastor even after there was a serious complaint of sexual abuse made against him. Indeed, the Archbishop stated to the Commission that his preoccupation from the moment he heard of the allegations against James Hickey was to attend to the accused priest.

Because the Archbishop did not act vigorously on the complaints and concerns of his priests, parishioners and concerned parents, children continued to be abused by some priests, even while under criminal investigation. It is thus apparent that reports of child sexual abuse in the Archdiocese were inadequately managed. Yet the CCCB had issued guidelines (Appendix D) in December 1987 which provided all Canadian bishops with the options available to them, under canon law and federal and provincial statutes, to deal with such allegations. The guidelines also set forth the responsibilities of the bishop and specific actions that should be undertaken to protect the rights of the accused priest and the rights of the victim. Based upon the evidence before the Commission, it must conclude that Archbishop Penney did not follow the procedures recommended by the CCCB. Because of the date of receipt of the CCCB guidelines, this concern may apply less to the handling of James Hickey's case than to subsequent cases involving priests which, similarly, appear not to have been managed according to the advice contained in the CCCB document.

This conclusion is best illustrated by the manner in which Archbishop Penney handled another disclosure of an alleged violent sexual assault involving a priest.<sup>25</sup> On the night of February 13, 1989 the Archbishop was requested by a parish priest to come to the parish house where a complainant, with whom the Archbishop had met the previous October, wanted to speak to the him. Though very late, the Archbishop went to the parish house to meet with the young man; there he advised the man to go to the police. On February 14, 1989 the complainant did go to the police and on February 15 he went to a St. John's television station and told his story.

On February 17, 1989 the Archdiocese of St. John's through the Office of the Archbishop released a statement to the press concerning this matter. The press release stated in part:

The Archbishop and the Catholic people like the rest of the community deeply share the grief and hurt of the complainant and his family. We are ready to support them and enable them to be healed.

But the statement went on to say:

From the knowledge obtained in the Church's investigation it was not and is not currently clear that the assailant was a priest. The details of the assailant provided by the young man did not enable an identification to be made.

The Church's statement thus tainted the pastoral consolation and support with doubt about the accuracy of the complainant's assertion that the assailant had been a priest.

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<sup>25</sup> See Chapter Two, Case 6.

This episode raises concerns for the Commission. In October 1988 when the Archbishop was first advised of the disclosure the Interdisciplinary Committee appears not to have been used in a prudent manner, given its terms of reference and its function. The Committee may not have been as fully involved in the management of this allegation as the CCCB guidelines recommend in such circumstances. Furthermore, the Archbishop's decision to intermingle pictures of Canadian bishops with pictures of priests for the complainant to identify was imprudent and may have compromised the police investigation of the alleged assault. The Archbishop chose at this point in the incident to adopt the inappropriate role of investigator, a role that he had no responsibility or competence to discharge.

In addition to the difficulty of overseeing the crisis, there have been related administrative problems. Some of these are described in Chapter Four, particularly in the descriptions of committees and commissions. Several speakers and briefs tell of the victims and their families not knowing where to turn. More generally, some of the laity have reported that they have no effective communication with the Archdiocesan leadership on matters of real importance. The Commission has not been able to discover, for instance, any evidence of attempts by the Archdiocesan authorities to inform or to seek the advice of the parish councils in those parishes to which priests were assigned who might prudently be regarded as "at risk" to themselves or to others. Even priests who were identified as potentially unstable and who had nevertheless refused treatment were permitted to return to active ministry.

Among the briefs which addressed the question of organization, by far the most frequent call was for the establishment of a more open and responsive system of communication within the Archdiocese to provide for a more balanced sharing of power and responsibilities. One group observed:

The concentration of power and concomitant lack of accountability create a climate in which many types of destructive behaviour can be hidden .... The authoritarian model of the church must be replaced immediately with one that allows for the implementation of the principles of collegiality and subsidiarity on all levels. Spiritual and emotional health cannot be restored while an atmosphere of authoritarian domination remains. (Volume Two, C12)

A speaker at the public meeting held in St. John's made a similar point:

If the bishop is to be bishop he must take the risk of leading; he must be seen to be putting the well-being of his people above the needs of the preservation of the structure. (Volume Two, C40)

The "preservation of structure" was seen as a principle which blocked community life, and "denial" was cited as the key mechanism which let the "system ... stay closed", as one parish council observed, and the administration's secrecy

compounded the problem. Thus one of the constant refrains running through the Commission's public meetings – though less urgently in private meetings – was the repeated demand for Archbishop Penney's resignation.

Some also recognized that the problems faced by this Archbishop are very similar to those being faced throughout the Roman Catholic world generally in these years after the Second Vatican Council, and suggested that this fact must be kept in mind. A member of a parish council observed:

... our Church is experiencing difficulty in moving from the benevolent dictatorship, to which we were accustomed, into the shared responsibility we are attempting to implement. This difficulty is experienced by all of us, from the pew to the palace. (Volume Two, C132)

Others noted that a public admission of fears, anxieties, feelings of being trapped between the claims of the victims' families and disillusioned people, and the need not to convict anyone before trial would clearly place the Archbishop, properly, alongside the rest of the faithful in a kind of community of shared weakness. But for all who spoke, the paramount single concern was the pastoral needs of the victims and their families. All who spoke of this stated that the single overriding duty of the Archbishop, of the priests and of the Archdiocese as a whole, was and is support for the victims.

There was a perception expressed by many that, even if the Archbishop did not know of the specific incidents which have led to this enquiry, he ought to have known of them. Others commented that Archbishop Penney's response to the disclosure over the last two or more years has been so ineffectual that his own credibility and that of the Archdiocese have been irreparably compromised. They conclude that no renewal of confidence or of community would be possible without a change in leadership.

The laity are not alone in their feelings of frustration about management and leadership. A parish priest stated,

Confusion is another common characteristic familiar to us in the church. We Catholics spend inordinate amounts of time trying to find out what is going on. Lines of communication are broken or even non-existent .... All responsibility is vested in the hands of the very few clergy. It also keeps us ignorant of what is going on .... Confusion keeps us occupied just in trying to find out what is going on. Most of our energy can be used up in this pursuit. Finally confusion makes us powerless within the system. The name of the game for the Catholic church is to keep the laity powerless, to vest power in the hands of a few clergy. (Volume Two, C83-84)

The Commission's legal counsel met with and interviewed each of the priests active in ministry within the Archdiocese, and the Commission held two meetings

with the assembled Presbyterium. In addition, various individual priests and groups of priests submitted briefs and interventions for the Commission's consideration. In these meetings some priests expressed frustration with the leadership of the Archbishop. They said that he does not take advice and sides with the laity in a conflict rather than supporting his priests. Always aware of the Archbishop as the authority in the Archdiocese, they are unclear about their own roles. Some priests feel their talents are not appreciated or used well; others feel their ministerial or parish assignments were inappropriate. Still others express concerns about how and when changes are made and about the apparent insensitivity to their need to develop interpersonal bonds and integrate with community life. It was also generally agreed that there is not enough positive feedback about priests' performance, and that the only comments they hear from the Archdiocesan administration are critical and negative.

The Commission is also deeply concerned that even now there appear to be no structures in place to meet the urgent needs of those priests still struggling to minister within the Archdiocese. Nor is there support for other priests who, on the basis of workload alone, pose a threat to themselves and their community unless they are provided with the kind of care and relief that prudent administration and the Gospels demand.

Thus the Commission is persuaded that there is need for a radical change in the way the Archdiocese is governed. Many of those who addressed this issue, however, expressed very little faith that such change was possible given the authoritarian and patriarchal structures which lie at the very core of Roman Catholic discipline. Even under the dispensation provided by the Second Vatican Council and the revised Code of Canon Law, most committees and councils within the Church remain essentially advisory. As Pope John Paul II has said, referring to Diocesan Pastoral Councils,

... on a diocesan level this structure could be the principal form of collaboration, dialogue, and discernment as well. The participation of the lay faithful in these Councils can broaden resources in consultation and the principle of collaboration - and in certain instances also in decision making - if applied in a broad and determined manner. (*Christifideles Laici*)

As the Code of Canon Law and the documents of the Second Vatican Council make clear, however, the "sacramentally grounded ministry" of the laity and the clergy should be fostered, not frustrated, by the diocesan bishop and his administration:

The lay members of Christ's faithful, by reason of their baptism and confirmation, are witnesses to the good news of the Gospel, by their words and by the example of their christian life. They can also be called upon to cooperate with Bishops and priests in the exercise of the ministry of the word. (Canon 759)

The Commission has heard repeatedly from those who addressed the issue, that Archbishop Penney does not easily delegate responsibility even to those who hold office, such as the Vicar General, Chancellor and Deans. He tries, the Commission was told, to do everything on his own. While this style of administration invites admiration for his dedication, it elicits criticism because of the confusion it inevitably creates.

The concentration of all Archdiocesan initiatives in any one person's hands also leads to a breakdown of collegiality and a loss of a sense of responsibility. The result, too often, is that real communication is blocked, and denial and secrecy replace it. Such behaviour is neither required nor countenanced by the Gospel, the Church's law or the Second Vatican Council. As a consequence, people feel that they do not "belong". Love of the Church and respect for the preservation of its structure is based on the communion it makes possible. If it is not a "sacrament of communion", and in fact blocks communication, then it has violated its own sacramental nature.

### **The Avoidance of Scandal**

The Commission is persuaded that the need to avoid scandal has played a part in the thinking of senior Archdiocesan administrators over the past generation or so. While such a policy may not be always and everywhere inappropriate it can lead to serious abuse. The original Greek word from which the English word "scandal" derives means something which causes people "to stumble". The traditional cultural and ecclesiastical concern for avoiding the spread of scandal is based on the view that if people see their leaders and those they admire doing evil things the tendency will be "to stumble" either by direct imitation of those evil actions or by being shocked into turning away from the good that may be associated even with those who do evil.

This traditional view, however, which gives priority to preventing the spread of scandal as a way to protect people and their children against falling into evil, has two fundamental fallacies if inappropriately employed. It is a further example of the kind of patriarchal thinking that robs people of their own authority and their right to judge for themselves. It also provides protection for the offender and prevents the admission of sin, contrary both to Christ's teaching and to the rule of law.

### **Conclusion**

The Commission must conclude, therefore, that despite their efforts to deal with serious disciplinary, administrative and pastoral problems facing the Archdiocese, both Archbishop Skinner's administration and that of Archbishop Penney failed to deal effectively with them. The result was that people, especially the children, were left at risk. This failure must itself be regarded as a factor contributing "to the sexual abuse of children by some members of the clergy" of the Archdiocese.

The view has been expressed that the climate of the late 1980s is remarkably changed from that of earlier years. What might be clear and obvious danger today

in the light of heightened sensitivities and general knowledge of the nature and extent of sexual abuse in society, was simply not known or recognisable even five years ago. The Commission recognises merit in this view, but the record of events which occurred in the Archdiocese establishes that the Archdiocesan authorities were informed on various occasions of incidents and allegations and patterns of deviant behaviour. This information, taken together, should have alerted prudent and responsible leaders, even during the 1970s and 1980s, to the fact that there were serious problems involving the safety of children within the Archdiocese. That information did not elicit adequate or appropriate administrative action. The situation was not properly managed.

# Impacts and Needs

*Chapter  
Six*

## Chapter Six: Impacts and Needs

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### Introduction

The revelations of child sexual abuse by some Roman Catholic clergy have generated what might be termed a state of "moral panic" within the Archdiocesan community. The response to the problem has been reinforced by the concurrent enquiry into Mount Cashel Orphanage. The issue has touched the sensitivities of groups beyond the Roman Catholic Archdiocese of St. John's because the institutional church's problems imply a threat to basic societal values and interests, and specifically to those values related to family life. It may not be an exaggeration to say that there exists in the province some general anxiety about the collapse of the "Newfoundland way of life".

The first priority in seeking genuine healing of the wounds inflicted by the recent crisis must be the victims and their families. It is clear that the Church's initial response to these victims, while it can be rationalized on legal grounds, was woefully inadequate and may have been psychologically damaging for all concerned. The Church's deficiency in responding to the victims may have been in part a lack of awareness of the impact of child sexual abuse. This chapter will address the range of effects, both initial and long-term, felt not only by those directly involved, but by the whole Archdiocesan community.

To do justice to the problem of child sexual abuse, broad-based ownership is first needed by all segments of society. Taking ownership means acknowledging the problem to be true and valid even before victims speak out. It also means acknowledging the violation in the act of child sexual abuse, admitting that the victims have been cruelly and unjustly treated, and their trust, faith and innocence breached. Ownership also means taking responsibility for the problem, beginning with knowledge and understanding of the causes and dynamics of child sexual abuse.

### Impact on Victims

The Commission faced special difficulties in addressing its mandate as it related to the needs of victims. Not surprisingly, direct access to the victims was extremely limited. Two young men agreed to appear before the whole Commission in a private session. Three others submitted written briefs and were interviewed by a representative of the Commission. Given the dynamics of child sexual abuse, it is not difficult to understand why so few young men have been willing to disclose or to discuss their experiences after disclosure. The wonder is that any would have the courage in this society to reveal their experiences and then be willing to relive their suffering.

treated us so good and was so nice to  
 dy ... and it was just like such a  
 ace ... Mom and them thought so  
 h of him and it was so hard for me to  
 Dad ... [but] I started realizing this  
 right. . [Now] I find that it's stupid  
 sick. (local victim)

Additional direct testimony was gathered from the transcript of the preliminary hearing into charges laid against one member of the Roman Catholic clergy. The transcript illustrates the breadth and depth of the problem with which this Report is concerned. Another source, decisions of the Provincial Crimes Compensation Board, provides a dramatic picture of the dislocation and sufferings of the victims and their families. Nonetheless, this Report relies heavily on current clinical literature because of a dearth of specific information from local sources.

In the literature there has been much debate about the types of abuse that have the most serious impact on children. According to Kempe and Kempe (1984) several factors are significant in assessing the impact on male victims. The nature of the abusive act, particularly with regard to the degree of seduction, coercion, or violence used, is important. So are the age and vulnerability, developmentally and physically, of the victim and his ability to understand and cope with a traumatic or sexual event. Another significant factor is whether the offender is a stranger, an acquaintance, or a member of the immediate family; the length of time over which abuse takes place; and the degree of victim participation. How and when the abuse ends are also factors, as are the reactions of the adults to whom the victim confides his story. The consequences of treatment or legal intervention, particularly the length of the legal process, will further affect the victim. While it may be impossible to predict accurately what the full impact will be on any single individual, it can be said with certitude that there will be both initial and long-term effects.

The personal violation also causes victims of child sexual abuse to experience many losses. Lew (1988) enumerates several, including loss of childhood memories, loss of healthy social contact, loss of the opportunity to learn, loss of bodily integrity, loss of identity and self-esteem, loss of trust, loss of sexual maturity and loss of self-determination. All of these personal violations mean that victims of child sexual abuse lose the child's right to a normal childhood. In adulthood it may also mean a loss of the capacity to appreciate sexual intimacy as nurturing, gentle, holy and loving.

**Initial Effects.** The initial effects of child sexual abuse present themselves differently depending on the age or developmental stage of the child. Very young children tend to display mainly *internalized* traits such as fear, anger and hostility, guilt, diminished self-esteem, a sense of betrayal and self-hate. Older children, however, usually exhibit more *externalized* symptoms such as school problems, tendencies to run away, temper tantrums, substance abuse, inappropriate sexual behaviour and suicide attempts. They may be repulsed by their sexual feelings or develop a heightened sexual awareness leading to promiscuous behaviour.

The internalized emotional reactions of the victims are at the root of the externalized symptoms and therefore deserve more elaboration. A local victim eloquently described how these powerful initial reactions remain to haunt the individual long after the abuse has stopped:

People cannot identify with the feelings of the victims of sexual abuse unless they themselves are victims of this violent crime. The hurt, pain, humiliation, low self-esteem, lack of confidence, mental anguish, torment and shame are all feelings experienced by the victims. There

is sometimes a stigma attached to being a victim of such a crime because some people do not realize the power that these deviants hold over their victims, so the victim is seen to be responsible in some way.

**Fear.** The most common reaction to child sexual abuse is fear, and it is almost always present to some degree. All child victims can be expected to be fearful of the consequences of the sexual activity as well as of the disclosure. These fears may be expressed on a subconscious level, as nightmares, or they may take other forms, depending on the circumstances of the abuse and age of the child, such as fear of being physically damaged by the abuser, fear that everyone is a potential attacker, fear of loss of love and approval, or fear of certain places.

**Anger and hostility.** Anger may be expressed openly (in the form of acting-out behaviour), displaced (anger towards others) or repressed and turned against the self (in the form of depression or self-destructive behaviour). Victims are angry with the perpetrators who abused and exploited them, with parents or family whom they may see as having failed to protect them, and even with neighbours, friends, school personnel, classmates and others in the community, depending on their responses to the disclosure.

**Guilt and shame.** Very young children may feel no guilt or shame about their own sexual behaviour until later when they become more sophisticated or are reproached by others. For most children, guilt is such an important part of the effects of prolonged sexual abuse that it may be accompanied by anxiety or depression and result in neurotic behaviour in later life. Shame, on the other hand, involves the real or imagined judgment of others. It complicates the act of disclosure. It is reinforced by family, professionals and societal reactions to this kind of behaviour.

**Low self-esteem.** A poor self-image may also result from the sexual abuse. Feelings of guilt, shame and self-blame contribute to low self worth, especially if the response to the abuse has reinforced these feelings. Many victims refer to their bodies as "ugly" and "disgusting". They often neglect their grooming and hygiene or adopt seductive dress. Sometimes they hide their bodies with excessive weight. The self-hate may be so great that they harm their bodies through self-mutilation, drug and alcohol abuse, or by taking extreme physical risks.

**Long-Term Effects.** Although long-term effects may not be obvious in some victims' lives, in the majority of cases the trauma of the sexual abuse will have a dramatic and lasting impact on their functioning. It persists like an invisible disease that saps the energy and distorts the victim's perception, robbing him of the capacity to realize the fullness of his being.

The most prevalent long-term effects reported by male victims have already been experienced by some of the victims in this Archdiocese. These include such emotional reactions as depression, self-destructive behaviour, anxiety, sleep problems, stigmatization and a negative self-concept. Many victims experience difficulties related to their sexuality: an inability to enjoy sex or a compulsive desire for sex that may reflect a confusion about their sexual orientation. Other consequences might include chronic pain, headaches, nausea, eating disorders, problems in school, prostitution, alcohol and drug abuse, and sexually transmitted

diseases. Victims might also have difficulty relating to others, forming healthy relationships with adults and with their own children, and may be vulnerable to revictimization. Within society they may feel powerlessness, have problems with responsibility and self control, or experience general problems with adjustment or coping.

As with the initial effects, not every victim will exhibit the same long-term problems. Also it is important to realize that some victims may experience a few of these problems, while others may have almost all of them.

**Depression and suicide.** It is only in recent years that professionals have recognized the connection of chronic depression and suicide to child sexual abuse. Studies of adult populations have shown victims of child sexual abuse to be more self-destructive and to have high rates of self mutilation, more ideas of suicide and more actual attempts.

**Trust and revictimization.** Victims of sexual abuse are very aware of how unpredictable and hurtful other human beings can be. Having been victimized by people in whom they had formerly trusted, they may feel particularly vulnerable or fearful of further abuse. As they reach adulthood, these feelings of mistrust may cause problems and anxieties in relationships with friends and lovers (Maltz and Holman, 1987). The vulnerability may be attributed to a number of factors, including difficulties in learning whom to trust, low self-esteem and feelings of powerlessness. Having previously been victimized they remain painfully aware of the offender's capacity to detect social and psychological vulnerability.

**Social functioning.** Regarding social functioning, it is important to address the topic of how victims cope with their molestation. Their ways of coping with the intense stress of sexual abuse are very important in protecting some sense of well-being, personal integrity and sanity. They need to find ways to have some control over their experiences in order to maintain their individual identity. Many victims totally block the abusive experience from their minds for many years until the memory is reawakened by later stressful events. When positive coping mechanisms fail, many victims turn to alcohol and drugs as a means of escape or mental and physical numbing.

Dissociation is another way in which victims try to maintain a sense of power and control. Victims dissociate from the abuse by divorcing themselves mentally from the experience. This permits them to "blank out" and go somewhere else in their minds. They create a mind-body split so they do not have to stay mentally present and experience the full discomfort or pain (Maltz and Holman, 1987, 34). In the most extreme cases, victims develop multiple personalities.

**Institutionalized victimization.** A presentation on the impact of child sexual abuse would not be complete without a discussion of the way in which society's response to children and adolescents who have been violated perpetuates their victimization. It is evident from the history of child sexual abuse and the current situation that people's negative attitudes, beliefs and responses have been highly formalized and entrenched. This response is referred to as revictimization. Much education is still required to alleviate fears and to change the many prevailing misconceptions people hold.

There are three major areas that contribute to the institutionalized victimization of children. They are complex societal problems that can only be addressed through strategies for long-term change.

*The ill-informed and mis-informed public.* Many people not only lack information about the dynamics and impact of child sexual abuse but believe false information or myths. One major misconception is that the offender is always a stranger. This belief has been found in this Archdiocese. Many people still do not believe that the convicted priests whom people knew so well could have committed such acts. Because it is unpleasant for people to harbour suspicions about friends, neighbours, relatives and members of their own family they prefer to hold on to an image of the sexual abuser as a stranger or to deny the evidence of abuse if that knowledge would implicate a known person. Consequently, much of the blame for the abuse has been attributed to the victims themselves.

*Society's reluctance to discuss and address openly issues of sexuality.* There are special sex-education classes in schools to deal with the biological facts of reproduction but not the more complex nature of sexuality – nothing that speaks to the feelings or anxieties children experience concerning their bodies and sexual responses. Moral teachings that deny or negate sexual needs further stifle open, honest expression of sexuality and lead to feelings of guilt and shame. All of these factors and many more create a climate that inhibits open disclosure of the victims' trauma because it is of a sexual nature.

*Attitudes of agencies and institutions towards victims.* There are many examples that illustrate how victims are overlooked and poorly treated by agencies and institutions. Because of their lack of training and experience in dealing with the problem, some professionals are unable to respond sensitively and adequately to victims. They still exhibit judgemental attitudes and discomfort when confronted with the sexual abuse of children. The crowded court systems subject victims to lengthy waits for hearings. The problem of child sexual abuse has simply not been given priority by society, and until it is, the institutions and agencies established to serve victims will not have the necessary resources to do a good job.

**Male-specific Effects.** In addition to the initial and long-term effects of sexual abuse which apply to all victims, males victims tend to be affected in a particular way. As the veil of secrecy is raised about the abusive nature of premature sexualization, more adult men and women are re-evaluating the meaning of childhood sexual experience. In the 1988 National Film Board production *Myths of Mental Illness*, a 42-year-old male realizes his suppressed memories of child sexual abuse have continued to influence his adult behaviour in a negative and destructive manner. It is not uncommon for male patients in their forties, seeking psychiatric treatment for the first time, to reveal the guilty burden of early sexual experiences. Sadly, the true significance for the patient has often been minimized or discounted by the professional community. Many young males repress the psychic trauma of sexual abuse during their adolescent years by rationalizing that such behaviour is a "normal" aspect of their socialization. Myths about male bonding abound: the traditions of exploratory sexual behaviour are as common among athletes as among poets.

Clinicians often observe problems of sexual confusion with males who have been sexually victimized. The conflict may be a result of having experienced pleasurable physical sensations during the abuse but feelings of disgust and anger afterwards. The victim may feel betrayed by his penis because it signals arousal at a time when he is feeling upset and hurt. As Maltz and Holman (1987, 145) state:

Male victims may misinterpret the sexual stimulation and response they felt during the abuse as meaning that they were genuinely attracted to the maleness of the perpetrator. This misinterpretation may foster the mistaken conclusion that they must consequently be homosexual. Male survivors may need to realize that sexual organs do what sensitive body parts are supposed to do – respond to erotic stimulation. Same sex sexual interaction is normally somewhat arousing to people regardless of their own sexual preferences.

One local male victim accounted for his persistent promiscuous behaviour with numerous female partners as a way of proving to himself and others that he is a heterosexual.

The socialization and identity development of males is a critical factor. If they have been sexually abused they will be distrustful, which automatically separates and isolates them from others. They also feel a lot of pressure to prove themselves sexually and are terrified by the thought of "not being real men" and of rejection. They also receive messages from society, through such forms as pornography, that sex is linked to domination and violence, and that women and children are objects of sexual pleasure.

### Impact on Families

When the news of the child sexual abuse scandal first broke in the Archdiocese many people found it difficult to accept, and victims were treated at best with equal measures of sympathy and suspicion. In some ways the situation was as bad or worse for their families. Their anguish tended to be ignored as the community strove to comprehend the problem and balance its concern for the victims with its own loss of faith in the institutional Church.

Throughout the course of its investigations the Commission has heard from parents of victims in public and private sessions. Their words lend irrefutable support to the literature on the impact of child sexual abuse on the families of victims. Their courage in speaking out about the extent of the damage such abuse can wreak on family life must be admired. Above all, their determination to tackle all aspects of their difficulties – as mothers, fathers, siblings, members of communities and Christians – has been an important element in the Church's decision to institute this Enquiry. It is hoped that the courage and determination of the few will lend strength and healing to the many other parents and families who are privately facing the awful effects of child sexual abuse.

The Commission has observed that the victims' families are affected at four different levels: personally, within their family relationships, as members of local communities and as members of the Church community. After the initial feelings of shock and disbelief, the primary reaction is the need to blame someone for the

*When this came out about the sexual abuse by children I was angry, hurt and stated. There is like a piece of me missing. The Church was a very big part of my life. (victim's mother)*

*We want somebody from the Church to come and talk to us. We want a priest, the victim's father)*

*We were rejected by our Church and we have to get our own help. (victim's mother)*

incident. This blame often shifts rapidly from the victim, to the abuser, to themselves (Sgroi, 1978, 136).

Parents of victims tend to be especially hard on themselves. While they are trying to help their child they must also cope with their own deep and complex feelings. They may torture themselves with endless doubts about the quality of their parenting, and tensions within the family will rise as the parents are beset by new worries about the safety of their children outside the home - about drug and alcohol abuse, fights or suicide attempts.

Parents often find it difficult to deal with their child's personal feelings about the abusive experience. They may feel ill-equipped to discuss issues of sexuality openly in the family. In cases where a son was sexually abused by a male offender they may have fears and misconceptions about homosexuality and may not know how to discuss this issue. If the abuse occurs around puberty - a difficult time for the family in any case - the impact may be heightened. The victim's anger may be directed at his parents because they were not able to protect him, at the court for what the court has done or failed to do, as well as at the offender for what he has done.

No one in the family escapes the trauma. The impact extends beyond the victims and their parents to include siblings and other close family members. Siblings who were not abused may resent the loss of attention to their own needs as the parents' resources are devoted so exclusively to helping the victim. They may also resent the public embarrassment they now face because of the disclosure.

Even the victim who refuses to disclose becomes trapped in a terrible bind: to avoid the shame of disclosure he has forfeited the solace of family support. Furthermore, should his family suspect his victimization, without its acknowledgement the whole family is forced to live in a suspended state of pretence. In such circumstances the process of healing and re-integration of the family unit is made more difficult and the impact is more likely to be even longer-term.

If the person who abused the child was a friend or a person entrusted with the care of the child the parents will experience an enormous sense of betrayal. It may be even greater if the person is a teacher or clergyman, and the family will probably feel betrayed, not only by that person, but by the whole institution that the person represents. This may lead to a feeling of distrust of everyone. And for parents trying to teach their children how to trust, a tremendous dilemma is created.

The impact on the family may be complicated by the community's response to the victim's disclosure. Parents may go through a "gain-loss assessment" during which they weigh the gain of actively supporting their child against the possible loss - such as social stigmatization - that may result from this support (Sgroi 1978, 136). In the present circumstance, where the offenders were Roman Catholic clergy, hesitancy on the part of families is easily understood. In a small community this fear of stigma might be even greater; that the majority of complainants came from small communities in the Archdiocese makes their courage all the more remarkable.

By the time this Commission had the opportunity to meet with parents of victims, eighteen months had elapsed since the laying of the first charges of child sexual abuse. Most of the identified victims and families were receiving psychological counselling and support by this time, but the effect on their faith was still not being adequately addressed.

Almost without exception the parents of these victims expressed a profound sense of lost faith in the institutional Church, principally because their Church did not reach out to offer pastoral and clinical help when it was most needed. Forced to live in the shadow of the very edifice that betrayed them, many continue to find it impossible to participate in its rituals. For some parents their disillusionment with the Church has meant a complete loss of faith. However, most of the parents have come to distinguish between the temporal manifestations of their religion in the Church and their basic belief in God. Many expressed to the Commission a desire to resolve these feelings of bitterness and a longing to receive reparation from the Church that had formed the foundation of their faith. Their suffering has been so intense that they feel fully justified in their expectation that it is the Church's responsibility to reach out to them.

### Impact on the Archdiocesan Community

As noted previously, the vision of Church as the communion of the people of God was reaffirmed in the Code of Canon Law in 1983. This vision encompasses the diversity and complementarity of all members of the Roman Catholic Community, both clergy and laity. It acknowledges the need for the lay community's direct involvement in and ownership of the Church if the Church is to realize its mission in the world. Arising out of this vision is the acknowledgement that the pain and suffering of some members of the communion affect the whole membership.

**Laity.** Time and again, as this Commission conducted meetings throughout the Archdiocese of St. John's, it was told of the devastating impact that the child sexual abuse scandal had on lay community members. Most of the speakers had not been directly involved in the events, yet they spoke with eloquence about the personal feelings of anger and betrayal they experienced when they learned what had taken place in their midst. Their anguish and incredulity led many to question the basic moral values operating within the Archdiocesan community.

Many people commented on the way some communities have divided into "warring camps". As one man put it, "Families hate each other over what has happened". They also expressed feelings of persisting suspicion and helplessness that so much time had passed without any opportunity for them to deal with these collective feelings in an effective and focused manner.

In marked contrast to the emotionalism of some public meetings there was a tendency among parishes where no charges of sexual misconduct had been laid to distance themselves from the problem. In certain instances, the view was expressed that the scandal had not had any direct impact on parishioners. This stance, maintained by some clergy and parish officials, is contrary to the evidence provided by individual lay women and men. When painful feelings are ignored or

*ry to feel, in your heart's core, the reality of others. This is the most painful thing in the world, probably, and the most necessary. - Margaret Laurence*

minimized, and when legitimate outlets for expression and exploration are denied, there is a consequent cost to the human spirit that will eventually manifest itself in unproductive or maladaptive ways at both individual and community levels.

This attitude also denies the unpleasant truth, now supported by various epidemiological studies and the findings of this Commission, that child sexual abuse is a common event in our society. The great majority of sexual abuses are perpetrated by persons who are well known to the child victims. As Jocelyn Aubut says, "Realizing that the abuse is so common, and that many abusers are the parents themselves, facing the fact that parents cannot protect their own children poses a great threat to our concepts of family structure and community structure" (Volume Two, B1).

The public discussions also revealed a poor understanding of the conditions affecting informed consent. Consequently there were statements which wrongly implicated the victims in their own victimization. The effect of this attitude is to perpetuate the victimization at a time when the young men are struggling to survive and rebuild their lives.

Another disturbing lack of knowledge was about homosexuality, and there was also ignorance of the distinction between homosexuality and pedophilia. The Commission encountered a significant degree of homophobia (fear of homosexuals) that needs to be addressed if society is to avoid the unnecessary stigmatization of a significant portion of humankind.

The Commission also recognizes that the traditional cohesiveness of community life in certain parishes has also been threatened. Communities bound by common ties and social interaction, especially associated with Church affiliation, have suffered severe disruptions in their long established social relationships and their spiritual value systems. This disruption constitutes what one author terms a "community level of crisis" (Brown, 1980). Communities as well as individuals need help in coping with and rebuilding from situations of extreme stress.

The Archdiocesan community is confused and divided in its response to the sex offenders themselves. Not surprisingly, a significant and vocal minority have expressed great hostility towards them. In their anger they have suggested an entirely punitive method of dealing with them ranging from penalties administered through the justice system to their total abandonment by the Church upon release into society.

People must recognize and accept that the Roman Catholic Church, through its bishops, has lifelong responsibility for all ordained priests, unless they have been formally laicized. Beyond this formalized relationship of clergy to the Church there is another and more pressing need to reinforce the very concept of the Church as Christian communion. Christians are called to forgiveness. Just as treatment is essential to diminish the suffering of victims and their families, it is also essential for sex offenders so that they may safely re-enter society after their release.

Such an approach must nevertheless be balanced by a realistic appraisal of the efficacy of sex-offender treatment programmes which efficacy has not, to date, been clinically substantiated. In any case, sex offenders must not be returned to

*our family and especially our brother, who was only eleven at the time, is still looked down upon as the bad boy who should have [remained silent].*

*The Church should have acknowledged that there were people in communities who were feeling guilt and shame. There should have been right from the start an effort made on the part of the local priest ... to offer support and counselling.*

any parish work which could place them in situations that might tempt a relapse and the commission of further offences.

A recurrent sentiment running through the comments of virtually all who spoke with the Commission was a sense of indignation and anger because the Roman Catholic community had failed to respond quickly, generously and courageously to the needs of those who had been hurt. While there was a general acknowledgement that Church authorities were obliged to act within the law to ensure that nothing would hamper civil authorities in their prosecution or compromise anyone's civil rights, there was also a perception that the Church authorities had been hesitant to act for fear of incurring financial or other liability. As one group said to the Commission:

... concerns about legal responsibilities or liabilities which may arise from legal actions should not prevent immediate assistance to victims. The church can make clear that such assistance is based on true Christian charity and is neither a denial or acceptance of any legal responsibilities. (Volume Two, C125)

The Commission heard from many who said that, because of this inaction, they felt the Archdiocesan leadership had lost credibility and integrity, and that the Archbishop himself had failed his people. A strong leader, the Commission was told, would have hastened to support those who asked for aid. Instead, as in the parable of the Good Samaritan, those who should have assisted passed by without helping.

As the responses of Roman Catholic students interviewed for the Commission<sup>26</sup> show there was a strong feeling that the Church should have reacted more quickly to provide help and that it failed in its responsibilities to the Archdiocese at large. Other opinions about the Church indicated a general distrust of priests, and many said that their first reaction when meeting an unfamiliar priest is now one of suspicion and doubt. When asked from whom they would seek advice, clergy were never mentioned spontaneously, and most students stressed that they would never consider a priest as a source of support. Perhaps just as disturbing for the future spiritual health of the Archdiocese is that, when asked if they would like to live the life of a priest, there was a resounding "no" from all student groups. While these attitudes were not formed solely as a consequence of the abuses in the Archdiocese, these crimes and the Church's response to them have exacerbated a perception of the Church which was already in serious trouble. And these young people are the future of the Archdiocese.

Finally, the members of this Archdiocese have had to face the fact that the Church in the Archdiocese, the ultimate moral arbiter for many in society, has been party to that widespread sexual abuse of children. Public reactions have ranged from overwhelming shame to total denial. The Commission has observed first-hand that crises involving value systems affect both the emotional lives of community members and the very stability of the communities in which they live. People must not allow their anguish to promote a rigid and over-intrusive

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<sup>26</sup> See Volume Two, D1ff.

response that will continue to damage their spiritual and emotional lives for years to come. Somehow a balance must be achieved that reconciles awareness with health, growth and peace of mind.

**Priests.** Even before this crisis the local priesthood was under great pressure. The Second Vatican Council challenged old structures and understandings, but these have not been adequately replaced with a new vision of Church to which all have given whole-hearted assent. Without a firm, shared vision of Church, the role of the priest has not been clear, and confusion and frustration have often been the result. When the current situation became known, these past difficulties were compounded by new stresses.

Currently the priests of the Archdiocese feel pressure from all sides. Most have been hurt, angered, ridiculed and demoralized by the revelation of child sexual abuse by some members of the clergy. They feel they have irretrievably lost respect and support from their people. Many demonstrate an inability to deal with basic questions raised by these events and seem overwhelmed by them. In meetings with the Commission some priests expressed frustration with the leadership of the Archbishop since the disclosures of child sexual abuse were made public, and they are unclear about their role in helping to address the issue of child sexual abuse within their parishes.

The Commission is particularly concerned at the general state of morale and emotional health of the members of the presbyterium. In the Commission's view it is a matter of urgency that the Archdiocese take immediate steps to arrange that each priest in the active ministry take a mandatory leave within the next three years. This leave should be of such duration and design as to permit all priests to make an informed review of their life situations, and a renewed commitment to the ministry appropriate to them. Those involved in the assignment of pastoral duties should take this as their first priority. Parishes should be advised to take steps now to accommodate the absence of priests during these periods of leave.

### **Needs of Victims, Families and the Archdiocesan Community**

The wide range of impacts that result from child sexual abuse creates an equal range of needs for the victims themselves, their families and for the community in which the abuses occur. Victims, their families and the community need support and services for the trauma they have gone through and to understand what has happened. The general public will also need to learn to recognize the problem, how it is manifested and how future occurrences can be prevented.

**Services.** A variety of psychological, social and spiritual services are needed by all those who have been touched by the problem of child sexual abuse. Something must be done to terminate current victimization, improve identification of victims, hasten their entry into treatment, decrease the impact of the abuse and improve the quality of institutional responses to victims seeking help.

Because the abuse with which this Report is concerned happened within the Church and involved a profound betrayal of trust and faith, the need for support

and understanding has been particularly acute. The initial hurt of the victims has also been aggravated by their having to relive the painful experiences, sometimes under the censure of a community which was also traumatized by the events. Concomitant with the anger, shame, and bitterness of the victims and their families have been the shock and disillusionment of the whole community. All need support; all need the opportunity to heal.

**Victims.** Clinicians have found that the approach to counselling males who were sexually abused as children is generally similar to that for female victims. They need to be treated with sensitivity and respect. They need a forum where they can disclose their secret and lessen their feelings of isolation as victims. However, clinicians have noted differences in the way in which men and women experience their traumatization so that treatment for men differs in certain aspects from programmes for female victims. Men have been found to be more comfortable expressing their emotions to women counsellors than to men.

When victims seek help it is essential that the services be provided in an atmosphere of trust, with a sensitive non-judgemental approach. At every level of intervention the goal must be to restore the victim's positive self-image and sense of his personal identity. Services must also be comprehensive, ranging from crisis intervention to long-term follow-up. No service system will be complete if an ancillary level of preventive services is not developed to educate children and youth about sexuality and normative behaviour.

To enable the healing process to begin after disclosure, victims may need intervention that involves listening to and understanding their special needs. If they are still threatened by the offender their physical safety must be ensured, which may involve legal or child protection procedures. They may need medical assistance, such as tests for sexually transmitted diseases. As they interact with the legal system they will need support to help them deal with various agencies and the courts. They will also need counselling to address the immediate emotional, psychological and social effects, and access to longer-term services that can provide further counselling or therapy.

Although victims may have worked through the immediate issues surrounding disclosure and the court procedure, they may need continuing counselling and support for extensive periods after the abusive relationship has ended. For treatment to be effective there must be a comprehensive assessment to determine the range of services required. These services should be co-ordinated through a resource network that is truly responsive to the victims' needs. Above all, the intervention must include information that will empower the victims to seek further assistance as they get older.

An appropriate follow-up service system should include information about child sexual abuse and the impact of abuse, a variety of continuing therapy and counselling services, and practical help with problems relating to school, employment and living. Self-help groups where victims can regularly meet with others who have been through a similar experience may be valuable, as may drop-in locations where survivors can meet informally with people they trust. Victims must also be given information about sources of compensation.

In this province, however, treatment services are fragmented, under-funded and may further victimize the victim. Policies, protocols and procedures are lacking or inadequate. The social service system suffers from deficient staffing and financial resources: caseloads are so high that victims' needs may get lost. One of the chief needs of victims is therefore an expanded and revitalized system of treatment delivery.

**Families.** From our examination of the impact that the events have had on families it is clear that they may also require personal, professional intervention to recover from the impact of child sexual abuse. The families who appeared before the Commission were unanimous in the opinion that those services should be provided by secular agencies if any direct benefit is to be gained from counselling and therapy. This response was a reaction to the local Church's inadequate response to their plight. With the passing of time, these feelings may diminish. In light of the Church's greater sensitivity to this issue the services provided under the auspices of the Family Life Commission could be expanded, given increased funding and the professional resources needed to enhance the Commission's effectiveness in addressing the problem.

Services to the families of victims should be planned to deliver crisis intervention and follow-up services. Present crisis intervention services must be expanded. Within the Archdiocese mental health services must expand their existing programmes to develop the capacity to respond quickly to families as they enter the disclosure and reporting phase of child sexual abuse. These services need to be supportive and non-judgmental if they are to guide the family effectively through the crisis phase of intervention. There must be a clear message of understanding delivered to the families that they are not responsible for the crisis and there must be a clear validation that the family's feelings of anger, loss, confusion and doubt are a normal response to the crisis.

Once the initial interventions have occurred, follow-up services for families are essential. Existing mental health services have been strained to the limit by the present child sexual abuse problem. These services must be expanded or new agencies created to deal with long-term follow-up. The interventions should be similar to those for the victim: information about child sexual abuse and its impact on the victim and family, counselling and support, detailed and practical information about the legal process confronting the victim and family, and information about possible sources of reparation and compensation. Long-term counselling should plan for a future that is positive for the family as well as for the victim.

**The Archdiocesan community.** At the community level the child sexual abuse scandal has been felt primarily as an assault on traditional values regarding family and religious institutions. The spiritual and moral belief systems that bound community members to one another in the past are still being seriously questioned if they have not, in fact, been destroyed.

Although individual community members may feel the need for personal counselling or therapy the principal focus of intervention should be the strengthening of community ties. The ultimate goal of intervention must be the

affirmation of a faith community within the wider context of a cohesive social system. This does not mean to suggest a simplistic renewed conformity to outmoded values but rather the positive development of a belief system that respects individual differences within a generally stable social environment.

Unlike the personal treatment services needed for victims and their families, the community strategies should be identified with a Church that is cognizant of all aspects of its pastoral role. The Church has a major part to play in addressing the needs of the community in its process of growth. Clergy and laity alike will need to join together to develop the various strategies proposed for this purpose. The Church has a long tradition of providing social services to children and families which must not be destroyed in the heat of the present scandal. In particular there is a need for public awareness and family life education that is focused on each person's role as citizen and as a member of the Church community.

The community must also be informed of its legal responsibilities to report any suspected form of child abuse so that they can act quickly and effectively whenever concerns of this nature arise. The community should also be aware of the legal protection available to victims and informants. The community must also be made aware of the full range of services that are available to deal with child sexual abuse, especially emergency services and crisis counselling. At present there are significant gaps, especially in rural areas, in the availability of these services for victims and their families; no intervention services exist locally to address community crises resulting from this issue.

**Prevention.** Efforts to prevent the occurrence of child sexual abuse have increased since the late 1970s with the implementation of numerous education programmes and the development of agency policies and protocols aimed at detection and reporting. Within the Archdiocesan community and society in general there must also be a long-term commitment to change the attitudes, values, behaviours and structures that allow child sexual abuse to occur. Primary prevention measures should be directed towards the general public to initiate broad systemic change. This should include altering values, attitudes and beliefs that will result in making children less vulnerable to victimization. Secondary prevention programmes should be aimed at children and families to provide information about normative sexual behaviour. Programmes directed to parents and to family members should include the concept that families are not directly responsible for what happens when their children are involved in sexual relationships with non-familial authority figures.

Programmes are also required that encourage healthy understanding of sexuality and address sex stereotyping and homophobia. In addition, programmes that would inform the community about the nature of child sexual abuse and foster the development of non-abusive relationships within families, and between children and persons in relationships of authority and trust, are needed. Such programmes should place this problem within a broader societal context, and help alleviate the guilt and shame currently felt in some local parishes.

In the past children have been the main target group for education, but parents and professionals have also been the objects of new programmes. Although these programmes constitute an important approach to teaching children their rights, a number of authors and clinicians are currently expressing

concern that too much emphasis is being directed at the child rather than at adults in general, or at potential offenders in particular. Concern has also been raised about the content of the programmes – that over-simplification may result when the topic is being made understandable to children. Children may also receive an implicit message that sex is bad.

Another concern is the lack of evaluation of existing programmes. There is no clear evidence that programmes are successfully teaching children the behaviours thought to be useful in preventing or escaping sexual abuse because it is not known whether this information actually translates into action. There may also be problems in the planning and implementation of programmes, such as lack of experienced staff, shortages of appropriate materials, trouble finding locations, securing funding and staff "burn-out".

Another dilemma in current prevention efforts lies in establishing a commitment to developing approaches that will examine and address the root causes of child sexual abuse. The recognition of the widespread and deep-rooted nature of the problem produces a sense of grave concern and anxiety about our accepted institutions. Although these feelings can have an energizing effect and lead to innovation and reform, they can also result in denial and disengagement. The changes needed are so extensive and the resources required so great that it often seems easier to dismiss the problem and ignore its ramifications.

It is revealed throughout the Report that sexual abuse is a widespread problem that develops in a broad social context, and that in part, "Rape and child sexual abuse are life-threatening by-products of a violent, sexist and racist society" (Fortune, 1983, 230). In order to create a climate of intolerance of abuse, the structures of our institutions must be examined.

The significance of the sexual stereotypes of men, women and children, their portrayal in the media, the male domination of women through violence, and the perpetuation of the powerlessness and vulnerability of women and children cannot be ignored. As well, institutions that neglect and arbitrarily control children or assign low status to their care-givers reinforce the historical view of children as objects of exploitation. Problems of wife battering and elder abuse need to be addressed in conjunction with child abuse. Poverty, unemployment, inadequate daycare and poor housing also affect the well-being and personal strength of all members of the family and should be recognized as other contributing factors in need of redress. The structures of society that exclude the equal participation or value of all members perpetuate biases and injustices.

Positive approaches to prevention will be, in general, most effective in the long term. The kind of laws passed and the kind of education provided must be chosen carefully so that expressions of genuine love and caring are not suppressed or stifled in the attempt to avoid the occasion – or the suspicion – of child sexual abuse. This is a significant problem with potentially serious repercussions for society. Ignorance of the reality and prevalence of child sexual abuse must be replaced, but not with suspicion, insecurity and vigilantism. Already, public reaction to the problem of child sexual abuse in the local community has resulted in child education programmes that may encourage generalized distrust of adults

by children. It has also affected school board policies concerned with teacher-pupil interaction and has altered the behaviour of teachers so that they are more distant and isolated from their students. We could thus inadvertently create a society in which adults are forced to withhold expressions of nurturing and affection for children. Unless great care is taken to address this problem in a balanced manner we run the risk of producing future generations of emotionally stunted adults.

The method of informing people about child sexual abuse will have to be multifaceted and implemented by various institutions of society, including schools, churches, hospitals, governments, agencies and volunteer groups. Among other subjects, this education should provide knowledge about the dynamics and impact of child abuse, and information about detection, reporting and available support services. Further, it should promote the value and importance of the well-being and rights of children, and convey the message that neglect and abuse have no place in a caring community and will not be tolerated. It should provide knowledge about sexuality, including intimacy, relationships, sex-role stereotyping, sexual orientation, and reproduction; provide knowledge about child development and parenting skills; and teach children their rights to safety, security, and appropriate, non-exploitive affection and caring.

The types of prevention programmes needed are primarily educational rather than therapeutic. Consequently they may be provided by a variety of agencies ranging from professional treatment centres and the education system to the pastoral care component of the local parish.

As well as education, there is a need for the implementation of legislation, policies and practices that will ensure the equal protection, rights and proper treatment of children under the law. There is a need to develop strict and consistent legal, moral and social sanctions against the abuse of children, and against their exploitation through child pornography and child prostitution. There is also a need to develop and implement policies and protocols that detect, report and prevent the abuse of children. To accomplish this it will also be necessary to review and monitor all relevant policies and practices of social institutions serving children, such as health, educational, cultural, religious, recreational, legal and social services.

### Conclusion

To mitigate the impact of the crisis – on the victims, their families, the Church and the community at large – much still needs to be done in the areas of treatment and support, identification and prevention, modifying social attitudes, strengthening faith and educating people about the causes and consequences of child sexual abuse. The Commission believes that this Report will satisfy something of the latter need and that the recommendations which follow in the next chapter will go some distance towards addressing all of them. In implementing these recommendations the Church must play a central role, not only because it owes physical and spiritual restitution to the victims, but because it must resume its role of spiritual leadership which has too often been wanting in the past.

# **Conclusions and Recommendations**

*Chapter  
Seven*

## Chapter Seven: Conclusions and Recommendations

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The Commission's Terms of Reference require it to examine the factors which may have contributed to the sexual abuse of children by members of the clergy, and to explore the events which occurred in the Archdiocese to determine why the abuse went undetected and unreported. The Commission was also instructed to make recommendations for the spiritual, psychological and social healing of the victims and their families; to recommend effective procedures for becoming aware of, reporting and dealing with incidents of deviant behaviour that might occur; and to make recommendations respecting the selection of candidates for the priesthood, the promotion of holistic growth of the clergy, the fostering of healthy relationships between clergy and laity, and the provision of support for clergy to help some of them cope with deep psycho-social problems.

The sexual abuse of children which occurred in this Archdiocese is part of a larger and general problem within society. Child sexual abuse occurs in all parts of our society and throughout other cultures. It is not a problem unique to Newfoundland, to the Archdiocese or to the institutional Church. There are, nevertheless, factors involved in the abuses which occurred here that set them apart from those which are most common in our society: the victims were adolescent male children, and the offenders were Roman Catholic clergy. The relationship that was established between offender and victim involved an abuse of power and betrayal of trust in which the victim was unable to give informed consent for participating in sexual acts. It was consequently a profound violation of the personhood of the victim as well as a criminal act. Because of a combination of contributing factors, both direct and indirect, these abuses began and continued, without public knowledge, some for many years.

This chapter presents the conclusions reached by the Commission in the course of its enquiry and provides recommendations concerning each element of its mandate.

**Term 1** *To enquire into factors which might have contributed to the sexual abuse of children by some members of the clergy: which factors may include family background, education, lifestyles, mutual support systems, or any other pertinent circumstance.*

The factors which contributed to the incidents of child sexual abuse by some members of the clergy in the Archdiocese of St. John's are intricately woven into the fabric of our society and of the Church. An analysis of the evidence which the Commission has gathered and of the research it has conducted shows that psychological, social and church-related factors were involved.

**Psychological.** Solid research on the clinical aspects of both the deviant sexual behaviour of offenders and the impact the abuse has on child victims is limited. This is partly because incidents of child sexual abuse have not been well reported until recently, and thus the understanding of contributing factors, incidence, impact and treatment is as yet inconclusive. Most of the recent literature concerns female children who were sexually abused by male offenders, usually a parent or other close authority figure, because this is the most prevalent kind of child sexual abuse. However, the events reviewed by the Commission do not fit this pattern since the victims, though children, were post-pubescent males.<sup>27</sup>

The available evidence does not support the view that any of the sex offenders under consideration should be classified as pedophiles, a category of sex offenders who have a sexual preference for pre-pubescent children. Rather, based on its evidence, the Commission has concluded that the convicted offenders exhibited regressed homosexual behaviour when they abused their victims; however, their actual sexual orientation may or may not be homosexual. In any case, their sexual orientation does not seem to be fully distinguished and the sense of their own sexuality appears undeveloped.

**Social.** Child sexual abuse is a widespread societal problem which has been linked to general attitudes toward children, to sex-role stereotyping and to the way sexual relationships are perceived in society.

Current research does not provide reliable, definitive evidence to establish a causative relationship between personal backgrounds and the sexual deviance of the offenders. Nor has a correlation between family background and the perpetrators of child sexual abuse been established in the events which occurred in the Archdiocese.

Major socio-cultural factors, however, such as traditional socialization within the context of a patriarchal family and society were probably indirect contributors. The way many children are raised countenances the use of physical discipline and expects unquestioning obedience to power, which implicitly condones violence and requires compliance with adults. Sexual stereotyping, where males dominate women and children, further perpetuates a sense of powerlessness and vulnerability.

Traditional male socialization and traditional attitudes towards sexuality may have also contributed to the sexual abuse of children in other ways. Traditional male socialization values male dominance and independence. It allows some males to engage in sexual acts isolated from the context of a caring and equal relationship; such people may fail to integrate sex and intimacy, and limit their display of intimacy and affection to the performance of a sexual act.

These factors are exacerbated by society's approach to discussing and teaching sexuality in the family and in school. The approach has too often been negative and repressive. The effect is two-fold. First, there is a lack of awareness and understanding about sexuality; the sexual expression of individuals who fail

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<sup>27</sup> The Commission has accepted the definition of a child as a person under the age of eighteen years.

to understand their own and others' sexuality may become distorted and destructive. Sexual activity may be confused with sexual violence and unequal relationships may be established. The extreme example of this distortion is child sexual abuse. Second, suppression of open discussions about sexuality creates an atmosphere which may make it much more difficult for a victim to disclose. The guilt and shame a victim already feels as a consequence of the abuse can be heightened by the prospect of disclosing to those whose treatment of the subject has been disapproving or silent.

Within the Archdiocese and elsewhere, victims of child sexual abuse have been wrongly blamed for their own victimization. The offender often contrives to gain the victim's apparent co-operation, but this in no way mitigates the offence. There is evidence that alcohol was offered to many of the victims for this purpose, and in some instances the offender drank excessively. But even without such inducements an adolescent is particularly vulnerable because an offender takes advantage of an adolescent's confused sexual feelings and offers friendship during a difficult period. Offenders may use other tactics that boost the self-esteem of adolescents to make them feel privileged by the offender's friendship.

Sexual activity between a child and a member of the clergy involves a further abuse – an abuse of power and a betrayal of trust. In these cases the victims were unable to give informed consent. The offenders were important figures and the relationship between them was fiduciary – founded on authority, loyalty, dependency and trust. Because these authority figures were priests, a spiritual dependency was also exploited. This made it difficult for the victims to recognize or understand that the relationship with the offenders was abusive, that it was a violation of both body and self. Victims of child sexual abuse are not to blame for being victims.

**Church-related.** In addition to the psycho-social factors which underlie the sexual abuse of children, factors related to the Church also had a direct bearing on the occurrence of child sexual abuse by priests in the Archdiocese.

The position the offenders occupied in the community provided them many opportunities for sexual abuse because they were given unquestioned and unsupervised access to male children. But their status as priests was used in other ways as well. Child sexual abuse is a deviant sexual act based in power and manipulation. When priests of this Archdiocese sexually abused children, they exploited special power that derived from their positions as spiritual and community leaders. In doing so, they violated their trust as pastor, their priesthood, and betrayed an important fiduciary relationship. As we have seen, much of this power, apart from that conferred by faith, developed with the Church's history in the Newfoundland context, where it reached a position of nearly absolute authority in everyday life.

This pattern of power has not been good because it often left the Church in the Archdiocese and the priest in the parish with too much influence, unchecked by social – and sometimes even legal – balances. It also precluded a healthy scepticism about some of the men who occupied positions of authority in the Church. Such misplaced faith in individuals not only gave the offenders the

opportunity and power to effect the abuses, but also encouraged suppression and denial of the disclosures. Who would believe a mere boy who said bad things about a priest?

The public perception of the position of the clergy also led to isolation of the priest and his inability to integrate socially with parishioners. When difficulties developed from this kind of isolation, or from other factors, there was no adequate Church structure in place to assist the priest. Within the Archdiocesan administration there has also been poor co-operation and communication, sometimes culminating in debilitating animosity and heightened isolation.

Much of this misuse of power and the misunderstanding of the right relationship between priests and parishioners is the result of the poor ecclesiology within the Archdiocese. Neither the priests nor the lay members of the Archdiocese have been adequately led to the vision of the Church which continues to emanate from the Second Vatican Council.

**Term 2** *To enquire how such behaviour could have gone undetected and unreported for such a long period of time.*

It is evident from the preceding chapters that the Commission's Terms of Reference contain an inaccurate assumption. As a result of its investigation the Commission has determined that the Archdiocese was aware of allegations of child sexual abuse by some members of the clergy. Indeed, accusations of child sexual abuse were reported to officials of the Archdiocese as early as 1975. At that time these officials were advised of complaints against James Hickey; the Vicar General, Monsignor Morrissey, was told by different priests on two separate occasions that allegations had been made.

The Commission has determined that between 1975 and 1989 the Archdiocesan administration had heard rumours, reports or formal accusations of sexual misconduct between priests and children on many occasions. Nevertheless, neither the current nor the previous Archdiocesan administration took decisive or effective steps to investigate further, to halt the abuse, or to inform parishioners of the risk to their children.

The first disclosures were inadequately dealt with by the Archdiocesan administration. This allowed the threat of sexual abuse to continue, though the poor handling of the early accusations of abuse may be understandable in the context of the times, when most people were not aware of the prevalence and dynamics of child sexual abuse, or the damage that it causes.

Despite the heightened awareness within society during the mid-1980s about the problem of child sexual abuse, Archdiocesan authorities seem to have continued following a minimal response policy to what was, by this time, a continuing series of informal and formal complaints. This was the case even when an individual known to the Archbishop came forward and disclosed to him that he had been abused as a child by one of the Archdiocese's still-active priests.

The accumulating evidence included visits from the police and other professionals, from parishioners and from other priests. Some priests were aware

or suspicious that some colleagues were not following their commitment to celibacy, but simply chose to look the other way. They believed that if some priests were engaging in sexual activity, it was with adults, but never with children.

In December 1987 the Canadian Conference of Catholic Bishops released guidelines (Appendix D) which bishops could consult if they were confronted with allegations of deviant behaviour – including child sexual abuse – by members of the clergy. The guidelines set forth specific actions that should be undertaken to protect the rights of the victim and the rights of the accused priest, and detailed the responsibilities of the bishop. Based upon the evidence before the Commission, it has concluded that Archbishop Penney did not follow procedures recommended by the CCCB. Nor did the Archdiocese develop its own protocol until March 1990, two and a half years after the public disclosures of the child sexual abuse began.

If action was taken on the problem of sexual deviancy, the individuals were sent to out-of-province facilities, a procedure that came to be seen as a panacea for nearly any kind of behavioural problems within the Presbyterium. This approach, despite its limited utility, allowed the Archdiocesan administration to assume that sufficient action had been taken, and thus to avoid the acknowledgement of wrongdoing within the Archdiocese and awareness of serious problems among the Presbyterium.

Other approaches, such as the Ministry to Priests Program, also did little to address very real and potentially devastating problems experienced by priests. Some of these problems continue to be unresolved today.

While the local Church's attitude toward the accused was sympathetic and treatment – however ineffectual – was offered, it showed little compassion toward the victims. Church officials aligned themselves with the accused; their response to victims was thus inappropriate and un-Christian, and this compounded the victims' initial sense of betrayal by the Church.

What the Commission has found, then, is an institution which wields extensive power within the parish, the Archdiocese and the Province but is crippled by serious weaknesses in personnel, support mechanisms, administrative structures and management.

While weak organizational structures and poor government within the Archdiocesan Church were not direct causes of the sexual abuse of children, they allowed the abuse to continue. Lack of leadership, combined with weak communications, increased some priests' sense of isolation and created a sense of confusion. And the offenders may have felt that no one was watching them.

Serious management errors in response to the initial suspicions of wrongdoing in the 1970s were compounded by continuing inaction. This lack of action also raises questions about the appropriateness of Archbishop Penney's responses in light of the *Child Welfare Act* then in place. When the accusations could no longer be denied, the Archdiocesan response was weak, defensive and unworthy of the Church.

The Commission thus concludes that the events which occurred in the Archdiocese cannot be passed off as the manifestation of a disease: both the offenders and the Church management must be held accountable. The Church administration in the Archdiocese chose to deny the abuses and discount the victims' disclosures of criminal activity. Rather than reporting the allegations to civil authorities, the Archdiocesan administration chose to accept repeated denials of the allegations and allowed the abuses to continue.

**Term 3** *To make recommendations to provide for the spiritual, psychological and social healing of the victims and their families.*

The victims and their families were seeking, and to this day continue to seek, freedom from the tyranny which the offenders inflicted on them. A victim will more readily shed the persistent self-doubt and shame once his assailant admits the guilt was his own, not the child's and not the family's. Since the offenders themselves have not apologised directly to those whom they abused and have thus failed to help deliver their victims from the sense of shame they feel, it falls naturally to the Church to act both in the place of the abusers and in its own right to effect this liberation. The Archdiocese has failed to recognize or to meet this urgent need; the public statements which have so far been issued by the Archdiocese have rather added to the pain. The Archdiocesan response was inappropriate, especially given its pastoral responsibilities to all the people of God. It showed no real leadership but appeared to limit its response to concerns about potential legal liabilities.

The community's reaction to the events has added to the stigmatization and pain experienced by the victims and their families. A certain kind of "scarlet letter" syndrome has been allowed to develop in certain communities where victims came forward. The "scum of the Cove" is a term that the Commission has heard applied to some victims. In addition to the public condemnation, in some instances victims have been persecuted by family members and friends who still do not believe that the convicted offender actually committed an offence. There is a persistent but erroneous belief that the victims are responsible for the crimes of the offenders.

The events under review have had a profound impact on the whole Church community and on the community at large. The Commission has encountered a certain amount of denial throughout the Archdiocese. This is typified by the view that the Archdiocesan response should have been to ask parishes not directly affected simply to take up a collection to help out those suffering in parishes where the abuses occurred. Such a view is neither adequate nor appropriate and reflects an implicit denial of the seriousness and pervasiveness of the conditions which permitted the abuse to occur. As a Church community, the whole Archdiocese must acknowledge and accept that these criminal abuses did occur in the local Church. There is a need to acknowledge the victims and accept a communal ownership of what has happened.

It is therefore recommended:

1. that the Archdiocesan Church formally acknowledge its share of guilt and responsibility, and that the Archdiocesan administration apologize in such a way as to remove any suggestion that the victims were to blame.

The first crucial step toward addressing the specific needs of victims and families is the development of an appropriately designed programme of compensation to the victims and their families, a programme which grows out of a recognition that this is required not only to serve the needs of the victims and their families but also because the Archdiocesan community as a whole needs to rebuild for its future. It is also reasonable to assume that there are still many unidentified victims who continue to suffer and who may yet come forward to seek services.

It is therefore recommended:

2. that the Archdiocese of St. John's provide reasonable monetary compensation to the victims;
3. (a) that the Archdiocese establish immediately, and fund, a Victims Advocacy Board;  
(b) that the Board be composed of knowledgeable and concerned members of the community, operating at arm's length from Church administration;  
(c) that the Board adjudicate appropriate levels of monetary compensation for victims seeking this remedy;  
(d) that the Board's mandate be for a limited time based on an assessment of the number of known and possible victims of the present crisis.

The second step requires that the Church address the treatment and service needs of victims and families. Without effective treatment the effects of child sexual abuse may persist over many more years. Sometimes victims manage to suppress the memories of these events if their lives become reasonably stable – if they find employment, form relationships, marry, and achieve a semblance of social normality. However, this stability may be shattered, even years after the abuse has ended, by stressful personal events such as parenthood or the onset of middle age with its attendant self-doubt and depression. External events, such as reminders of physical and sexual abuse, can also trigger painful memories. Others may suffer further persistent consequences in the form of chronic emotional problems,

somatic complaints, impaired sexual function, substance abuse and dysfunctional interpersonal relationships.

The events which occurred in the Archdiocese have also had a tremendous impact on the families of the victims. In addition to the internal shock, confusion, and doubts, families experienced disbelief in and rejection of the Church and the community.

Before the spiritual reconciliation of victims with the Church can begin, their psychological healing must be addressed. It must be clearly understood that the psychological healing process has its own time line. It varies with each individual. The first step in the process, the disclosure, must be viewed by the victim and by the community as an essential element in the overall healing process. This process should include the development of services for adult survivors of child sexual abuse so that a response will be available for victims whenever disclosure occurs. Services must also be comprehensive, ranging from crisis intervention to long-term follow-up. No service system will be complete if an ancillary level of preventive services is not developed to educate children, youth and the community about sexuality.

When victims seek help it is essential that the services be provided in an atmosphere of trust, with a sensitive, non-judgemental approach. At every level of intervention the goal must be to restore the victim's positive self-image and sense of his personal identity. Although victims may have worked through the immediate issues surrounding disclosure and the court procedure, they may need continuing counselling and support for extensive periods after the abusive relationship has ended. For treatment to be effective there must be a comprehensive assessment to determine the range of services required.

These services should be co-ordinated through a resource network that is truly responsive to the victims' needs. The intervention must include information that will empower the victims to seek further assistance as they proceed through the later developmental phases of their lives. The components of an intervention follow-up service system may include, but should not be limited to, counselling to assist with family issues; information about sources of compensation, the impact of abuse and victims' rights; on-going counselling and support to deal with emotional and psychological effects and problems; and practical help with problems relating to school, employment and housing.

In planning future services the Archdiocese should participate in the development of strategies which would enable mental health services to expand their existing programmes and respond quickly to families as they enter the disclosure and reporting phase of child sexual abuse. Programmes directed towards families should provide a supportive, non-judgmental response to guide the family through the crisis phase of intervention; they should present a clear message of understanding to the families that they are not responsible for the crisis; and they should validate that the family's feelings of anger, loss, confusion and doubt are a normal response to this crisis.

The Archdiocese has traditionally played a role in the delivery of social services within the community. Through its established presence in the

community's medical and education system and through a revitalized and expanded role for the Church's administrative structures, the Archdiocese can make a significant contribution to the community's capacity to respond to clinical problems and to develop and implement prevention strategies. Within the Church community this can be accomplished in three ways: first, by integrating and strengthening existing services that address the needs of victims and their families; second, by expanding the mandate of certain Archdiocesan commissions to address community-related needs which stem from the present crisis; and third, by using the Church's educational resources to make students and parents more aware.

However, despite the Archdiocese's strengths in this area, the demands of the present problem are far beyond the Archdiocese's capacity to provide effective intervention except in co-operation with other agencies. Delivery of these services must therefore be the shared responsibility of government, churches, community agencies and other institutions. It follows that existing government and non-denominational voluntary agencies would be the principal service providers to victims and their families for the crisis intervention and follow-up services they require.

There are a number of other practical reasons for sharing this responsibility. The Archdiocese's small population base, the strained Provincial economy and limited professional resources all make it sensible to utilize existing services and expertise wherever possible. Also, because of the Church's ineffectual initial response to the disclosure of the problem, services offered by the present administration may be viewed with scepticism and even rejected for that reason. Many victims would not seek treatment from an agency that is identified with the betrayal of trust which was at the heart of the original problem.

The current strain throughout the prevention and response system stems from inadequate financial and human resources. This is made evident by the limited counselling and support currently available for victims and their families, particularly outside the immediate St. John's region of the Archdiocese. The same deficiencies also exist for treatment programmes which address offenders.

Furthermore, because child sexual abuse is a societal problem, the approach must be broadly based to achieve the fundamental social change necessary to eradicate this behaviour.

It is therefore recommended:

4. that the Archdiocese complement and support the expansion of Archdiocesan, other denominational and non-denominational agencies providing services to victims, their families and other affected parties;
5. that the Victims Advocacy Board be appropriately staffed to administer requests for assistance, to complete assessments and

referrals, and to facilitate the delivery of therapeutic and rehabilitative services to victims and families;

6. that the Archdiocese assign the Family Life Commission responsibility for the crisis intervention and counselling services currently provided to victims and their families by the Archdiocesan Committee on Child Sexual Abuse;
7. that the Archdiocese assign additional resources to the Family Life Commission to strengthen its capacity to deliver crisis intervention and counselling services to victims and their families;
8. (a) that the Family Life Commission establish resource centres in each Deanery outside the St. John's area;  
(b) that these family life offices develop a capacity to address community development issues stemming from the child sexual abuse problem.

The healing process for victims and their families must be comprehensive. During the healing process special attention must be paid to the spiritual dimensions of the problems caused by the Church's inadequate response to the initial disclosures. The Commission is concerned that interventions made by non-professionals acting in a therapeutic role can complicate the healing process. Therefore, therapists must be engaged who have either the experience or can be trained to deal with the psychological and the spiritual dimensions of the problem. Currently, students in some professional schools are not receiving the specialized training that is necessary to work in the field.

In anticipation of the increased demand for such properly trained professionals, universities should be developing training programmes to produce therapists and counsellors with the necessary assessment and treatment skills, through their professional schools of social work, clinical psychology, nursing and medicine.

It is therefore recommended:

9. that the Archdiocese develop a bursary programme to train professional counsellors and therapists required to staff its family life offices and resource centres;
10. that the Archdiocese work with the professional schools at Memorial University to increase the recognition that child sexual abuse is an area that requires specialized knowledge and training,

and to develop the curricula needed to prepare students to respond more effectively to their clients.

**Term 4** *To make recommendations that will ensure that the Church has effective procedures for becoming aware of, reporting and dealing with incidents of deviant behaviour that might occur.*

The protection of our children is a basic Christian principle and is also embodied in law. If people are to develop programmes which have the prevention and eventual elimination of child sexual abuse as their primary objective, fundamental social change must first occur. Before the process of change can start, however, society will have to accept that sexual abuse of children is symptomatic of a deep and underlying fault in our social values. Society tolerates, and thereby tacitly promotes, the misuse of power and authority over children. The type of comprehensive social change required must grow from community development strategies which redefine and recognize the role and value of all members of society, including children.

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As a society we must question the ideology that the family is sacrosanct and its internal conduct is exempt from questioning by outsiders. The fact that most abuse goes on either within the family structure or within institutions that create family-like settings, such as residential centres for children, cannot be ignored. Problems of wife battering and elder abuse must also be addressed in conjunction with those of child abuse. There must also be recognition of the stresses and strains many families are facing in our society.

Sexual stereotypes that restrict and inhibit the personal growth and potential of both men and women and that prevent the full development of mutual respect and mutually supportive relationships must also be challenged. Women must be encouraged to be stronger and more assertive, and men must be given permission to develop and express their feelings and emotions. The involvement of fathers in the nurturing and care of children must be promoted.

Healthy attitudes towards sex must be developed through open discussion and communication in the family, churches and schools, to change the expression of sexuality in our culture. Media advertising and other materials that exploit and violate the dignity and worth of the people portrayed must be challenged. Positive images of women and men and the way they relate to each other, with appropriate portrayals of children, must be encouraged.

Efforts to prevent child sexual abuse have increased since the late 1970s with the introduction of numerous education programmes and the development of agency policies and protocols aimed at detecting and reporting child sexual abuse. Children have been the main target group for education, with parents and professionals designated as key audiences for receiving and delivering the information. Education programmes have focused primarily on personal safety issues affecting children with the aim of "street proofing" them. Although "street proofing" programmes constitute an important approach to teaching children their rights, a number of authors and clinicians express concern that too much

emphasis is being directed at the child rather than at adults in general, or potential abusers in particular.

In addition to the concerns about the general focus of current prevention programmes, concerns about content are also expressed. There is a general concern that over-simplification may result when the topic is being made understandable to children. In particular, topics relating to sexuality are avoided because they are often deemed controversial.

The evidence is unclear whether prevention programmes are successfully teaching children the behaviours thought to be useful in either preventing abuse or removing themselves from abusive environments. It is not known whether the information children are given in these programmes actually translates into action.

Some of the general issues which affect the planning and implementation of programmes include lack of experienced staff to deal with child abuse (because of high turn-over and "burn-out" caused by the emotional and physical strain of dealing with the sexual abuse issues), difficulties in finding training materials, securing initial and long-term funding, and problems in community networking.

It is therefore recommended:

11. that an evaluation be conducted of the family life and prevention programmes which are now directed towards children in schools in the Archdiocese;
12. that the Archdiocese, through the Catholic Education Council, develop and implement in all schools, programmes which appropriately address sexuality, including child sexual abuse.

In other jurisdictions where the problem of child abuse has become prominent, there has been a tendency to emphasize the administrative and bureaucratic duties of child welfare workers instead of providing quality professional services. To ensure that the clients' needs are not sacrificed to meet the agency's procedures, caseloads must be limited to a maximum of 35 clients for professionals working directly with victims of child sexual abuse.

At the community level, the child sexual abuse scandal has been felt primarily as an assault on traditional values held by family and religious institutions. The spiritual and moral belief systems that bound community members to one another in the past are still being seriously questioned, if they have not been altogether destroyed.

Although individual community members may feel the need for personal counselling or therapy the principal focus of intervention should be strengthening community ties. The ultimate goal of intervention must be the affirmation of a faith community within the wider context of a cohesive social system. This does not mean a return to the catechetical practices of the past but, in the spirit of the Rite of Christian Initiation of Adults, the positive development of a belief system

that respects individual differences within a generally stable community environment.

The Church has a major role to play in addressing the needs of the community in this growth process. Clergy and laity must join together to develop the various strategies proposed for this purpose. While the personal treatment services needed for victims and their families should remain at arm's length from the Archdiocesan Church at present, the community initiatives recommended by the Commission should be identified with a Church that is animated by all aspects of its pastoral role.

It is therefore recommended:

- 13. that a renewed and strengthened Family Life Commission assume the community development role now played by the Archdiocesan Committee on Child Sexual Abuse.**

The way in which the Church responded to the events which occurred in the Archdiocese demonstrates a great need for education about the dynamics of child sexual abuse as well as about underlying socio-cultural factors which exacerbate the problem. Public education must be used to inform the public about the direct and indirect causes of child sexual abuse, and to eradicate attitudes which blame victims and thus inhibit disclosures.

Promoting public awareness and education about the problem is an important step in reaching victims and changing attitudes; however, there can be dangers in moving in this direction if resources are not available to meet the increased demand. The lack of an adequate response system may mean further traumatization of victims, possible injustice to alleged offenders, burn-out of dedicated professionals, negative publicity and backlash from the system. Yet, not to address this form of prevention might result in the neglect of children who have not disclosed, give a sense of false comfort that the problem is under control, and permit public and official complacency. Although inadequate financial and human resources affect the quality of education and prevention programmes that are directed towards professionals, the general public and children, because these services are educative rather than therapeutic, some may be provided by the present education system and the local parishes.

The detection and reporting of incidents of child sexual abuse is a responsibility of all members of the Church community and the community at large. The isolation and degradation felt by victims requires a community approach that will send a clear message to victims telling them that they are not responsible for the abuse. They also need to be told that information, support and counselling are available, and that they will be believed and treated with respect and confidence if they choose to use the services provided. This kind of service aims to reach victims who have disclosed and are looking for help, but who may be unaware of assistance or are afraid to seek it. It also seeks to help victims who

have not disclosed, or other people who want to understand the dynamics of abuse.

Outreach can be achieved through a variety of initiatives, such as disseminating pamphlets and booklets, media exposure, public talks, setting up information or crisis lines, and establishing resource centres. It can also be achieved by using existing channels, such as schools, church groups, youth groups, social service agencies, hospitals, police departments and public buildings (eg shopping malls). Obviously it can only work if good quality services are in place for people to use. If done properly, outreach can reduce the stigma attached to the abuse and help the victims come forward to talk.

Generally there is a pressing need to develop policies and programmes aimed at addressing the values and attitudes toward children in our society. The strategies must attempt to control and eradicate abusive behaviour by creating structures that secure some measure of equality and justice.

The Commission feels that a number of strategies can work toward achieving those basic objectives. To ensure that there is a successful implementation of strategies, however, there has to be an acceptance of ownership of the problem by the political, economic, legal, social and moral elements of the community and recognition of the problem as a priority by all institutions and groups. When the community at large accepts ownership and responsibility, prevention efforts will become broader, encompassing more than the personal safety programmes that are currently directed towards children. Accepting ownership will also enhance the development of effective policies, procedures and protocols in the community.

It is more than two years since the child sexual abuse problem became manifest in the Archdiocese. It has struggled through the crisis stage without adequate supports. To a limited extent this Commission of Enquiry has provided a form of intervention for the community, but there is still a pressing need for public education programmes in the Archdiocese to continue the healing, given the intensity of the reactions that the Commission encountered in the communities that it visited.

It is therefore recommended:

14. that the Family Life Commission teach community development techniques at the parish and community level so that members of the local church feel empowered to initiate changes which will promote healing and growth;
15. that the Archdiocese develop and deliver public programmes aimed at raising awareness of the problem of child sexual abuse;
16. that the Diocesan Pastoral Council and Area Pastoral Councils be involved actively in planning the development and delivery of public awareness programmes.

Education programmes should direct public attitudes towards a healthy understanding of sexuality with concomitant goals of discouraging sexual stereotyping and homophobia. They should also inform the community about the nature of child sexual abuse and foster the development of non-abusive relationships within families and between children and persons in relationships of authority and trust.

As well as increasing awareness in the general public, there is also a need for continuing education for professionals who are more directly involved in the problem. The few professionals currently involved in developing solutions have expressed concerns about the inadequacy of the policies, procedures and protocols that currently exist in many of our social institutions. There is stress and strain experienced by professionals and serving agencies which are trying to respond to the major problems of child sexual abuse. Professionals working in the area, including teachers, social workers, doctors, lawyers, judges, child-care workers, nurses, psychologists and psychiatrists, are inadequately trained to deal with this problem. Professionals must learn more about the factors which contribute to the sexual abuse of children, about the signals that should raise suspicions of abuse, and about the consequences that this kind of abuse has on victims and their families. There is also an important role for knowledgeable volunteers, such as members of the pastoral councils, in prevention efforts.

It is therefore recommended:

17. that the Archdiocese develop in-service and continuing education for all relevant professional disciplines involved in addressing child abuse problems;
18. that the Archdiocese require and provide training for all volunteers who become involved in prevention programmes.

Teachers have said that they are not trained to identify the signals that an abused child is in their class. They are also not trained to address the needs of victims once they have disclosed. According to the *Schools Act* (1970), each school board in Newfoundland is responsible for the safety and well being of all students under its jurisdiction. Therefore, the issue of child abuse must be addressed there, too.

It is therefore recommended:

19. that the Roman Catholic school boards in the Archdiocese establish social worker positions in schools;

20. that the Roman Catholic school boards in the Archdiocese establish guidance counselling positions in the schools and that these counsellors not be required to teach;
21. that the Archdiocese, through the Catholic Education Council and the Roman Catholic school boards in the Archdiocese, devise procedures for the detection and reporting of child sexual abuse;
22. that all teachers and guidance counsellors of the Roman Catholic school boards in the Archdiocese receive in-service training in matters relating to sexuality and the dynamics of child sexual abuse;
23. that the Roman Catholic school boards regularly evaluate their child abuse policies, procedures and programmes to ensure compliance and effectiveness.

For many reasons, inter-agency support and co-operation among agencies involved with child sexual abuse are underdeveloped. Development of opportunities for inter-agency networks is necessary. Enhanced staff collaboration, support and the co-ordination of services will help improve knowledge of the issue and existing services for victims and offenders.

It is therefore recommended:

24. that the Archdiocese support an annual inter-agency conference on matters related to child sexual abuse.

With the general rise in reported incidents of child sexual abuse, the increasing public debate about its cause, and a growing awareness of the problems that sexual abuse is inflicting on our society, many organizations have developed basic policies and procedures for handling allegations of misconduct. By the mid-1980s the Church began to develop a set of basic guidelines which could be used to guide the actions of Canadian bishops should they be confronted with allegations that members of the clergy were involved in sexual abuse. In August 1987, the Canadian Conference of Catholic Bishops (CCCC) issued guidelines that were prepared by a noted Canadian canon lawyer. These guidelines were distributed to all Canadian bishops on December 1, 1987. The guidelines conclude with the statement that "the spiritual well-being of the children and of the parents is of primary concern - *Salus animarum suprema lex* (c. 1752)".

There is no evidence that the Archdiocese of St. John's had a policy in place at the time of the first disclosures by victims, and the Commission has also concluded that the Archbishop did not follow the CCCC's guidelines. The

Archdiocesan response lacked direction or effectiveness; as a consequence the impact on victims, their families and the whole community was seriously aggravated.

In 1988 the Archdiocesan Interdisciplinary Committee on Sexual Abuse was established. Its initial membership was composed of the Vicar General, the Archdiocesan lawyer and a psychiatrist. A fourth member, with a social work background, was appointed in 1989. The mandate of the Committee, as established by the Archbishop, is to handle sexual abuse complaints against priests and lay employees of the Archdiocese.

In March 1990 the Archdiocese forwarded to the Commission its policy for dealing with complaints of child sexual abuse. The fact that it took the Archdiocese over two years to produce such a document is cause for concern. In the policy reviewed by the Commission, the Vicar General has the responsibility to determine whether a complaint has validity. The Commission questions whether the Vicar General is the appropriate official to conduct the investigations. It would seem more prudent for him to supervise any internal investigation of a complaint. The investigative aspects of the Committee's work should be undertaken by a priest or priests who are designated by the Committee as its investigators. Those priests should be skilled in conducting interviews with victims and the accused. Once selected, investigators should receive an intensive programme of professional training in all aspects of sexual abuse, particularly child sexual abuse.

Under the proposed Archdiocesan procedures, if the complainant is a child the Vicar General will not interview either the victim or his or her family. Under such an arrangement the local Church officials may create the appearance that the Church is avoiding its pastoral responsibilities to the victim, thus allowing a legalistic approach to dominate the Church's response.

The Commission consequently has serious reservations about this statement of Archdiocesan policy for dealing with allegations of sexual abuse.

It is therefore recommended:

25. that the Archdiocese revise and re-orient its policy and procedures for handling complaints of sexual abuse to incorporate the following principles:
  - adherence to the Criminal Code and all applicable Provincial laws
  - adherence to all applicable canon laws
  - applicability to all employees of the Archdiocese
  - applicability to all priests (Archdiocesan and Religious) and members of lay Religious orders and congregations living or working in the Archdiocese
  - provision of an immediate pastoral response to the alleged victims and their families, regardless of the age of the alleged victims

- provision of immediate access to the counselling and treatment resources of the Archdiocese
  - maintenance of the public's confidence throughout any investigation (internal and civil) either by reassignment to non-pastoral duties or by imposing a canonical penalty on the accused
  - provision of timely public information, where appropriate
  - assurance that the accused's rights under Canon and Civil law are protected
  - requirement that detailed written records of all actions taken by the Archdiocese be maintained
  - applicability to all persons less than 18 years of age;
26. that future communications coming from the Archdiocese reflect a more sensitive understanding and awareness of the dynamics of child sexual abuse and the impact it has on victims;
27. that a pastoral response not overshadowed by concerns for legal liabilities be used to address any future incidents of child sexual abuse;
28. that the Archdiocese inform the community of its legal responsibilities to report any suspected form of child abuse and of the legal protection available to victims and informants alike, so that community members can act quickly and effectively whenever concerns about child abuse arise.

The Commission has reviewed a variety of policies and procedures from other Canadian Dioceses, from American Dioceses, from other denominations and from non-Church organizations. Most follow a similar approach for handling a complaint of sexual abuse because they outline the Church's civil and canonical responsibilities. However, the approach embodied in the policy of the Diocese of Baton Rouge (see Appendix D) is particularly appropriate in the Commission's view. Its clarity and attention to the needs of the victim are two of its more notable characteristics.

It is therefore recommended:

29. that the Archdiocese review and reflect on the policy and procedures for handling complaints of sexual abuse in the Diocese of Baton Rouge with the intention of producing a revised protocol which has a clearly enunciated victim-oriented philosophy, where the spiritual being of people is of primary concern (Canon 1752);

30. that the Archdiocese inform the community of the full range of services that are available to deal with child sexual abuse, especially emergency services and crisis counselling;
31. that the Archdiocese publish the policies in the *Monitor* and that it distribute copies of the policies to each parish in the Archdiocese and to civil authorities.

There are two compelling reasons for addressing needs of offenders: first, the people of God should offer forgiveness; second, offenders are members of society and if they are not treated they present an ongoing risk to children and adults who may be further victimized. To ensure that both sides of the sexual abuse equation are addressed, there is a need to develop assessment and treatment programmes for offenders. These programmes should range from community-based to institution-based, with mechanisms which allow for monitoring offenders. It must be noted that the safety of the victims and the community must be the primary concern when planning services involving the offender.

Assessments need to be carried out by highly qualified staff, and risk factors regarding the threat of re-offending need to be carefully appraised. Offenders must be held responsible and accountable for their behaviour by the criminal justice system and treatment services must complement, not replace, the sentencing and incarceration. Treatment services will need to provide thorough assessment procedures to plan the most effective and appropriate therapy and determine risk factors.

Relapse prevention procedures are necessary so that sex offenders can be taught to identify the internal and external conditions that increase their risk of offending again. External controls to prevent relapse or re-offending, including continued incarceration, monitoring by parole services or other professionals, and limited access to children and to certain locations, are also required. So, too, are long-term follow-up services for every sex offender. This is especially critical since the first nine months after discharge is the period marked by the highest recidivism rate among sex offenders.

It is therefore recommended:

32. that convicted priests be offered therapy after they have completed prison terms and that rehabilitative costs be borne by the Archdiocese;
33. that there be a follow-up and monitoring programme for all convicted priests after therapy, and that the Archdiocese be responsible for the programme's implementation and administration;

34. (a) that the Archbishop ask the Archdiocesan Interdisciplinary Committee on Sexual Abuse to initiate an investigation of convicted priests to determine whether they should be retired or have canonical penalties imposed;  
(b) that in the event a convicted priest is not retired or had canonical penalties imposed, there be a periodic and mandatory re-assessment of his ministry in consultation with appropriate parish councils;
35. that convicted priests never be assigned to pastoral responsibilities in a parish unless the parish council is informed and consulted about the assignment;
36. that convicted priests never be given a pastoral responsibility for children.

Several of the priests charged with sexually abusing children in the Archdiocese are incardinated to the Archdiocese of St. John's, but they are essentially living in the lay state even though they are not formally laicized. In these particular cases, the Archbishop has unnecessarily borne public responsibility for some of their actions even though he has had no direct control over their activities for some time. The Commission understands that there are other priests, apparently living in the lay state and in some instances not even resident in the Province, for whom the Archbishop has canonical responsibility. The Commission feels that such a circumstance must be addressed expeditiously.

It is therefore recommended:

37. that the Archbishop recommend to the CCCB that it urge the Holy See to re-examine the effects of incardination, with the bonding and obligations they imply for a bishop, in relation to non-practising priests who are neither suspended nor laicized.

**Term 5** *To make recommendations respecting the selection of candidates for the priesthood, the promotion of holistic growth of the clergy, the fostering of healthy relationships between clergy and laity and the provision of support for the clergy to help them cope with deep psycho-social problems.*

The recommendations which follow deal with many matters concerning spiritual and social growth and support within the Archdiocese, but the Commission was not required and has not attempted to propose an integrated plan for rebuilding the Church in the Archdiocese. Although there is much rebuilding to be done, such an undertaking is beyond the scope of the Commission's mandate. The following recommendations address, instead, the most

urgent matters and those specifically related to the focus of the Commission's mandate.

In view of the obviously diminished numbers of priests and of the logistical difficulties noted in the Commission's report, it is likely that the Archdiocese will need to consider some innovative options for priestly recruitment, formation and continuing education. The Archdiocese will also need to accept that the familiar parish structure of past generations is no longer possible, and that increased lay involvement will be necessary if the institutional Church is going to survive.

The Commission notes that some initiatives in this regard are already under way both locally and nationally. Committees currently at work in the Archdiocese are examining lay needs and the impact of reduced numbers of priests. Once this process is complete it will then be possible to identify the sort of increased role lay persons will be willing to play within the parishes and, consequently, what will be required of the ministerial priesthood.

This transition must be achieved effectively and without allowing further mistrust and animosity to develop within the Church community. Frank and effective communication will be essential to this process, so new priests will need greater skills of communication and management if they are to be effective in this changing environment.

All seminary rectors interviewed by the Commission indicated deep awareness of the need to train people for increasingly complex and demanding ministries in our society. They also indicated interest in providing continuing education for priests during their years of ministry. This is seen, by some seminaries, as an important field to develop during the years to come.

It is therefore recommended:

38. (a) that the Archdiocesan Vocations Commission be directed to prepare a study of the ministerial priesthood needed in this Archdiocese in the future;  
(b) that the study complement and respond to the work of the Year 1990 Committee and the Archdiocesan Renewal Committee;  
(c) that in conducting this study, public workshops dealing with the Code of Canon Law be provided for interested lay and clerical participation, with submissions and summaries of discussions published in the *Monitor*;
39. that the Archdiocese invite the administration of at least one seminary to participate in the process of reflection recommended in 38 above, with the objective of initiating further development in seminary teaching and curriculum;

40. (a) that seminarians, as part of the pastoral year experience, be required to work under the direct supervision of the chairperson of at least one parish lay ministerial team active in the Archdiocese; (b) that the relevant parish council be consulted about a candidate's suitability for ordination.

There was an urgent call by members of the laity for the establishment of a more open and responsive system of communication within the Archdiocesan community. This was seen as a means of eliminating both the dangerous lack of accountability of the Archdiocesan administration and the feeling of many that they have no effective voice within the Church.

Many of the problems associated with communications may be a further consequence of the generally poor sense of ecclesiology in the Archdiocese. The vision of the Church emerging from the Second Vatican Council and the revised Code of Canon Law remains underdeveloped within the Archdiocese. Several speakers and briefs spoke of victims and their families not knowing where to turn and of the laity as having no effective communication with the Archdiocesan leadership on matters of real importance. As one parish priest noted, the lines of communication are broken, even non-existent, and confusion prevents the laity from taking responsibility. Thus the people of God are kept powerless. There is no effective forum for reflective interaction among administration, priests and the laity.

It is therefore recommended:

41. that, in fidelity to their pastoral mission, all parish pastoral councils throughout the Archdiocese develop a policy of reflecting on and implementing the requirements of the Code of Canon Law throughout all aspects of their work;
42. (a) that the Archbishop direct the Communications Commission and the *Monitor* to develop an independent forum of informed debate within the Archdiocese focused on matters relating to the promotion of justice and human dignity and aimed at defining and effecting the renewed Vatican II vision of Church within the Archdiocese as it prepares to enter the third millennium. (b) that the independence and effectiveness of the *Monitor* be ensured through the creation of an editorial board to operate at arm's length from the Archdiocesan Administration.

The Archdiocese has established an extensive network of commissions and committees involving both laity and clergy. Generally, however, the experience has been one of deep frustration. Initiatives, the Commission was told, are chronically blocked by ill-will, competing visions of Church, or by the incapacity of

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Archdiocesan leaders to mediate, coordinate and sanction the efforts of these bodies or to follow through on commitments made to and through them. Concerns about the lack of recognition and/or delegation of pastoral and other duties both to ordained and lay members of the people of God in the Archdiocese were echoed in the comments of the Council of Priests and of parish councils.

Thus the Commission is persuaded that there is need for a radical change in the way the Archdiocese is governed. Many of those who addressed this issue, however, expressed little faith that effective change was likely, given the authoritative structures which still lie at the core of Roman Catholicism. Even within the vision of Church expressed in the Code of Canon Law, committees and councils within the Church remain essentially "advisory". There was evidence of determination on the part of many, however, not to allow the deep values of the Christian faith in its Roman Catholic expression to be lost to the community or to its young people through poor, absent or inappropriate leadership. An incessant theme at all the Commission's public meetings was that the laity must begin to accept and exercise their proper role and take up their community ministries. As the Code and the documents of the Second Vatican Council make clear, the "sacramentally grounded ministry" of the laity and the clergy must be fostered - not frustrated - by the diocesan bishop.

The Commission's evidence makes it clear that the Archbishop does not use advice well. His is a "closed management"; this has led to the existence of many ineffective and isolated structures within the Archdiocese. Since the Archbishop establishes all Archdiocesan structures they report only to him and they are kept as consultative or advisory bodies. The Archbishop is not, therefore, required to act on or even to respond to their recommendations.

It is therefore recommended:

43. that the Archdiocese institute an urgent study of organization, management and communications throughout the Archdiocese with a view to adopting improved strategies;
44. that the Archbishop report annually to all properly constituted Archdiocesan committees/ councils/ commissions on actions taken or not taken in respect of recommendations and advice provided by those bodies.

The Commission found no evidence that parish councils were informed or consulted before the assignment of a new priest, even one who might be regarded as "at risk" to themselves or to others. It seems increasingly clear, however, that pastoral ministry must more fully engage the participation of the parishioners if stability and vitality are to be ensured.

It is therefore recommended:

45. that in considering the appointment of a priest to a parish, the Archbishop adopt a consultative process involving all the resources available to him including the Deans, parish councils and personnel committees.

The strong message presented to the Commission by lay persons and priests alike was that the community's resources - both clerical and lay - are being wasted because of an outmoded style of Church thinking and authority. The issue was presented in two ways. First, increased lay participation was seen as an essential corrective to what is recognised as an unhealthy tradition of priestly power within the Archdiocese. Second, the gifts of the laity were seen, in particular, as having great potential in education, and in bringing life to the long-overdue vision of Church put forward by Vatican II. Adult education, focused on an understanding of the Vision of Church initiated by the Second Vatican Council, was seen as an urgent need throughout the Archdiocese.

It is therefore recommended:

46. that the Catholic Education Council and the religious teaching congregations be invited to co-sponsor with the Archdiocese, a community involvement process aimed at integrating the adult education needs of parishes with the evangelizing work of the schools and school boards;
47. that the Catholic Education Council review with school boards their policies concerning school formation programmes paying particular attention to the Rite of Christian Initiation of Adults and to the resources of the Archdiocesan parish communities;
48. that the Archdiocese, through the Catholic Education Council establish a working group whose primary purpose would be to define the appropriate roles of the school and parish in sacramental preparation, liturgies, and school activities;
49. that the Diocesan Pastoral Council be responsible, in conjunction with the Faith Development and Liturgical Commissions, for the development of adult in-service training programmes for those lay ministries approved for development.

The laity are not alone in their feelings of frustration, disappointment and outrage about the events which occurred in the Archdiocese. Within the Archdiocese many priests are discouraged, in distress, and also need relief and care. Many of these feelings, though exacerbated by recent events, go back over many years. There has been, for instance, unresolved conflict and confusion within the Presbyterium about the changes intended by the Second Vatican Council but which have not yet been fully achieved. Some feel their talents are not recognized or appropriately used; others have experienced a real conflict in ministry or parish assignments. Still others expressed concerns about how and when pastoral assignments were made and the apparent insensitivity to developing interpersonal relationships and community life.

Difficulties in the development of the intimate, mature, responsible celibate relationships combined with a failure of understanding of the needs of priests as human beings, create an increasing isolation of the priesthood. This "private priesthood" pulls men above and away from the community when they and their communities most need to come together. It is self-defeating for priests and destructive of true communion.

It is a major concern that changes since Vatican II required more and more meetings and committee work and consultation by the priests with their parish members, but that the final responsibility - and blame - remains ultimately with the priests. This increasing burden is carried by fewer and fewer priests as a result of departures and reduced numbers of vocations.

There was general agreement among the priests that there is insufficient positive feedback about their performance, and that they hear only critical and negative comments. On the other hand, many lay persons who spoke to the Commission indicated that they are intimidated by the parish priest and had no vehicle for comments and criticisms. Similarly, many of the laity feel that priests have too much control over money, while some priests themselves feel that they are always worried about money and spend far too much time generating funds for Church needs.

Another sad paradox is that while some laity clamour for more power within the Church, some in a highly confrontational manner, many priests anguish over not finding enough help with parish activities and committees, despite begging and pleading for parish council and committee members. Many priests were concerned that involvement in the parish is a casual activity on the part of some laity who could come and go as they wish without ever having to assume full responsibility for the consequences of their decisions.

The mutual roles of priests and people are, consequently, not defined. There is urgent need for a forum for priests and people to come together to re-think and re-commit to Church. As a Eucharistic community, the Roman Catholic Church needs its priests. Their roles and responsibilities must be appropriate for the Christian community of tomorrow. The community must commit itself to challenge, support and pray with its priests as the vision of Church becomes clearer.

It is therefore recommended:

50. (a) that to restore a level of health and vitality to the Presbyterium, all priests active in ministry throughout the Archdiocese be required to take leave of at least six months duration;
- (b) that leaves be planned to permit each priest the opportunity to review his commitment to the ministry and to the Archdiocese;
- (c) that the cycle of leaves be instituted for all priests so that it is completed within the next three years.
51. (a) that priests be required to take a full year leave during every seventh year of ministry;
- (b) that those advising the Archbishop in making parish assignments treat the sabbatical requirement as an obligatory element when scheduling the work of members of the Presbyterium.

This sabbatical programme should be determined one year in advance through consultation with the Archbishop and the Diocesan Pastoral Council, and might be spent either in directed spiritual renewal, academic or other skills development, or some combination of these. The results of the sabbaticals should be shared with the Presbyterium, perhaps through the presentation of a report.

It is therefore recommended:

52. that the Archdiocese and individual parishes immediately initiate programmes of lay leadership and introduce training programmes for those lay ministries approved for development in order to maintain pastoral services during the sabbatical leaves taken by priests.

The Commission has reason to believe that there are likely to be members of the Presbyterium with a homosexual orientation. North American data suggest that among clergy generally, approximately 30% are homosexual in orientation. The Commission's information suggests that this estimate is valid for the Archdiocese. However, in view of the climate of homophobia which the Commission has noted within the Archdiocese, increased pastoral attention must be given to improve the level of understanding of human sexuality and to co-operate with the whole Church in fostering a more fully developed moral and pastoral theology of sexuality.

The issue of celibacy was repeatedly raised in the meetings of the Commission, not only as a possible factor contributing to the incidence of child sexual abuse, but as an important issue contributing to the dependency pattern noted above and in the further isolation and alienation of priests from the communities in which they minister.

It is therefore recommended:

53. (a) that the Archbishop press the CCCB to initiate and support the development of a national programme of research and study which might contribute to the development of the Church's theology of sexuality;  
(b) that the study take account not only of advances in understanding derived from human and medical sciences, but also of the insights of contemporary theological, philosophical and biblical studies;
54. that the Archbishop join with other bishops across Canada to address fully, directly, honestly and without reservation questions relating to the problematic link between celibacy and the ministerial priesthood.

The Commission has evidence that priestly dependency is particularly high in the Archdiocese. Priests do not feel they have become respected and independent adults. This basic profile was identified during the early 1980s when the Archdiocesan clergy were assessed as part of the MPP. One consequence of this dependency is generally poor morale among many of the priests. The Commission is concerned that the revised Code of Canon Law maintains the framework for this dependency and that the Church's traditional patriarchal structure encourages it.

It is therefore recommended:

55. that a study be initiated of patterns of remuneration for priests with special attention to the question of introducing a career pattern which reflects service, authority and experience to ensure that individual priests are provided with the means to develop and exercise mature and responsible personal freedom and autonomy.

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## APPENDICES

## APPENDIX A

## The Commission's Consultations

1989

- |     |    |  |
|-----|----|--|
| May | 19 | Dr. Jacques Voyer  |
|     | 20 | Archbishop A. L. Penney*   |
| Jun | 11 | Archbishop A. L. Penney*<br>Public Meeting Portugal Cove   |
|     | 12 | Rt. Rev. Denis Walsh, Vicar General*<br>Rev. Francis A. Coady, Chancellor*<br>Public Meeting, Pouch Cove   |
|     | 13 | <b>Archdiocesan Committee on Child Sexual Abuse:*</b><br>Bobbi Boland, Thomas Mills<br>Brother of a Victim*<br>Richard Singleton*<br>Public Meeting, Ferryland |
|     | 24 | Rev. John Hanton<br>Rev. Dermot McGettigan   |
|     | 26 | Rev. Richard McHugh  |
|     | 28 | Rev. Joseph Barton   |
|     | 29 | Rev. John Maddigan   |
|     | 30 | Rev. John McGettigan   |
| Jul | 3  | Rev. Donald Beaudois, S.J.<br>Rev. William Browne, S.J.<br>Rev. Charles Holland, S.J.<br>Rev. James Toppings, S.J.   |
|     | 5  | Rev. James J. Doody  |
|     | 6  | Rev. Kevin J. Molloy*<br>Public Meeting, St. John's  |
|     | 7  | Rev. Philip J. Lewis*  |
|     | 19 | A Victim   |
|     | 25 | Rev. W. K. Lawton  |
|     | 31 | Rev. Dan McGettigan  |
| Aug | 3  | James Hickey   |
|     | 4  | Cathy Newman, Adm. Officer, Dorchester Penitentiary<br>John Corrigan<br>James Hickey   |
|     | 8  | Rev. Robert Ryan   |
|     | 9  | Rev. David Butler  |
|     | 15 | Rev. Charles Kelly   |

- 
- Rev. Paul Lundrigan
  - Most Rev. Raymond J. Lahey, Bishop of the Diocese of St. George's\*
  - Archbishop A. L. Penney\*
  - The G.R.O.W. Group, Survivors of Sexual Abuse**
  - Rev. John Wallis
  - Rick Kelly
  - Rev. Gerard Whitty
  - Rev. Wayne Dohey
  - Rev. Fabian Walsh
  - Rev. Gary Walsh
  - Faith Development Commission, Liturgy Commission and Social Action Commission:\***
  - Anne Beresford, Bobbi Boland, Joan Bruce-Connors, Tessa Crosbie, Frances Ennis, Laurel Doucette, Jack Fardy, Sr. Charlotte Fitzpatrick, R.S.M., Camille Fouillard, Patty Fowler, Rev. Philip J. Lewis, Sr. Lorraine Michael, P.B.V.M., Jeannette Mercer, Edward Moore, Helen Murphy, Sr. Sheila O'Dea, R.S.M., Margaret O'Keefe, Alma Pike, Sr. Marie Ryan, P.B.V.M., Sarah Sexton, Molly Stacey, Elizabeth A. Stamp, Florence Walsh, Rev. Gerard Whitty
  - Sacred Heart Parish Council, Marystown:\***
  - Public Meeting, Marystown
  - Rev. John McGettigan
  - St. Thomas Aquinas Parish Council, St. Lawrence\***
  - St. Joseph's Parish Council, Lamaline\***
  - Rev. Raymond Corriveau, C.Ss.R.
  - Rev. Charles Goakery, C.Ss.R.
  - Rev. Douglas Stamp, C.Ss.R.
  - Rev. G. Pettipas, C.Ss.R.
  - Rev. Louis Mousseau, O.F.M., Cap
  - Rev. Aurele Prefontaine, O.F.M., Cap.
  - Dolly Sweetapple
  - Rev. Francis Puddester
  - Dr. E. Stermac, Forensic Services, Clarke Institute of Psychiatry
  - Rev. Gerald Roche
  - Rev. Patrick Kennedy
  - Rev. Kenneth Walsh
  - Rev. Jerome Hann
  - Rev. Anthony McNulty
  - Rev. Val Power
  - Rev. Patrick Power
  - Parents of Victims\***
  - Rev. William Pomroy
  - Boyer, Lamontagne, Boule:**
  - Cecine Lamontagne
-

- 23 Rev. Joseph Barbour  
 27 Rev. Mike Dodds, C.Ss.R.  
 Rev. Ray Earles, C.Ss.R.  
 Leo Hollohan  
 30 Rev. Patrick Fuerth, Rector, St. Peter's Seminary  
 Rev. James Wingle, Rector, St. Augustine's Seminary
- Nov 1 Mrs. Elizabeth Crawford, Asst. Dir. of Child Welfare, Department of Social Services  
**St. Paul's Seminary:**  
 Rev. Benoit Garceau, Rector, Roche Collins, Frank Critch, Alan Farrell, Ken Murphy  
 3 Dr. Delores S. Doherty, Chairperson, Child Protection Team,  
 Dr. Charles Janeway Children's Hospital\*  
 4 Representatives of Parish Council\*  
**Assumption Parish, St. Mary's:**  
 Mary Critch, William Breen  
**Basilica of St. John the Baptist, St. John's:**  
 Mike Keough, Linda Maher  
**Christ the King Parish, Rushoon:**  
 George Finley  
**Corpus Christi Parish, St. John's:**  
 Frank St. Croix  
**Holy Family Parish, Paradise:**  
 Marguerite Greene, Mildred Jennings  
**Holy Redeemer Parish, Trepassey:**  
 Sr. Helen Corrigan, P.B.V.M., Stella Devereaux  
**Holy Rosary Parish, Portugal Cove:**  
 Frances McShane  
**Holy Trinity Parish, Ferryland-Aquaforte-Calvert:**  
 William J. Doyle, Annette Mooney  
**Holy Trinity Parish, Torbay:**  
 Margaret Hammond, Marjorie Manning  
**Immaculate Conception Parish, Cape Broyle:**  
 Brendan Dalton, Rosemary Whelan  
**Mary Queen of Peace Parish, St. John's:**  
 Bill Drover, William J. Harris  
**Mary Queen of the World Parish, Mount Pearl:**  
 Catherine Fagan, Richard Harte, Grace Theresa Gould  
**Most Holy Rosary Parish, Freshwater:**  
 Lucy Carroll, Arthur Power  
**Sacred Heart Parish Fox Harbour, Ship Harbour and Dunville:**  
 Bonaventure Fagan, Juanita E. Higdon  
**Sacred Heart Parish, Marystown:**  
 Addie Pittman, William A. Pittman  
**Sacred Heart Parish, Placentia:**  
 Sadie Griffiths, Edward Power

**Sacred Heart Parish, St. Bride's:**

Ethel Downey, Catherine M. Nicks

**Sacred Heart Parish, St. Vincent's:**

Sylvia St. Croix, Elizabeth A. Stamp

**St. Agnes' and St. Michael's Parish, Pouch Cove/Flatrock:**

Richard Newell, Mary O'Keefe

**Saints Peter and Paul Parish, Bay Bulls:**

Wayne Williams

**St. Bernard's Parish, Fortune Bay:**

Joanne Hodder, William L. Hodder

**St. Edward's Parish, Kelligrews:**

Patrick Dobbin, Bill Maddock

**St. Francis of Assisi Parish, Outer Cove:**

Gerald Walsh

**St. Francis Xavier Parish Long Harbour/Southern Harbour:**

Aloysius Billings, Mary Emberley, Harold Keating, Monnie Norman

**St. John Bosco Parish, St. John's:**

Gertrude Dillon, Peter D. Murphy

**St. Joseph's Parish, Lamaline:**

Ellen Strickland

**St. Joseph's Parish, St. John's:**

James P. O'Neill, M. Jeanette Walsh

**St. Joseph's Parish, Salmonier:**

Anna M. Dobbin, Anna M. McEvoy

**St. Kevin's Parish, Goulds:**

Elizabeth McCrowe, Reginald Farrell

**St. Matthew's Parish, St. John's:**

Hilda Brennan, Edward Percy

**St. Michael's Parish, Bell Island:**

Alice Ryan, Diane Pendergast

**St. Patrick's Parish, Burin:**

Ray Picco, Cyril Coombs

**St. Patrick's Parish, St. John's:**

James Baird

**St. Paul's Parish, St. John's:**

Douglas G. Harris, Elizabeth Jackson

**St. Peter's Parish, Mount Pearl:**

Brendan Rumsey, Harold Stapleton

**St. Pius X Parish, St. John's:**

Mary Goss

**St. Teresa's Parish, St. John's:**

John R. Pearce

**St. Thomas Aquinas Parish, St. Lawrence:**

Maxwell Bonnell, Tony Etchegary

**St. Thomas of Villanova Parish, Topsail:**

Margaret Auchinleck, David Barron

**Parish of Saints Peter and Paul, Bay Bulls:**

Wayne Williams

5 Archbishop A. L. Penney\*

6 **Presbyterium Meeting:**\*

Rev. Joseph Barbour, Rev. Joseph Barton, Rev. James Beresford, Rev. Donald Beaudois, S.J., Rev. Francis A. Coady, Rev. Raymond Corriveau, C.Ss.R., Rev. Reginald Currie, Rev. Wayne Dohey, Rev. James J. Doody, Rev. Thomas Duffenais, Rev. Peter Golden, Rev. C. G. Greene, Rev. Jerome Hann, Rev. John Hanton, Rev. Gregory L. Hogan, Rev. Charles Holland, S.J., Rev. Charles Kelly, Rev. Patrick Kennedy, Rev. W. K. Lawton, Rev. Philip J. Lewis, Rev. Paul Lundrigan, Rev. John McGettigan, Rev. Richard McHugh, Rev. J. Kevin McKenna, S.J., Rev. Anthony McNulty, Rev. Kevin J. Molloy, Rev. William Pomroy, Rev. Robert Moore, Rev. D. P. Murphy, Rev. John O'Deady, Rev. Patrick Power, Rev. Val Power, Rev. Aurele Prefontaine, O.F.M., Cap., Rev. Francis Puddester, Rev. E. J. Purcell, Rev. Joseph Schuck, S.J., Rev. Douglas Stamp, C.Ss.R., Rev. John Wallis, Rt. Rev. Denis Walsh, Rev. Fabian Walsh, Rev. Gary Walsh, Rev. Kenneth Walsh, Rev. Gerard Whitty

7 Rev. Leonard Atilia, S.J.,\* Principal, Gonzaga High School

19 Rev. Paul Hansen, C.Sc.R.

Rev. Eugene O'Reilly, C.Sc.R.

20 Rev. John Loftus, S.J., Southdown

21 Dr. Ron Langevin, University of Toronto

25 Representatives of Parish Councils\*

**Basilica Parish, St. John's:**

Mike Keough, Linda Maher

**Corpus Christi Parish, St. John's:**

Jack McDonald

**Holy Family Parish, Paradise:**

Richard Hall, Marguerite Greene, Mildred Jennings

**Holy Redeemer Parish, Trepassey:**

Stella Devereaux, Anne Molloy

**Holy Rosary Parish, Portugal Cove:**

Donald Fleming

**Holy Trinity Parish, Torbay:**

Margaret Hammond, Bonnie White

**Sacred Heart Parish, Fox Harbour, Ship Harbour, and Dunville:**

Bonaventure Fagan, Juanita E. Higdon

**Sacred Heart Parish, Placentia:**

Sadie Griffiths, Edward Power

**Sacred Heart Parish, St. Bride's:**

Ethel Downey, Catherine N. Nick

**Sacred Heart Parish, St. Vincent's:**

Sylvia St. Croix

**St. Edward's Parish, Kelligrews:**

Bill Maddock, Patrick Dobbin

**St. Francis Xavier, Long Harbour:**

Monnie Norman

**St. Joseph's Parish, St. John's:**

M. Jeanette Walsh

**St. John Bosco Parish, St. John's:**

Gertrude Dillon, Peter D. Murphy

**St. Matthew's Parish, St. John's:**

Hilda Brennan, Edward Percy

**St. Paul's Parish, St. John's:**

Douglas G. Harris, Elizabeth Jackson

**St. Peter's Parish, Mount Pearl:**

Harold Stapleton

**St. Pius X Parish, St. John's:**

Mary Goss

**St. Teresa's Parish, St. John's:**

John R. Pearce

**St. Thomas of Villanova, Topsail:**

Margaret Auchinleck, David Barron

26 **Congregation of the Sisters of Mercy:\***

Sr. Marion Collins, R.S.M., Superior General, Sr. Elizabeth Davis, R.S.M., Sr. Charlotte Fitzpatrick, R.S.M., Sr. Patricia March, R.S.M., Sr. Rosemary Ryan, R.S.M.

**Congregation of the Sisters of the Presentation:\***

Sr. Regina Quigley, P.B.V.M., General Superior, Sr. Marie Ryan, P.B.V.M.

**Council of Priests:\***

Rev. Kenneth Walsh, Chairman, Rev. James J. Doody, Rev. John Wallis, Rt. Rev. Denis Walsh, Rev. Gerard Whitty

27 **Archdiocesan Committee on Child Sexual Abuse:\***

Bobbi Boland, Susan Murray, Dr. Ross Klein

**Presbyterium Meeting:\***

Rev. Leonard Atilia, S.J., Rev. Joseph Barton, Rev. Francis A. Coady, Rev. Wayne Dohey, Rev. James J. Doody, Rev. T. J. Fennessey, Rev. Jerome Hann, Rev. John Hanton, Rev. Gregory L. Hogan, Rev. Charles Kelly, Rev. W. K. Lawton, Rev. Paul Lundrigan, Rev. John McGettigan, Rev. J. Kevin McKenna, S.J., Rev. Kevin Molloy, Rev. Robert Moore, Rev. Louis Mousseau, O.F.M., Cap., Rev. John O'Deady, Rev. William Pomroy, Rev. Patrick Power, Rev. Francis Puddester, Rev. E. J. Purcell, Rev. John Wallis, Rt. Rev. Denis Walsh, Rev. Fabian Walsh, Rev. Gary Walsh, Rev. Kenneth Walsh, Rev. Gerard Whitty

**Faith Development Commission, Liturgy Commission, and Social Action Commission:\***

Bobbi Boland, Joan Bruce-Connors, Sr. Phyllis Crobett, R.S.M., Tessa Crosbie, Carmel Doyle, Frances Ennis, Rev. Philip J. Lewis, Sr. Lorraine Michael, P.B.V.M., Sr. Sheila O'Dea, R.S.M., Sarah Sexton, Molly Stacey, Rev. Gerard Whitty

- 30 Rev. Ron MacIntyre, O.F.M., Cap
- Dec 6 **Professional Counsellors and Therapists:\***  
**Anglican Family Life Centre Diocese of Eastern Newfoundland and Labrador:**  
 Jackie Reid  
**Archdiocesan Committee on Child Sexual Abuse:**  
 Nancy White  
**Correctional Services of Canada:**  
 Fred Tulk  
**Day Break Parent Child Centre:**  
 Melba Rabinowitz  
**Department of Social Services, Children's Protection Services:**  
 Marilyn McCormack, Shirley Quilty  
**Division of Youth Correction:**  
 Sharon Callahan  
**Emmanuel House - United Church Family and Community Services:**  
 Jocelyn Green, Rosemary Lahey  
**Dr. Charles A. Janeway Child Health Centre, Social Work Department:**  
 Paula Rodgers  
**Dr. Thomas Anderson Centre:**  
 Dr. Alan Kenworthy, Susan McConnell  
**Family Life Bureau:**  
 Thomas Mills  
**John Howard Society Federal Prison Liaison/Family Services:**  
 Valerie Corcoran  
**Kirby House:**  
 Anne Bittenheim, Patrick House, Jan Foley  
**Rape Crisis and Information Centre:**  
 Peggy Keats  
**Royal Canadian Mounted Police, Crime Prevention and Victim Services:**  
 Sgt. James Skanes  
**Royal Newfoundland Constabulary:**  
 Const. Frank Fleming, Asst. Supt. Leonard P. Power  
**St. John's Youth Diversion Program:**  
 Joanne Payne Philpott  
**Unified Family Court:**  
 Berkley Reynolds  
**Waterford Hospital:**  
 Dr. Thomas Cantwell
- 12 Rev. James Beresford  
 Rt. Rev. D. L. O'Keefe, D.P.
- 15 Rev. Reginald Currie  
 Rev. D. P. Murphy

- 21 Rodney Mallard
- 27 Rev. John Wallis

1990

- Jan 2 Rev. E. J. Purcell
- 4 Rev. Gregory L. Hogan
- Maxine Davis
- 8 Victims\*
- 10 **The Working Group on Child Sexual Abuse:\***
- Wanda Lundrigan, Jennifer Mercer, Darlene Scott
- 12 **Newfoundland Teachers' Association:\***
- Keith Coombs, President, Barbara Lewis
- 15 Most Rev. Raymond Lahey, Bishop of St. George's
- 22 Sgt. Craig Kenny, Royal Newfoundland Constabulary
- 31 Most Rev. J. Faber MacDonald, Bishop of Grand Falls
  
- Feb 5 Rev. Edward Bromley
- 8 Rev. Laurie Locke
- Rev. John Maddigan
- 9 Rev. Francis A. Coady
- Rt. Rev. Denis Walsh
- 13 Rev. Peter Golden
- 20 Brian Shortall
- 24 Parents of a Victim
- 28 John Corrigan
- James Hickey
  
- Mar 7 Sister Esther Dalton, R.S.M.
- 10 A Victim
- 13 Archbishop A. L. Penney\*
- 16 Rev. James J. Doody
- 21 Rev. Edward Sutton

\* Indicates the full Commission participated in discussions/consultation/or interview.

## APPENDIX B

### Historical Overview of the Archdiocese to 1979

by Hans Rollmann, Ph.D.

The institutional practices and structures which currently exist in the Archdiocese have grown on historical soil. Any assessment by the Commission of their validity and effectiveness must bear in mind this history.

The first priests to reside permanently in Newfoundland were secular and Jesuit priests who accompanied Lord Baltimore and served his Avalon settlement at Ferryland from 1627-1629. The presence side by side of an Anglican priest, the Rev. Erasmus Stourton, produced a situation of clerical pluralism unlike that in other European territories of the day. While a sacramental act, the baptism of Anglican children by Roman Catholic priests, became an ecumenical stumbling block, a situation of sustained religious competition and confrontation never developed because of the demise of the settlement for commercial reasons.

A more lasting presence of the Roman Catholic Church was the result of French colonial activities in the region. Unlike official English policy throughout the eighteenth century, which saw in Newfoundland primarily a school for sailors and a fertile fishing ground, the French sought to establish a permanent settlement in Newfoundland with the political and social institutions of the day, including a Roman Catholic parish. Bishop Jean St. Vallier of Quebec (a diocese since 1674) was personally responsible for the establishment of an ecclesiastical presence in Plaisance (Placentia), which he visited for a whole month in the summer of 1689. The parish, confirmed in a royal decree of King Louis XIV, also granted monetary allowances and tax exemptions to the Recollect Fathers. Originally, the Recollect province of St. Denis in France supplied Plaisance with priests, but an order of the king in 1701 transferred this responsibility to the Recollects from Brittany. The early tensions between church and governor over private morality and the limits of ecclesiastical power in the settlement were in due course replaced with more amiable relations. At its height, Plaisance was served by three priests, had a monastery, a church, and a graveyard, and could be compared ecclesiastically with a parish of similar size in mainland France or New France. The departure of the French inhabitants in 1714 as a consequence of the treaty of Utrecht ended the institutional presence of Roman Catholicism in Newfoundland until the arrival of James Louis O'Donel in 1784.

Throughout the eighteenth century Irish immigration increased, despite an ambivalent and at times hostile attitude of the colonial authorities toward settlement. Penal laws as well as gubernatorial fiat prohibited the establishment of an enduring ecclesiastical presence in Newfoundland. The granting of religious liberty to Roman Catholics in the colonies in 1779, in response to a change in the English penal code and the publication of this change through governor John Campbell in 1784, signalled the beginning of an enduring presence of the Roman Catholic Church in the island. Pope Pius VI established Newfoundland in 1784 as a separate ecclesiastical territory under the direct control of Rome. James Louis O'Donel, an experienced Franciscan Recollect father and former provincial for Ireland, became the prefect of the new mission, thus removing the island from the

control of the Bishop of London, who traditionally had held spiritual jurisdiction over all British North American colonies. O'Donel was given complete authority over the Roman Catholic clergy in his province as well as full ecclesiastical faculties, including the right to perform the sacrament of confirmation. In response to petitions by clergy and laity and after consultation with the British authorities, who saw O'Donel's presence as a stabilizing force on the island, Rome elevated the Prefecture of Newfoundland to a Vicariate Apostolic – a situation similar to the one in England. On 21 September 1796, James Louis O'Donel was consecrated bishop at Quebec City. The new Vicar-Apostolic and titular bishop of Tyatira was responsible for the islands of St. Pierre and Miquelon. During the vicariates of O'Donel and his successors Lambert and Scallan, a cordial relationship existed between Newfoundland and Quebec, expressed not only in the mutual recognition of ecclesiastical faculties but also through the education of Roman Catholics from Newfoundland in Quebec seminaries and convents. This situation changed, however, with the raising of the political and ecclesiastical stakes during the episcopates of Bishops Fleming and Mullock.

The episcopates of Bishops Fleming and Mullock coincide with a growing political maturity for Newfoundland and the agitation for civil rights on the island and elsewhere, albeit within the context of equally politicized anti-Catholic protestant forces in society and government. While the first three titular bishops in Newfoundland had pursued a policy of appeasement toward the British colonial authorities and the pacification of their Irish parishioners along with latitudinarian and ecumenical attitudes toward non-Catholics, the Catholic ethos of the subsequent generations was stridently emancipatory along the lines of an Irish nationalism politically but ultramontane and integralist toward liberals within the church. Instruments of political and social power in the hands of the Roman Catholic leadership were the Liberal party and the educational institutions. The latter, administered through the congregations of the Presentation of the Blessed Virgin Mary (since 1833) and Mercy (since 1842), imparted religious and moral values but also solidified the class and gender expectations of the bishop. Episcopal and pastoral responsibility now also included concern for the equitable implementation and administration of poor relief and a generous social policy across the island.

Ecclesiastically, the vicariate of Newfoundland became a diocese in 1847, and the subsequent successful efforts of Bishops Fleming and Mullock to free Newfoundland of any suffragan obligations either to Quebec or Halifax only heightened the self-confidence of Newfoundland Catholicism. In 1855, when Newfoundland received "responsible government," the Roman Catholic Church could claim this victory in no small measure as its own, then to be crowned in 1904 with the declaration of Newfoundland as an independent ecclesiastical province, comprised of the Archdiocese of St. John's and the dioceses of Harbour Grace (since 1856; now Grand Falls) and St. George's on the West Coast of the island.

We thus observe a crucial re-definition of the Roman Catholic Church in the nineteenth century, from a classical church model with its preoccupation to serve the spiritual and moral needs of the immigrant Irish populace through cultic

professionals, to a politicized church intent on achieving civil rights, demographic representation, and social equity for its members even at the cost of ethnic and religious polarisation. The political efforts in this process of self-definition resulted in the achievement of "responsible government" in 1855. And the ecclesiastical initiatives and defensive actions aimed at convincing Rome of the unique location and strength of the Newfoundland Church secured in 1904 an independent territorial status. The subsequent history of Roman Catholicism in Newfoundland bears the stamp of self-confidence from this dual achievement.

With Bishop Thomas Power in 1870, the unbroken rule of the Franciscan Recollect fathers came to an end in Newfoundland. Power's place in Newfoundland Catholicism reflects the changed situation, and his episcopate can best be characterized as the rule of a benign ultramontane, seeking to secure and maintain the presence of the Roman Catholic Church by solidifying it internally. Under Archbishop Power, the Congregation of Irish Christian Brothers became involved in teaching (and, more recently, in community projects). The Congregation has also administered Mount Cashel Orphanage. The above characterization about Archbishop Power holds true also for his successor Michael Francis Howley, despite his greater public presence and involvement in social issues (the aftermath of the Bank Crash of 1894, the French Shore question, and opposition to the Fisherman's Protective Union). As the first Newfoundland-born bishop, Howley exuded the strength of the island church. He wore his Catholicism as a garment without any perceptible seam: an unfailing obedience to Rome, a great loyalty to Great Britain, and a deep love for Newfoundland.

Archbishop Edward Roche, whose episcopate lasted from 1915 to 1950, represented Newfoundland Catholics as a "Prince of the Church", with independence of temperament and action. His chronic ill health (he suffered from tuberculosis) added to the public perception of being remote and regal. In 1947-48 Archbishop Roche was cast into the role of defender of Newfoundland's traditional political and ecclesiastical independence. In 1932 Newfoundland had resigned independent "responsible" government as a consequence of a severe economic crisis, and the British Colonial Office established an administrative rule known as "Commission of Government." When after World War Two, and under the agitation of Joey Smallwood, the question of Newfoundland's self-determination and political status was re-opened, Archbishop Roche became one of the ardent defenders of Newfoundland's self-rule and the voice of opposition to any effort to join Newfoundland with Canada. Archbishop Roche continued the anti-Confederate tradition of the Roman Catholic church championed in the second half of the nineteenth century and used the considerable institutional powers of his church, including the Diocesan paper *The Monitor*, in the service of his case. In the end a mix of motives, ranging from maintenance of power and opposition to social change to a genuine pastoral concern over a rapid integration of insular Newfoundland into a larger North American culture, can be held responsible for his opposition. But the defense of the Catholic ethos by the Archbishop always took place upon the background of the social and ecclesiastical achievements of the nineteenth century.

Archbishop Roche's opposition to confederation was loyally but less ardently supported by the bishop of Harbour Grace and even opposed by his colleague at St. George's, Bishop O'Reilly, whose many French and Scottish parishioners looked westward and could not readily identify with the Irish ethos and political achievement of the Catholics on the Avalon peninsula. Bishop O'Reilly, a native-born Irishman, was motivated exclusively by a concern for the economic well-being of his impoverished parishioners and supported William Keough's, the West Coast representative's, argument for confederation. The election result bore out the West-East split of the Roman Catholic populace. The concern of the Smallwood governments to secure a fair representation of Roman Catholics in ministerial posts after its narrow victory at the referendum reflects not only a concern over healing political wounds and defusing potential future opposition but also an acknowledgement of the abiding and stable presence of the Roman Catholic Church in Newfoundland society.

Father Patrick J. Skinner, a Eudist Father and former Rector of Holy Heart Seminary in Halifax, succeeded Archbishop Roche to the see of St. John's after only a brief period as auxiliary bishop. His Canadian experience, so it was hoped, might redress tensions created by Archbishop Roche's stand on Confederation. His spiritual and reflective personality was mitigated socially by an organizational and academic approach to church government, which drew on the administrative and managerial skill of his Vicars-General.

The major event during his 29-year term was the Second Vatican Council (1962-65), which called for ecclesiastical change and spiritual renewal at a pace, scope, and level hitherto unprecedented. As an interview with the retired Bishop shows, Archbishop Skinner was opposed to several, notably the liturgical changes discussed at Vatican II but in the end voted for them out of a strong sense of maintaining unanimity among the episcopal leadership. His subsequent efforts at implementing this change in the life and ministry of the church took on the following forms. He established the Communications office and Catholic Information Centre, the Family Life Bureau (to complement the health care and community service work already provided by St. Clare's Hospital and St. Patrick's Mercy Home), the Liturgical Commission, the Senate of Priests (now called the Council of Priests), the Denominational Education Committee (subsequently renamed the Denominational Education Council), the Diocesan Pastoral Council, the Administration Board, Finance Committee (with an Archdiocesan Budget), the Catholic Women's League and others.

### Summary

An assessment of the history of the diocese brings into relief the following points:

1. the European and immigrant beginnings of island Catholicism and the potential for ecumenical width and human concern of unlimited depth;
2. the latitudinarian vision and policy of appeasement of the first three vicars-apostolic;
3. the narrowing of island Catholicism in a context of denominational polarization and politicization;

4. the struggle for civil rights and ecclesiastical independence by the Newfoundland church, and the victory of these tendencies when "responsible government" and an independent ecclesiastical province became a reality;
5. the life of strength but also of regal remoteness by the bishops throughout the twentieth century as a result of these victories;
6. the perceived threat of confederation to a Newfoundland church and the opposition by the Archbishop in order to preserve an unassailable island Catholicism;
7. the abiding challenge of Vatican II for the contemporary church.

## APPENDIX C

### Canons

#### Canon 129

§1. Those who are in sacred orders are, in accordance with the provisions of law, capable of the power of governance, which belongs to the Church by divine institution. This power is also called the power of jurisdiction.

§2. Lay members of Christ's faithful can cooperate in the exercise of this same power in accordance with the law.

#### Canon 135

§1. The power of governance is divided into legislative, executive and judicial power.

§2. Legislative power is to be exercised in the manner prescribed by law; that which in the Church a legislator lower than the supreme authority has, cannot be delegated, unless the law explicitly provides otherwise. A lower legislator cannot validly make a law which is contrary to that of a higher legislator.

§3. Judicial power, which is possessed by judges and judicial colleges, is to be exercised in the manner prescribed by law, and it cannot be delegated except for the performance of acts preparatory to some decree or judgment.

§4. As far as the exercise of executive power is concerned, the provisions of the following canons are to be observed.

#### Canon 204

§1. Christ's faithful are those who, since they are incorporated into Christ through baptism, are constituted the people of God. For this reason they participate in their own way in the priestly, prophetic and kingly office of Christ. They are called, each according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfil in the world.

§2. This Church, established and ordered in this world as a society, subsists in the catholic Church, governed by the successor of Peter and the Bishops in communion with him.

#### Canon 207

§1. By divine institution, among Christ's faithful there are in the Church sacred ministers, who in law are also called clerics; the others are called lay people.

§2. Drawn from both groups are those of Christ's faithful who, professing the evangelical counsels through vows or other sacred bonds recognised and approved by the Church, are consecrated to God in their own special way and promote the salvific mission of the Church. Their state, although it does not belong to the hierarchical structure of the Church, does pertain to its life and holiness.

### **Canon 208**

Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ.

### **Canon 211**

All Christ's faithful have the obligation and the right to strive so that the divine message of salvation may more and more reach all people of all times and all places.

### **Canon 212**

§1. Christ's faithful, conscious of their own responsibility, are bound to show christian obedience to what the sacred Pastors, who represent Christ, declare as teachers of the faith and prescribe as rulers of the Church.

§2. Christ's faithful are at liberty to make known their needs, especially their spiritual needs, and their wishes to the Pastors of the Church.

§3. They have the right, indeed at times the duty, in keeping with their knowledge, competence and position, to manifest to the sacred Pastors their views on matters which concern the good of the Church. They have the right also to make their views known to others of Christ's faithful, but in doing so they must always respect the integrity of faith and morals, show due reverence to the Pastors and take into account both the common good and the dignity of individuals.

### **Canon 233**

§1. It is the duty of the whole christian community to foster vocations so that the needs of the sacred ministry are sufficiently met in the entire Church. In particular, this duty binds christian families, educators and, in a special way, priests, especially parish priests. Diocesan Bishops, who must show the greatest concern to promote vocations, are to instruct the people entrusted to them on the importance of the sacred ministry and the need for ministers in the Church. They are to encourage and support initiatives to promote vocations, especially movements established for this purpose.

§2. Moreover, priests and especially diocesan Bishops are to be solicitous that men of more mature years who believe they are called to the sacred ministries are prudently assisted by word and deed and are duly prepared.

### **Canon 234**

§1. Minor seminaries and other institutions of a similar nature promote vocations by providing a special religious formation, allied to human and scientific education; where they exist, they are to be retained and fostered. Indeed, where the diocesan Bishop considers it expedient, he is to provide for the establishment of a minor seminary or similar institution.

§2. Unless the circumstances of certain situations suggest otherwise, young men who aspire to the priesthood are to receive that same human and scientific formation which prepares their peers in their region for higher studies.

#### **Canon 241**

§1. The diocesan Bishop is to admit to the major seminary only those whose human, moral, spiritual and intellectual gifts, as well as physical and psychological health and right intention, show that they are capable of dedicating themselves permanently to the sacred ministries.

§2. Before they are accepted, they must submit documentation of their baptism and confirmation, and whatever else is required by the provisions of the Charter of Priestly Formation.

§3. If there is a question of admitting those who have been dismissed from another seminary or religious institute, there is also required the testimony of the respective superior, especially concerning the reason for their dismissal or departure.

#### **Canon 247**

§1. By appropriate instruction they are to be prepared to observe celibacy and to learn to hold it in honour as a special gift of God.

§2. The students are to be given all the requisite knowledge concerning the duties and burdens which are proper to the sacred ministers of the Church, concealing none of the difficulties of the priestly life.

#### **Canon 248**

The doctrinal formation given is to be so directed that the students may acquire a wide and solid teaching in the sacred sciences, together with a general culture which is appropriate to the needs of place and time. As a result, with their own faith founded on and nourished by this teaching, they ought to be able properly to proclaim the Gospel to the people of their own time, in a fashion suited to the manner of the people's thinking.

#### **Canon 251**

Philosophical formation must be based on the philosophical heritage that is perennially valid, and it is also to take account of philosophical investigations over the course of time. It is to be so given that it furthers the human formation of the students, sharpens their mental edge and makes them more fitted to engage in theological studies.

#### **Canon 255**

Although the whole formation of students in the seminary has a pastoral purpose, a specifically pastoral formation is also to be provided there; in this the students are to learn the principles and the techniques which, according to the needs of

place and time, are relevant to the ministry of teaching, sanctifying and ruling the people of God.

### **Canon 258**

In order that the students may also by practice learn the art of exercising the apostolate, they are in the course of their studies, and especially during holiday time, to be initiated into pastoral practice by suitable arrangements, always under the supervision of an experienced priest. These assignments, appropriate to the age of the student and the conditions of the place, are to be determined by the Ordinary.

### **Canon 273**

Clerics have a special obligation to show reverence and obedience to the Supreme Pontiff and to their own Ordinary.

### **Canon 277**

§1. Clerics are obliged to observe perfect and perpetual continence for the sake of the Kingdom of heaven, and are therefore bound to celibacy. Celibacy is a special gift of God by which sacred ministers can more easily remain close to Christ with an undivided heart, and can dedicate themselves more freely to the service of God and their neighbour.

§2. Clerics are to behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful.

§3. The diocesan Bishop has authority to establish more detailed rules concerning this matter, and to pass judgement on the observance of the obligation in particular cases.

### **Canon 286**

Clerics are forbidden to practise commerce or trade, either personally or through another, for their own or another's benefit, except with the permission of the lawful ecclesiastical authority.

### **Canon 331**

The bishop of the Church of Rome, in whom resides the office given in a special way by the Lord to Peter, first of the Apostles and to be transmitted to his successors, is head of the college of bishops, the Vicar of Christ and Pastor of the universal Church on earth; therefore, in virtue of his office he enjoys supreme, full, immediate and universal ordinary power in the Church, which he can always freely exercise.

### **Canon 364**

The principal task of a Papal Legate is continually to make more firm and effective the bonds of unity which exist between the Holy See and the particular Churches. Within the territory assigned to him, it is therefore the responsibility of a Legate:

- 1° to inform the Apostolic See about the conditions in which the particular Churches find themselves, as well as about all matters which affect the life of the Church and the good of souls;
- 2° to assist the Bishops by action and advice, while leaving intact the exercise of their lawful power;
- 3° to foster close relations with the Episcopal Conference, offering it every assistance;
- 4° in connection with the appointment of Bishops, to send or propose names of candidates to the Apostolic See, as well as to prepare the informative process about those who may be promoted, in accordance with the norms issued by the Apostolic See;
- 5° to take pains to promote whatever may contribute to peace, progress and the united efforts of peoples;
- 6° to work with the Bishops to foster appropriate exchanges between the Catholic Church and other Churches or ecclesial communities, and indeed with non-christian religions;
- 7° to work with the Bishops to safeguard, so far as the rulers of the State are concerned, those things which relate to the mission of the Church and of the Apostolic See;
- 8° to exercise the faculties and carry out the other instructions which are given to him by the Apostolic See.

### **Canon 369**

A diocese is a portion of the people of God, which is entrusted to a Bishop to be nurtured by him, with the cooperation of the presbyterium, in such a way that, remaining close to its pastor and gathered by him through the Gospel and the Eucharist, in the Holy Spirit, it constitutes a particular Church. In this Church, the one, holy, catholic and apostolic Church of Christ truly exists and functions.

### **Canon 375**

§1. By divine institution, Bishops succeed the Apostles through the Holy Spirit who is given to them. They are constituted Pastors in the Church, to be the teachers of doctrine, the priests of sacred worship and the ministers of governance.

§2. By their episcopal consecration, Bishops receive, together with the office of sanctifying, the offices also of teaching and of ruling, which however, by their nature, can be exercised only in hierarchical communion with the head of the College and its members.

### Canon 381

§1. In the diocese entrusted to his care, the diocesan Bishop has all the ordinary, proper and immediate power required for the exercise of his pastoral office, except in those matters which the law or a decree of the Supreme Pontiff reserves to the supreme or to some other ecclesiastical authority.

§2. Those who are at the head of the other communities of the faithful mentioned in can. 368, are equivalent in law to the diocesan Bishop, unless the contrary is clear from the nature of things or from a provision of the law.

### Canon 385

He must in a very special way foster vocations to the various ministries and to consecrated life, having a special care for priestly and missionary vocations.

### Canon 386

§1. The diocesan Bishop is bound to teach and illustrate to the faithful the truths of faith which are to be believed and applied to behaviour. He is himself to preach frequently. He is also to ensure that the provisions of the canons on the ministry of the word, especially on the homily and catechetical instruction, are faithfully observed, so that the whole of christian teaching is transmitted to all.

§2. By whatever means seem most appropriate, he is firmly to defend the integrity and unity of the faith to be believed. However, he is to acknowledge a just freedom in the further investigation of truths.

### Canon 387

Mindful that he is bound to give an example of holiness, charity, humility, and simplicity of life, the diocesan Bishop is to seek in every way to promote the holiness of Christ's faithful according to the special vocation of each. Since he is the principal dispenser of the mysteries of God, he is to strive constantly that Christ's faithful entrusted to his care may grow in grace through the celebration of the sacraments, and may know and live the paschal mystery.

### Canon 388

§1. After he has taken possession of the diocese, the diocesan Bishop must apply the Mass for the people entrusted to him on each Sunday and on each holyday of obligation in his region.

§2. The Bishop must himself celebrate and apply the Mass for the people on the days mentioned in §1; if, however, he is lawfully impeded from so doing, he is to have someone else do so on those days, or do so himself on other days;

§3. A Bishop who, in addition to his own, is given another diocese, even as administrator, satisfies the obligation by applying one Mass for all the people entrusted to him.

§4. A Bishop who has not satisfied the obligation mentioned in §§1-3, is to apply as soon as possible as many Masses for the people as he has omitted.

### **Canon 389**

He is frequently to preside at the Eucharistic celebration in the cathedral church or in some other church of his diocese, especially on holydays of obligation and on other solemnities.

### **Canon 390**

The diocesan Bishop may use pontificalia throughout his diocese. He may not do so outside his diocese without the consent of the local Ordinary, either expressly given or at least reasonably presumed.

### **Canon 391**

§1. The diocesan Bishop governs the particular Church entrusted to him with legislative, executive and judicial power, in accordance with the law.

§2. The Bishop exercises legislative power himself. He exercises executive power either personally or through Vicars general or episcopal Vicars, in accordance with the law. He exercises judicial power either personally or through a judicial Vicar and judges, in accordance with the law.

### **Canon 436**

§1. Within the suffragan dioceses, the Metropolitan is competent:

- 1° to see that faith and ecclesiastical discipline are carefully observed and to notify the Roman Pontiff if there be any abuses;
- 2° for a reason approved beforehand by the Apostolic See, to conduct a canonical visitation if the suffragan Bishop has neglected it;
- 3° to appoint a diocesan Administrator in accordance with cann. 421, §2 and 425, §3.

§2. Where circumstances require it, the Apostolic See can give the Metropolitan special functions and power, to be determined in particular law.

§3. The metropolitan has no other power of governance over suffragan dioceses. He can, however, celebrate sacred functions in all churches as if he were a Bishop in his own diocese, provided, if it is the cathedral church, the diocesan Bishop has been previously notified.

### **Canon 511**

In each diocese, in so far as pastoral circumstances suggest, a pastoral council is to be established. Its function, under the authority of the Bishop, is to study and weigh those matters which concern the pastoral works in the diocese, and to propose practical conclusions concerning them.

### **Canon 512**

§1. A pastoral council is composed of members of Christ's faithful who are in full communion with the catholic Church: clerics, members of institutes of consecrated

life, and especially lay people. They are designated in the manner determined by the diocesan Bishop.

§2. The members of Christ's faithful assigned to the pastoral council are to be selected in such a way that the council truly reflects the entire portion of the people of God which constitutes the diocese, taking account of the different regions of the diocese, of social conditions and professions, and of the part played in the apostolate by the members, whether individually or in association with others.

§3. Only those members of Christ's faithful who are outstanding in firm faith, high moral standards and prudence are to be assigned to the pastoral council.

### **Canon 513**

§1. The pastoral council is appointed for a determinate period, in accordance with the provisions of the statutes drawn up by the Bishop.

§2. When the see is vacant, the pastoral council lapses.

### **Canon 514**

§1. The pastoral council has only a consultative vote. It is for the diocesan Bishop alone to convene it, according to the needs of the apostolate, and to preside over it. He alone has the right to make public the matters dealt with in the council.

§2. It is to be convened at least once a year.

### **Canon 519**

The parish priest is the proper pastor of the parish entrusted to him. He exercises the pastoral care of the community entrusted to him under the authority of the diocesan Bishop, whose ministry of Christ he is called to share, so that for this community he may carry out the offices of teaching, sanctifying and ruling with the cooperation of other priests or deacons and with the assistance of lay members of Christ's faithful, in accordance with the law.

### **Canon 521**

§1. To be validly appointed a parish priest, one must be in the sacred order of priesthood.

§2. He is also to be outstanding in sound doctrine and uprightness of character, endowed with zeal for souls and other virtues, and possessed of those qualities which by universal or particular law are required for the care of the parish in question.

§3. In order that one be appointed to the office of parish priest, his suitability must be clearly established, in a manner determined by the diocesan Bishop, even by examination.

### **Canon 532**

In all juridical matters, the parish priest acts in the person of the parish, in accordance with the law. He is to ensure that the parish goods are administered in accordance with cann. 1281-1288.

### **Canon 537**

In each parish there is to be a finance committee to help the parish priest in the administration of the goods of the parish, without prejudice to can. 532. It is ruled by the universal law and by the norms laid down by the diocesan Bishop, and it is comprised of members of the faithful selected according to these norms.

### **Canon 555**

§1. Apart from the faculties lawfully given to him by particular law, the Vicar forane has the duty and the right:

- 1° to promote and coordinate common pastoral action in the vicariate;
- 2° to see that the clerics of his district lead a life befitting their state, and discharge their obligations carefully;
- 3° to ensure that religious functions are celebrated according to the provisions of the sacred liturgy; that the elegance and neatness of the churches and sacred furnishings are properly maintained, particularly in regard to the celebration of the Eucharist and the custody of the blessed Sacrament; that the parish registers are correctly entered and duly safeguarded; that ecclesiastical goods are carefully administered; finally, that the parochial house is looked after with care.

§2. In the vicariate entrusted to him, the Vicar forane:

- 1° is to encourage the clergy, in accordance with the provisions of particular law, to attend at the prescribed time lectures and theological meetings or conferences, in accordance with can. 272 §2.
- 2° is to see to it that spiritual assistance is available to the priests of his district, and he is to show a particular solicitude for those who are in difficult circumstances or are troubled by problems.

§3. When he has come to know that parish priests of his district are seriously ill, the Vicar forane is to ensure that they do not lack spiritual and material help. When they die, he is to ensure that their funerals are worthily celebrated. Moreover, should any of them fall ill or die, he is to see to it that books, documents, sacred furnishings and other items belonging to the Church are not lost or removed.

§4. The Vicar forane is obliged to visit the parishes of his district in accordance with the arrangement made by the diocesan Bishop.

### Canon 759

The lay members of Christ's faithful, by reason of their baptism and confirmation, are witnesses to the good news of the Gospel, by their words and by the example of their christian life. They can also be called upon to cooperate with Bishops and priests in the exercise of the ministry of the word.

### Canon 793

§1. Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the catholic education of their children.

§2. Parents have moreover the right to avail themselves of that assistance from civil society which they need to provide a catholic education for their children.

### Canon 1281

§1. Without prejudice to the provisions of the statutes, administrators act invalidly when they go beyond the limits and manner of ordinary administration, unless they have first received in writing from the Ordinary the faculty to do so.

§2. The statutes are to determine what acts go beyond the limits and manner of ordinary administration. If the statutes are silent on this point, it is for the diocesan Bishop, after consulting the finance committee, to determine these acts for the persons subject to him.

§3. Except and insofar as it is to its benefit, a juridical person is not held responsible for the invalid actions of its administrators. The juridical person is, however, responsible when such actions are valid but unlawful, without prejudice to its right to bring an action or have recourse against the administrators who have caused it damage.

### Canon 1282

All persons, whether clerics or laity, who lawfully take part in the administration of ecclesiastical goods, are bound to fulfil their duties in the name of the Church, in accordance with the law.

### Canon 1283

Before administrators undertake their duties:

- 1° they must take an oath, in the presence of the Ordinary or his delegate, that they will well and truly perform their office;
- 2° they are to draw up a clear and accurate inventory, to be signed by themselves, of all immovable goods, of those movable goods which are precious or of a high cultural value, and of all other goods, with a description and an estimate of their value; when this has been compiled, it is to be certified as correct;

3° one copy of this inventory is to be kept in the administration office and another in the curial archive; any change which takes place in the property is to be noted on both copies.

#### **Canon 1284**

§1. All administrators are to perform their duties with the diligence of a good householder.

§2. Therefore they must:

1° be vigilant that no goods placed in their care in any way perish or suffer damage; to this end they are, to the extent necessary, to arrange insurance contracts;

2° ensure that the ownership of ecclesiastical goods is safeguarded in ways which are valid in civil law;

3° observe the provisions of canon and civil law, and the stipulations of the founder or donor or lawful authority; they are to take special care that damage will not be suffered by the Church through the non-observance of the civil law;

4° seek accurately and at the proper time the income and produce of the goods, guard them securely and expend them in accordance with the wishes of the founder or lawful norms;

5° at the proper time pay the interest which is due by reason of a loan or pledge, and take care that in due time the capital is repaid;

6° with the consent of the Ordinary make use of money which is surplus after payment of expenses and which can be profitably invested for the purposes of the juridical person;

7° keep accurate records of income and expenditure;

8° draw up an account of their administration at the end of each year;

9° keep in order and preserve in a convenient and suitable archive the documents and records establishing the rights of the Church or institute to its goods; where conveniently possible, authentic copies must be placed in the curial archives.

§3. It is earnestly recommended that administrators draw up each year a budget of income and expenditure. However, it is left to particular law to make this an obligation and to determine more precisely how it is to be presented.

#### **Canon 1285**

Solely within the limits of ordinary administration, administrators are allowed to make gifts for pious purposes or christian charity out of the movable goods which do not form part of the stable patrimony.

**Canon 1286**

Administrators of temporal goods:

1° in making contracts of employment, are accurately to observe also, according to the principles taught by the Church, the civil laws relating to labour and social life;

2° are to pay to those who work for them under contract a just and honest wage which will be sufficient to provide for their needs and those of their dependents.

**Canon 1287**

§1. Where ecclesiastical goods of any kind are not lawfully withdrawn from the power of governance of the diocesan Bishop, their administrators, both clerical and lay, are bound to submit each year to the local Ordinary an account of their administration, which he is to pass on to his finance committee for examination. Any contrary custom is reprobated.

§2. Administrators are to render accounts to the faithful concerning the goods they have given to the Church, in accordance with the norms to be laid down by particular law.

**Canon 1288**

Administrators are not to begin legal proceedings in the name of a public juridical person, nor are they to contest them in a secular court, without first obtaining the written permission of their proper Ordinary.

**Canon 1395**

§1. Apart from the case mentioned in can. 1394, a cleric living in concubinage, and a cleric who continues in some other external sin against the sixth commandment of the Decalogue which causes scandal, is to be punished with suspension. To this, other penalties can progressively be added if after a warning he persists in the offence, until eventually he can be dismissed from the clerical state.

§2. A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the crime was committed by force, or by threats, or in public, or with a minor under the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

**Canon 1752**

In cases of transfer, the provisions of can. 1747 are to be applied, always observing canonical equity and keeping in mind the salvation of souls, which in the Church must always be the supreme law.

## APPENDIX D

### Policies and Procedures Regarding Complaints of Sexual Abuse

#### A. GENERAL GUIDELINES ISSUED BY THE CANADIAN CONFERENCE OF CATHOLIC BISHOPS (CCCCB)

August 1987

*Proposed Procedure to be applied in case of child sexual abuse by a cleric.*

##### Introduction

1. The following is simply a general outline; it presupposes that the detailed prescriptions of the Code of Canon Law are observed by all concerned.
2. Many aspects are involved in situations of alleged child sexual abuse by a cleric: spiritual issues, public relations issues, medical issues, civil law issues and canonical issues.
3. No one person could have all the required knowledge in these various areas; therefore, a team approach would be required.

##### Before Any Denunciation is Made

1. A *team of competent persons* should be established under the authority of the diocesan bishop, comprising as a minimum: a canonist, a specialist in civil and criminal law, a medical doctor who is experienced in the treatment of persons who suffer from disorders related to pedophilia and similar illnesses.
2. If it is appropriate, the team could be established for a *number of dioceses* (for instance, an ecclesiastical province, for dioceses within a given civil jurisdiction, and so forth). In such instances, the team would report to the diocesan bishop directly concerned in a particular situation.
3. The team should establish a *basic policy* or contingency plan which would take into account existing Church and civil laws applicable to the territory (for instance, in matters referring to reporting obligations, confidentiality, privileged information, and so forth).
4. The diocesan bishop should *appoint one or more priests* who would have responsibility for conducting a preliminary investigation into complaints (c. 1717,1) and informing Church authorities of the results of such inquiries. Likewise, *suitable persons* should be designated to meet with the parents, and eventually the children involved, provided the parents so consent.
5. Selection should be made of eventual *referral centres*, that would provide psychological testing and assessments, assistance with chemical dependency (if such is the case), and offer complete medical and neurological facilities, etc. Good personal relations should be established with the Directors of such centres.

6. A good understanding should be established with *the media*, agreeing where possible on the format for any eventual press releases or statements, designating a contact person, and so forth.
7. *Lawyers* should be selected (and be on retainer) who would be able to offer assistance in matters referring both to criminal proceedings and to eventual civil proceedings.
8. An understanding should be reached with *insurance agencies*, concerning the extent of medical coverage, procedures to be observed, and so forth.
9. The diocese should establish a *contingency fund* to cover eventual legal, medical and counselling expenses.
10. Once the *policy* is established, it should be *communicated* to the clergy concerned.
11. In the case of *clerics who do not depend* directly on the diocesan bishop (eg religious, visiting clerics), arrangements should be made with the appropriate superiors.

#### When a Denunciation is Made

1. As soon as a cleric is accused and the parents' name is known, a person selected for this purpose (see No. 1,4 above) will *meet with the parents* on behalf of the diocese. The child in question would not assist at this first meeting, but should instead with the parents' consent be interviewed by a mental health professional, familiar with problems of children in this age group. If the parents do not consent, advice should be offered to them as to where to obtain appropriate professional counselling for themselves and the children.
2. The diocese should provide the accused cleric immediately with a *trial lawyer*, who is distinct from the diocesan attorney.
3. A *meeting could then be held* with the appropriate civil counsel present: the Diocesan Bishop, the diocesan attorney, the accused priest, his lawyer.
4. *At no time* after a denunciation has been made should the Diocesan Bishop or any of the priests involved hear the *sacramental confession* of the accused cleric.
5. Three situations can be envisaged at this time: the cleric *admits* that the allegations are true; the cleric *denies* the allegations, but is willing to cooperate; the cleric denies the allegations and is *obstinate* in proclaiming his innocence. Depending on the attitude of the cleric, some or all of the following steps should then be taken.
6. The cleric is to be given an immediate *leave of absence*; likewise, an appropriate place should be chosen for him *to reside* pending the outcome of the investigation. At no time should he return to the parish where he is assigned (if such is the case). (Possibly a *precept* is given.)
7. The matter is then turned over to one of the *designated priests* (see above, 1,4) who will handle the preliminary inquiry. The lawyers designated above (11,2) should attend.

8. If the designated priest, after hearing those who are bringing the complaint, is of the opinion that there is indeed reason to *proceed with the case*, the accused cleric is to be heard.

9. Once the inquiry is completed – saving the good name of all concerned (c. 1717,2) – the designated priest is to present a report to the Diocesan Bishop. He can either find that there appears to be *no substance* to the accusations and that the case should be considered closed; or that indeed *there is matter for further action*. In this latter case, the cleric's *faculties* to preach are *to be removed* (c. 764), and, if the cleric is a priest, the right to hear confessions is also immediately removed (c. 974,1). If appropriate, a penal precept (cf. c. 1319) can be issued forbidding the cleric from approaching the parish or institution to which he was attached.

10. The cleric is then to be referred *immediately* (no later than the next day) to the selected *treatment centre* for medical and psychological evaluation.

11. Once this evaluation has been received, and if it shows that the cleric is *at least partly imputable* for his actions (cf. c. 1321), the team (see above No. I,1) should meet to decide whether it is appropriate to recommend that the matter should be referred to the diocesan Promoter of Justice in order to begin a canonical penal trial.

12. If it is judged opportune to begin a canonical trial, *the provisions of c. 1722* can then be applied: the accused can be prohibited from the exercise of sacred ministry or of some ecclesiastical office and position, or residence in a certain place or territory can be imposed or forbidden, and so forth.

13. If after the canonical trial the cleric is found guilty, then the appropriate *canonical penalties* are to be applied (not excluding the eventual possibility of depriving the cleric of the clerical state).

#### **If Sexual Abuse has been Verified**

1. Assistance should be continued in various ways for the *child* (or children) involved, for the *family*, and so forth.

2. Any eventual *return to ministry* could not be considered until assessment is available (after therapy). The team (see above No. I,1) should be involved in making any recommendations in this regard. If the cleric is authorized to return to ministry, provision should be made for him to participate in one or other self-help groups (or something similar).

#### **Other Factors to be Noted**

1. In contemplation of litigation and for the benefit of the legal counsel of the diocese, it is recommended that a *written record* be kept of all steps taken at the diocesan level from the moment the denunciation was first received. Care should be taken to protect the confidentiality of such documentation, depending to a large extent on the prevailing civil legislation. The written record shall be endorsed as being prepared for the benefit of and assistance of the diocesan counsel.

2. A *strict observance* of the canonical norms would protect the diocesan authorities by enabling them to show that all necessary steps were taken. Likewise, if the cleric has recourse to the Holy See against the action of the Diocesan Bishop or of the other persons involved, it can be shown that the cleric's rights were fully respected.

#### **Conclusion**

1. There is *no easy solution* to such a painful situation.
2. Special care should be taken to show *the Church's concern* for the victims of such actions, even though the matter is painful. The spiritual well-being of the children and of the parents is of primary concern – "Salus animarum suprema lex" (c. 1752).

Ottawa, August 11, 1987

Francis G. Morrissey, O. M. I.

## **B. POLICY REGARDING ALLEGATIONS OF CHILD ABUSE BY A CLERIC DIOCESE OF BATON ROUGE**

1 November 1989

My dear Priests and Deacons, Religious, and Laity:

Along with you, I have become more and more aware over the past few years of the tragedy of child abuse in our society. With my brother bishops, I am anxious to express my concern for all those who are victimized by such behavior, especially those children who suffer abuse directly and their families who share their pain. More importantly, I see a need to work to end all such types of exploitation, which is so destructive not only to the individual persons involved but also to society as a whole.

Unhappily, child abuse can occur in any walk of life. We are all familiar with widely-publicized cases of recent years, when priests in other dioceses have been discovered as abusers of children. Therefore, it has seemed prudent to me to develop a diocesan policy to deal with situations in which a cleric might be accused of child abuse. Last summer, an interim policy was put into place, and at that time I asked the Presbyteral Council to consider the matter further. A committee was subsequently appointed to develop and recommend this policy.

I wish to thank the priests, canon and civil lawyers, and mental health professionals who over the past eight months have worked so diligently at this task. They have reviewed policies in effect in other dioceses and pertinent mental health concerns, explored the legal issues involved, consulted with the Presbyteral Council and clergy as a whole, and ultimately developed a policy for implementation here in the Diocese of Baton Rouge. It provides a fair and reasonable process for dealing with allegations, and an effective framework for ministry and management in any unfortunate circumstance of actual abuse. As its preamble states, the purpose of the policy is to ensure care for the victims of abuse and for those who might commit it, to comply with both canon and secular law, to deal with questions of liability, and to prevent insofar as possible, through education and awareness, incidents of child abuse.

Therefore, by my authority as diocesan bishop, I hereby promulgate this diocesan Policy regarding Allegations of Child Abuse by a Cleric as particular law in and for the Diocese of Baton Rouge, effective 1 January 1990. At that time it shall replace the interim policies in effect since the spring of 1988. During the time between now and the first of the year, individual personnel for the particular roles envisaged by the policy will be selected and undergo a program of orientation and preparation. I urge that this policy be read and understood especially by the clergy of the diocese, and mandate full cooperation with it by everyone. Your assistance will ensure its success as a vehicle for the Church's care and concern should its provisions be needed.

Finally, I ask you to join your prayers to mine that the Lord might grace all of our clergy and laity with virtue and wisdom. Our efforts will only be fruitful when inspired and assisted by divine help.

With sentiments of esteem, I remain

Sincerely yours in Christ,

Stanley Joseph Ott

Bishop of Baton Rouge

Reverend Monsignor Robert H. Berggreen

Chancellor.

### *Policy Regarding Allegations of Child Abuse by a Cleric*

#### *A. Preamble*

The problem of child abuse is one that, more and more, is recognized by society as a tragedy. The Catholic Church in the United States is deeply committed to addressing this problem positively.<sup>1</sup>

The tragedy is compounded when a member of the clergy is involved, even by unfounded allegation. The Diocese of Baton Rouge therefore has developed the following policy to deal with such situations.

By means of this policy, the Diocese hopes, first and foremost, to bring the healing ministry of the Church to bear on the victims of child abuse: the children involved and their families. Clerics who engage in such activity, or who even are accused of it, also deserve the Church's pastoral care. Most importantly, the local Church wishes to convey its strong concern and continued commitment toward preventing child abuse in our society, by means of both prudent education and preventative measures. This policy is specifically designed to comply with both criminal and canon law, and to deal in an appropriate manner with questions of civil liability.

As in other diocesan policies concerned with difficulties among members of the clergy, charity must be the keystone of this effort.<sup>2</sup> The Catholic Church unequivocally follows Jesus Christ's command to "love one another", and to extend that love and concern especially to those who are powerless and outcast.<sup>3</sup> Thus, both those who suffer any abuse and those who might inflict it warrant the Church's solicitude and assistance.

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<sup>1</sup> Cf. M.E. Chopko, *Statement on Sexual Abuse of Children* (Washington, USCC, 9 February 1988), np.

<sup>2</sup> Cf. S. J. Ott, Letter of December 1984 promulgating the diocesan *Policy and Procedures* concerning alcoholism and other chemical dependencies among the clergy.

<sup>3</sup> Cf., for example, John 15:12, Matthew 25:40, and Luke 5:12 - 13.

Of course, this does not excuse abusive behavior, which is radically incompatible with Christianity itself. Abuse of children is particularly wrong, is especially irreconcilable with the ministry of the clergy, and is not permitted by the Church's law.<sup>4</sup> Thus, this policy in no way seeks to encourage or permit continued service by those who are not psychologically or emotionally capable of healthy relationships with children.

This policy establishes a process to verify the truthfulness of any allegations of child abuse by a cleric, and to organize and direct subsequent action as it might become advisable or necessary. It seeks to respect the various roles necessarily involved in these investigations and programs of care. Evaluative and therapeutic roles, in particular, are kept distinct, so as to better serve both society and those individuals they assist. The policy sets up a decision-making process which is prompt, reasonable, and fair to all persons involved, and will help ensure that actions are taken only when indicated by established fact or circumstantial prudence.

In this policy, "clergy" is used as a canonical term, and thus means Catholic bishops, priests, and deacons. The "local ordinary" is the diocesan bishop, vicar general, or episcopal vicar as defined in canon law.<sup>5</sup> "Child abuse" is used as it is defined in criminal law: "the infliction by a caretaker of physical or mental injury or the causing of the deterioration of a child, including, but not limited to, such means as the sexual abuse, sexual exploitation, or the exploitation of overwork of a child to such an extent that his (or her) health, moral or emotional wellbeing is endangered."<sup>6</sup> "Neglect", which is also considered child abuse, is "the failure by a caretaker to provide for a child the proper or necessary support or medical, surgical, or any other care necessary for his (or her) well being".<sup>7</sup> Finally, an "allegation" is any indication which is not patently absurd.

#### *B. Policy*

This policy shall be observed when any allegation is made or any suspicion is raised that child abuse may have been committed by a cleric incardinated to or residing within the territory of the Diocese of Baton Rouge. The activities mandated by this policy comprise a brief, initial "investigative phase",<sup>8</sup> and when indicated by the results of this investigation, a subsequent "action phase". It is during the action phase that appropriate pastoral care, disciplinary action, legal steps, etc., are organized and implemented.

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<sup>4</sup> In *The Code of Canon Law*, (revised in 1983), cf. canons 277, 1, 599, 672, 1934 and 1935, esp. its 2.

<sup>5</sup> Cf. canon 134, 1 and 2.

<sup>6</sup> *Louisiana Revised Statutes* 14:403 (B) (1).

<sup>7</sup> L.R.S. 14:403 (B) (5).

<sup>8</sup> Cf. Canon 1717.

### *The Investigative Phase*

When an allegation is made or a suspicion is raised, the local ordinary shall immediately appoint, in writing, an "investigator" who has been nominated in advance and adequately trained for this task. In the absence of the ordinary, an investigator may initiate the process on his or her own authority, notifying the bishop in writing. This investigator is *ex officio* endowed with all necessary authority to achieve a single, primary goal: to determine, within 24 hours, if it is reasonable to proceed to the action phase. During the investigation, the investigator will attempt to be both discreet and pastoral, but always in view of the primary goal.

He or she organizes this investigation as the particular circumstances demand, speaking first, as a general rule, with the accuser. The accused cleric and the alleged victim's parents or guardians will also be contacted if necessary. Other persons as well may be consulted if this is deemed advisable. The investigator will comply with laws regarding reporting to civil authorities if these are applicable. A written record of the investigation and its findings will be kept. Based upon the information gathered in this initial phase, the investigator will make an evaluation regarding the primary goal.

Thus, no later than 24 hours after beginning the investigation, the investigator will report his or her findings and conclusion to a "supervisor", another person chosen in advance and trained for this next role. If both the investigator and the supervisor concur that it is not reasonable to proceed to an action phase, the process is suspended; if either believes it necessary to proceed, the action phase begins. In any case, the investigator notifies the bishop in writing of these findings and conclusion, and of the supervisor's conclusion as well, before withdrawing from the case.

Should the accused cleric be a member of a religious institute, his major superior shall be notified by the investigator at the beginning of the investigation, as needed during its course, and in writing at its conclusion.<sup>9</sup> Should the accused cleric be incardinated to another diocese, his bishop shall be notified in a similar manner.

### *The Action Phase*

The action phase will be initiated if either the supervisor or the investigator judges that it is reasonable to do so. The ordinary will be informed of this. It should be noted that the initiation of an action phase does not in and of itself mean that a criminal offense has occurred or has yet been substantiated, but only that some further action is called for in order for an optimum resolution to be achieved in the case.

As a rule an immediate administrative leave from all assignments and ministry, coupled with the withdrawal of all faculties, will be directed by the ordinary for the accused cleric. Similarly, relocation of the accused to a suitable supportive environment shall be mandated. These steps are not punitive and are taken as a

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<sup>9</sup> Cf. canons 678, 1, and 683.

reasonable precaution against further abusive activity and as a means of providing an appropriate climate for decision-making and personal assistance. The supervisor shall ex officio be empowered to execute the ordinary's decisions regarding the canonical status of the accused, and to take other such steps as deemed necessary in this process regarding the cleric.

The supervisor shall immediately secure appropriate legal counsel for the diocese and recommend that the accused retain legal counsel. The supervisor shall then select and convene a specific "action team", consisting of this legal counsel and other persons whose task it shall be to provide pastoral care for those involved. Other persons as needed may also be added to this action team, although the accused cleric's legal counsel, evaluating or treating therapists, and the investigator shall not be members of it.

The supervisor shall coordinate the ministry of the various "pastoral workers", some of whom shall approach the accused, and others the victim and family. If consistent with parental wishes, appropriate counselling and/or therapy at diocesan expense shall be assured to the victim and other family members.

The supervisor will coordinate any public statements on behalf of the diocese regarding the allegations and subsequent diocesan actions with regard to the case, and throughout the action phase will coordinate the exchange of necessary information among the pastoral workers, legal representatives, spokespersons, health care professionals, and diocesan officials. He or she will secure whatever legal, canonical, psychological, or other professional advice as may be necessary, and is authorized to expend such funds or to engage the services of such persons as may be necessary to fulfil any official responsibilities or those of the action team, keeping the diocesan Finance Office informed of all such expenditures or financial commitments.

Within a reasonable period, the supervisor shall ensure that appropriate, professional mental health evaluation of the accused cleric is done on behalf of the diocese in order to provide an opinion regarding his need for ongoing therapy; the accused cleric will be advised to consult legal counsel prior to consenting to such evaluation.

At all stages, the supervisor will keep the bishop and vicar general informed as to events, and maintain written records of these, having prudent regard for the appropriate distinctions between fact, opinion and rumor.<sup>10</sup>

The supervisor shall, in consultation with the action team, determine subsequent steps to be taken by the various parties and recommendations for action by the ordinary. These shall include care for the victim/family, the canonical status, therapy, and aftercare of the accused cleric (including the conditions, if any, under which the cleric might return to an active ministry), the disposition of canonical offices and pastoral responsibilities heretofore belonging to the accused cleric, canonical and criminal or civil legal actions, and related financial matters. It is understood that the supervisor acts at all times on the behalf of the diocesan bishop and in the perceived best interests of all concerned.

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<sup>10</sup> Cf. canon 1719.

The supervisor's responsibilities for a particular "case" shall be deemed to be discharged upon determination that either no adequate basis exists to believe that child abuse occurred and the cleric is returned to a normal active ministry, or one year passes since the initiation of the action phase. In this latter case, the action team may request that the bishop extend the supervisor's responsibility in the case for an additional specific period.

#### *Formal Canonical processes*

It may be determined during the action phase that a formal canonical penal process is to be conducted.<sup>11</sup> Generally, this would not be determined until criminal or other civil actions have been concluded.<sup>12</sup>

#### *Return to Ministry*

The diocese retains the right to insist on professional evaluation as a pre-condition to any decision regarding the possible return to ministry by the accused cleric. In no case will a decision approving such a return to ministry and its specific form be made by someone other than the diocesan bishop and after appropriate consultation.

Promulgated 1 November 1989, effective 1 January 1990.

### Appendix: Persons involved in the process

#### *A. The Local Ordinary*

The diocesan bishop has, by virtue of his office, ultimate responsibility and authority in the local Church. As such, some decisions covered by the enclosed policy are properly his, either by reason of their importance (eg to take legal action) or their subject-matter (eg to withdraw clerical faculties or impose canonical penalties). However, it is not advisable for the bishop to attempt to fulfil every role described in this policy personally; the policy envisages him delegating others to act in his stead, and taking such action as those more knowledgeable about and active in the particular situation recommend to him.<sup>13</sup> The most important role which the bishop might play in a particular case likely would be a

<sup>11</sup> Cf. canon 1341.

<sup>12</sup> Formal canonical penalties may be imposed in either an administrative or judicial process. The bishop may proceed administratively (canon 1720), but the penalty of dismissal from the clerical state may not be imposed in such a process (canon 1342, 2). The judicial process, which would involve a formal canonical trial before two Tribunals, can impose laicization, but removes the ultimate decision from the bishop (canons 1721 and 1723-1728); in the event of an acquittal or lesser penalty, the bishop may then administratively provide (canon 1348).

<sup>13</sup> Cf. the principle of "subsidiarity" spoken of by Pope Pius XI, *Quadragesimo anno*, AAS 23 (1931), p. 203; Pope Pius XII, AAS 38 (1946), p. 145; the first Synod of Bishops, *Principia quae Codicis iuris canonici recognitionem dirigant* (Vatican City, Polyglot Pr., 1967), p. 11; and in the preface to the revised *Codex iuris canonici* (Vatican City, Polyglot Pr., 1983), p. xxii.

judicial one, which would occur only late in the process, and this role ought not be compromised or complicated by prior over-involvement in other ways.

The vicar general and any other appropriate episcopal vicars (eg a vicar for clergy, vicar for priests, or vicar for deacons), as canonical ordinaries, can undertake certain actions within this policy, but similarly should only do so if these cannot be handled by others more proximate and knowledgeable in the case.

***B. Other Members of the Diocesan Curia***

As a rule, judicial officers within the Curia (principally judicial vicars and judges) similarly ought to play limited roles, if any, within any procedure covered by this policy, since they may be needed in future judicial actions. The "investigator", "supervisor", and "action team", however, ought to avail themselves of canonical counsel, even if this means that one canonist serve in this capacity and not in a judicial one.

The authenticity of written records and acts must be established by the signature of an ecclesiastical notary, who in cases covered by this policy involving priests must be a priest himself.<sup>14</sup>

***C. The "Investigator"***

A small number of persons (2 to 4) should be nominated to serve as investigator in cases covered by this policy; the bishop must trust each completely. Each must undergo prior orientation and training in the areas of child abuse, crisis intervention, appropriate criminal and canon law, etc. , completely understand and support this policy, and be committed to complete availability on a moment's notice to undertake an investigation. This group should not include any local ordinary or diocesan administrative official; the investigator need not even be Catholic.

***D. The "Supervisor"***

Two persons should be nominated, either of whom could serve in this capacity in a particular case; again, the bishop must trust them completely. They should be skilled leaders and decisive in their management styles. Each must undergo prior orientation and training in the areas of child abuse, crisis intervention and management, appropriate criminal and canon law, etc. , completely understand and support this policy, and be available as needed in order to hear the findings of the investigator and oversee an "action phase". These persons should not be a local ordinary or diocesan administrative official, but could be a cleric.

***E. The Diocesan Attorney(s)***

This policy envisages (an) attorney(s) skilled in the criminal law, and not necessarily the principal diocesan attorney retained for other purposes. It is clear that diocesan attorneys serve solely the interests of justice and the Diocese of Baton Rouge, and that an accused cleric is always advised to obtain separate legal counsel.

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<sup>14</sup> Cf. canon 483, 2.

### **F. Spokespersons**

A certain person or persons ought to be designated to work, under the direction of the supervisor, in providing appropriate information concerning any investigation and action phase to the public and to others. This may or may not be the person(s) usually designated to handle public information, press releases, etc. It may happen that direct statements by the bishop and/or supervisor become advisable as well. Since various rights to privacy and confidentiality must at all times be respected, in balance with a responsible candor appropriate to the circumstances, some advance orientation and training for such spokespersons is required.

### **G. "Pastoral Workers"**

Among the members of any action team will be specific persons who will, as appropriate, initiate and enable ministry to the specific persons involved in a case. These could be clerics or laity, but especially ought to be those skilled in the pertinent psychological and social sciences. While it is hardly realistic to provide prior orientation and training to every possible person who might be involved in the process, certain key persons within the diocesan service structure will be identified and made aware of this policy and its overall thrust. In this way these can more readily assume more particular roles and tasks as decided by the action team in a specific case.

Most importantly, those who are victims of any sort of child abuse (including not only the abuse child but also their parents, family members, and others) must be approached and offered the assistance of the Church in obtaining suitable consultation and, where indicated, evaluation and therapy. An accused cleric, too, must be offered such pastoral care, always after being advised to consult legal counsel. Other individuals, such as relatives or co-workers of the accused, may rightly be the objects of the Church's solicitude in this regard as well. Finally, larger groups of persons, such as a parish community or the entire presbyterate, may be in need of particular attention and care.

### **H. Health Care Professionals**

Mental health professionals and other specialists in the scientific and healing professions will likely be involved in a case, either at the insistence of some individual(s) or of the action team. While it is again impossible to foresee every contingency here, specific personnel and institutions which might provide this specialized care will be identified and contacted. It is clear that evaluative and therapeutic roles must be kept distinct, and that during the course of a case, several different evaluations and several different periods or types of therapy by different experts might be indicated.

## **C. ARCHDIOCESAN POLICY AND PROCEDURES REGARDING COMPLAINTS OF SEXUAL ABUSE, ARCHDIOCESE OF ST. JOHN'S**

March 1990

### ***Section I - Policy***

#### **1. Diocesan Policy when a Complaint is Made Against a Diocesan Priest or Lay Employee:**

Reference: "Report of the Pastoral Commission on Sexual Ethics in the Diocese of Gatineau-Hull", June 3rd, 1986. Page 86, Can. 1717; Page 82, 1, 5; Page 83, 6 (2):

"Upon a complaint being made the bishop appoints a priest to conduct an inquiry into the allegations, who approaches the accused and the complainants". The bishop will give a letter of appointment to the priest giving him the authority to subdelegate where necessary.

#### **Admission of Guilt:**

1. The priest reports in person and in writing to the Interdisciplinary Committee and reports the results of the enquiry and is open to questions and examination regarding the full knowledge of the "accused".
2. The Committee discusses and reflects, and later advises the bishop in person and in writing of steps to be taken.
3. The bishops acts:
  - i) By removing the probability of continuation of behaviour, suspension,
  - ii) By limiting effects. Recommend legal counsel.
  - iii) By reporting to the Director of Child Welfare that these children are being abused (not that a priest is doing it).

#### **Denial of Guilt:**

1. The priest reports in person and in writing to the Interdisciplinary Committee and reports the results of the enquiry and is open to questions and examination regarding the full knowledge of the "accused".
2. The Committee discusses and reflects, and later advises the bishop in person and in writing of steps to be taken.
3. i) If the complaint is substantiated by evidence: The accused priest is suspended from pastoral ministry. Legal counsel is necessary.  
ii) If the complaint is not substantiated by evidence: For Example, the parents say it didn't happen. Reference: Page 83, 8, 9... (Hull Report). Check procedure with Corporation's lawyer.

### **II. Diocesan Policy When a Complaint is Made Against a Religious:**

1. The religious order or congregation has the option of observing its own policies or procedures, or of observing the local diocesan policies and procedures.

2. The religious order or congregation shall notify the Vicar General or Chancellor, of the complaint, and the option being exercised.

## **Section II – Procedures**

### **1. Procedures for Responding to Complaints by Adults (Over Sixteen) of Sexual Abuse by Priests:**

1. The priest receiving the complaint reports to the Vicar General or alternate, in writing and in person, outlining in detail the nature of the complaint. The Vicar General or alternate will inform the Archbishop of the complaint.

2. The Vicar General or alternate requests an interview with the complainant. If the complainant agrees to an interview, the following procedure is to be carried out:

The Vicar General or alternate will explain:

- i) That the complainant has the right to report directly to the police.
- ii) The counselling resources available to him or her in the community.
- iii) If the conversation reveals that a minor child is being abused by the accused, and/or the accused through his work has access to minors, and the complaint suggests that there are reasonable grounds to suspect that abuse is continuing, then a report will be made to Child Welfare, since this is a legal obligation.
- iv) the person is informed that the Archdiocese will conduct its own investigation.
- v) Notes will be kept on file documenting in detail that the above procedure has been followed. (If possible, the complainant and Vicar General or alternate will sign the document).

3. The Vicar General or alternate will report at the earliest opportunity to the Archbishop and the Interdisciplinary Committee.

- i) The Committee reviews the steps which have been taken to ensure that the proper procedure has been followed.
- ii) Discusses the details.
- iii) Recommends the course of action to be taken: Further investigation by Vicar General or alternate, with complainant, if required.

4. In all cases, care being taken not to interfere with any police investigation, the accused will be interviewed by the Vicar General or alternate, as soon as possible, with the following procedure being observed:

- i) He will inform the accused that an inquiry is underway and of the possible consequences under Civil, Criminal and Canon Law.
- ii) He will inform the accused of his legal rights, for example, to legal counsel, and of the fact that the information he imparts is not confidential and could be used in a Court of Law.
- iii) He will pose a series of questions to determine the validity of the complaint against the accused.
- iv) The Vicar General or alternate will advise the accused that he will be reporting to the Archbishop and the Interdisciplinary Committee. (Refer the accused to Archdiocesan Policy).

v) The Vicar General or alternate will consult with the Interdisciplinary Committee for recommendations to the Archbishop. The Archbishop will take appropriate action, as outlined in the Archdiocesan Policy.

## II. Procedures for Responding to Complaints Made by Persons Under Sixteen of Sexual Abuse by Priests:

1. The priest receiving the complaint reports according to the stipulations of the Child Welfare Act (1972).

2. The priest receiving the complaint reports to the Vicar General or alternate, in writing and in person, outlining in detail the nature of the complaint and the action taken. The Vicar General or alternate will inform the Archbishop of the complaint.

3. In all cases the *accused* will be interviewed by the Vicar General or alternate, with the following procedure being followed:

i) He will inform the accused that an inquiry is underway and the possible consequences under Civil, Criminal and Canon Law.

ii) He will inform the accused of his legal rights, for example, to legal counsel, of the fact that the information he imparts is not confidential and could be used in a Court of Law.

iii) The Vicar General or alternate will advise the accused that he will be reporting to the Archbishop and the Interdisciplinary Committee. (Refer the accused to Archdiocesan Policy). The recommendation may be made to the Archbishop that the accused priest be removed from his pastoral duties pending the outcome of the canonical investigation.

4. The Vicar General or alternate will report at the earliest opportunity to the Archbishop and the Interdisciplinary Committee.

i) The Committee reviews the steps which have been taken to ensure that the proper procedure has been followed.

ii) Discusses the details.

iii) Recommends the course of action to be taken.

## APPENDIX E

### Guidelines for Parish Finance Committees

*Revised at Council of Priests Meeting June 11, 1986*

Canon 532: In all judicial matters the Parish Priest acts in the person of the Parish, in accordance with the law. He is to ensure that the Parish goods are administered in accordance with Canons 1281-1288.

Canon 537: In each Parish there is to be a finance committee to help the Parish Priest in the administration of the goods of the Parish, without prejudice to Canon 532. It is ruled by the universal law and by the norms laid down by the diocesan Bishop, and it is comprised of members of the faithful selected according to these norms.

1. The Parish Finance Committee will comprise the Parish Priest as President and a minimum of three other people, one of whom must be a member of the Parish Council.
2. The Chairperson of the Parish Finance Committee will be chosen by the Finance Committee from its membership.
3. The Committee will help in the Administration of the temporal goods of the Parish by:
  - a) Using their expertise in assisting the Parish keep accurate financial records as required by the Archdiocese.
  - b) Being responsible for drawing up an annual Parish Budget and after acceptance by the Parish Council and approved of the Pastor to administer the budget both in the areas of revenue and expenditure.
  - c) Being responsible for preparation of a year-end complete Financial Report for presentation to the Parish Council.
  - d) Being responsible for other duties as assigned in conformity with the Code of Canon Law and Archdiocesan Regulations.
4. The Committee should meet at least after each Fiscal Quarter has ended to make a comparative analysis of Actual Revenue and Expenditure to Budget Forecasts and to present Quarterly Reports to Parish Priest and Parish Council. They would also meet at the call of the Chair.
5. The Committee shall be appointed by the Parish Priest in consultation with the Parish Council or the Steering Committee. Where there is neither, the pastor should nominate three people for approval by the Archbishop.
6. The Term of Office shall be determined by the By-laws of the Parish Council. Where there is no Parish Council or Steering Committee the Term of Office shall be for three years.
7. Without prejudice to Canon 532 all Capital Expenditure over \$7,500. 00 and request for Bank Loans must be presented to and dealt with by motion of the

Parish Finance Committee and the Parish Council before being presented to the Archdiocesan Administration Board.

8. All other expenditures of the Parish must be made in accordance with the approved Budget.

## APPENDIX F

### Request for Briefs

# REQUEST FOR BRIEFS

The Roman Catholic Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy has been established by the Archdiocese of St. John's to address the following mandate:

1. to enquire into factors which may have contributed to the sexual abuse of children by some members of the clergy and to enquire how such behaviour went undetected and unreported;
2. to recommend ways of providing for the spiritual, psychological, and social healing of the victims and their families;
3. to recommend procedures that will ensure that the Church will become more effective in detecting, reporting and dealing with incidents of deviant behaviour; and
4. to make recommendations respecting a) the selection of candidates for the priesthood, b) the promotion of holistic growth of the clergy, c) the fostering of healthy relationships between clergy and laity, and d) the provision of support for the clergy to help them cope with deep psychosocial problems.

The Commission wishes to receive a broad base of advice, opinion and recommendations respecting all aspects of its mandate. To that end, the Commission invites briefs from individuals and organizations wishing to present them either in private or in a public hearing.

All those interested in submitting a brief to the Commission should contact the Commission at the following address:

The R.C. Commission of Enquiry  
into the Sexual Abuse of Children  
by Members of the Clergy  
P.O. Box 1154  
St. John's, Nfld.  
A1C 5M5  
Telephone: (709) 726-6808  
Facsimile: (709) 726-4301

## APPENDIX G

### List of Briefs

(Contained in Volume Two, Section C)

Adolescent Health Counselling Service, St. John's  
Bernard J. Agriesti, Ferryland  
Dorothy Agriesti, Ferryland  
Archdiocesan Commissions of Faith Development, Liturgy and Social Action,  
St. John's  
Basilica Parish Pastoral Council, St. John's  
Marie Brennan, Carmel Walsh, Mary Brennan, St. John's  
Brother of a Victim  
The Burin Peninsula Child Protection Team, Marystown  
The Catholic Women's League of Canada, Provincial Council of Newfoundland  
and Labrador  
Sam Connors, Pouch Cove  
The Council of Priests, St. John's  
Stephen J. Darcy, St. John's  
Carmel Doyle, St. John's  
Bill Duggan, Torbay,  
Enright Memorial School, St. Joseph's  
The G. R. O. W. Group, St. John's  
Rev. Gregory L. Hogan, St. John's  
Holy Heart of Mary High School, St. John's  
Knights of Columbus - Rev. Fr. William Sullivan Council, No. 9004, Pouch Cove  
Rev. Philip J. Lewis, St. John's  
The Sisters of Mercy and the Presentation Sisters, St. John's  
Sisters of a Victim  
Susan Murray, Portugal Cove  
Newfoundland Teachers' Association, St. John's  
Our Lady of Mt. Carmel Central High School, Mount Carmel  
Roman Catholic School Board For the Burin Peninsula, Marystown  
Roman Catholic School Board For St. John's, St. John's  
M. Russell, Flatrock  
Sacred Heart-St. Anne's Parish Council, Ship Harbour, Fox Harbour, Dunville  
Sacred Heart Parish Pastoral Council, Marystown  
Sacred Heart Parish Pastoral Council, Placentia  
Sacred Heart School, Tors Cove

School Counsellors Association of Newfoundland, Burin Region  
 Alfred J. Stacey, Carbonear  
 St. John's Status of Women Council, St. John's  
 St. Edward's Elementary School, Placentia  
 St. Joseph's Parish, Lamaline  
 St. Joseph's School, St. John's  
 St. Matthew's Parish, St. John's  
 St. Patrick's Parish Pastoral Council, Burin  
 St. Teresa's Parish, St. John's  
 St. Thomas Aquinas Parish Council, St. Lawrence and Lawn  
 Rosemary Whelan, St. John's  
 The Working Group on Child Sexual Abuse, St. John's

## **APPENDIX H**

### **Background Studies Prepared for the Commission**

(Volume Two)

Child Sexual Abuse: A Review of the Literature

*Cheryl Hebert and Carmel Wyse*

Report Presented to the Commission of Enquiry Into Sexual Abuse of Children

*Jocelyn Aubut, M.D.*

A Report on Student Opinions Regarding Church-Related Issues

*Omnifacts Research Limited*

Report on the Finances of Certain Parishes in the Archdiocese of St. John's

*Peat Marwick Thorne, Chartered Accountants*

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### **Commission Staff**

Robert N. Carter, M.B.A., Commission Secretary

Barbara C. FitzGerald, M.Ed., Administrative Assistant

Michelle Hawco, B.A., Researcher

Cathy Power, Recording Secretary

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