

IId. LAW REVIEW, LEGAL JOURNAL, AND LEGAL RESOURCE ARTICLES, DOCUMENTS, AND DIGITAL MEDIA

Abrams, Norman. (2003). Addressing the tension between the clergy-communicant privilege and the duty to report child abuse in state statutes. *Boston College Law Review*, 44(4/5, July/September):1127-1166. [From an issue based on a symposium, “The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty.”]

Abrams is interim dean and professor of law, University of California Los Angeles School of Law, Los Angeles, California. Examines the tension between priest-penitent/clergy-communicant evidentiary privilege and imposition of a statutory reporting obligation regarding child abuse. Finds the degree of divergence between U.S.A. states on the issue as unacceptable. Section 1 is a detailed survey and comparison of states’ statutory schemes regarding clergy privilege, which date to 1813, and child abuse reporting. Section 2 presents his hypothesis “to explain the variations in state approaches to the relationship between the obligation to report and the clergy privilege.” A key factor is how broadly the privilege is applied, i.e., both confessional communications and spiritual-advice counseling, or confessional communications only. Section 3 “suggests a way to resolve the quandary presented by the divergent approaches in existing law by making a proposal for the reform of state statutes on this subject.” Analyzes full abrogation and partial abrogation approaches from the perspective of the interests of the abused child, abuser, and clergy. Proposes: “1) excepting from the reporting requirement privileged religiously protected communications; and 2) despite the abrogation of the privilege at the child abuse reporting stage as to other kinds of clergy-communicant communications (relating to spiritual advice), recognizing the privilege as to all types of clergy-communicant communications by the perpetrator at his or her subsequent criminal prosecution.” His aim “is to encourage communication about the child abuse by assuring the communicating offender that his or her incriminating statements will not be used in criminal prosecution.” Section 4 “explores the issues and concerns raised by this proposal.” Considers the establishment clause of the First Amendment of the U.S.A. Constitution and entanglement issues, among other potential objections. 136 footnotes.

al-Hibri, Azizah. (1996). The Muslim perspective on the clergy-penitent privilege. *Loyola of Los Angeles Law Review*, 29(4, June):1723-1732.

al-Hibri is a faculty member, T. C. Williams School of Law, University of Richmond, Richmond, Virginia; in addition to a juris doctor degree, she has a doctorate in philosophy. The essay is from a section of the issue, “Symposium: The Religious Voice in the Public Square and Executing the Wrong Person: The Professionals’ Ethical Dilemmas.” The authors responded to a hypothetical case, pp. 1543-1546: [Symposium Problem] The wrong man is about to be executed for a crime he did not commit. al-Hibri discusses the legal construct of clergy-penitent privilege from the perspective of an imam of an Islamic mosque. Draws on Islamic sources which she translated from Arabic. In Part 1, an introduction, she notes the “absence of a hierarchical clerical structure in Islam” which would permit any Muslim, male or female, who is sufficiently knowledgeable to engage in *ijtihad*, i.e., “jurisprudential activity involving the interpretation of the *Qu’ran*, the *hadith*, and various secondary religious sources.” States that a Muslim’s “legitimacy and moral authority” is derived from the “community’s recognition of the quality and extent of their religious knowledge.” Part 2 describes the requirement that Muslims “treat other people’s confidence with utmost respect,” while identifying exceptions due to other precepts. Part 3 regards the Islamic understanding of the behavior of killing, which is the base of the hypothetical case under review, both unintentional and intentional. Includes consideration of themes of punishment, forgiveness, repentance, who the injured parties are, the public interest, monetary redress, and the role of local community practices and customs. Part 4 discusses the confidentiality requirement and the conditions for its limits in relation to killing. Part 5, a 2-paragraph conclusion, states: “The confidentiality requirement in Islam is extremely important, but it is not absolute. It may be overridden in a specific case if observing it would cause greater harm to society or particular individuals in it.” 38 footnotes. [While the article does not address the context of sexual boundary violations in a faith community, it is included in this bibliography

because of its relevance to the topic. In addition, the academic and professional literature is lacking in Muslim perspectives.]

Anderson, Jeffrey, & Bedor, Susan Ford. (1992). [Outlook] Sexual abuse by clerics. *Professional Negligence Law Reporter* [published by Association of Trial Lawyers of America], 7(1, February):14-16.

“Jeffrey Anderson of St. Paul, Minnesota, represents victims in 16 states in claims alleging sexual abuse by clerics. Susan Ford Bedor is a senior associate in the law firm of Reinhardt & Anderson in St. Paul, Minnesota.” Very briefly discusses major issues and trends in cases of sexual abuse by clergy, which include: 1.) Statutes of limitations for civil suits and delayed discovery by victims due to “[t]he drastic psychological effects of sexual abuse [that] prevent most victims from bring suit at the time of the abuse.” 2.) Theories of recovery and relevant situational and legal factors, citing cases in different U.S.A. state jurisdictions. Observes: “In reviewing the tort of clergy negligence, the courts have focused on who the litigants are rather than on what they are alleged to have done.” 3.) Liability of religious institutions for a cleric’s behavior. 4.) *Respondeat superior* and principles of agency laws as a way in which a religious institution may be liable. 5.) Constitutional issues related to the First Amendment. 6.) A 2-paragraph description of a recent Minnesota civil case that involves the Roman Catholic Church in which the jury award to the plaintiff of compensatory and punitive damages is under appeal. Concludes: “Although the tort of clergy negligence has not fared well so far, other causes of action have often been successful. As more cases are brought, this too may prove a viable theory of liability.”

Anderson, Jeffrey R., Noaker, Patrick W., & Finnegan, Michael G. (2004). When clergy fail their flock: Litigating the clergy sexual abuse case. *American Jurisprudence Trials*, 91:151-231.

Anderson is a trial lawyer, and founding and managing partner, Jeff Anderson & Associates, St. Paul, Minnesota. Noaker is a trial lawyer with Jeff Anderson & Associates. Finnegan is a law student who works for Jeff Anderson & Associates. From the introduction: “This article is intended to provide a framework for litigating clergy sex abuse cases... In addition to unique legal issues, clergy sexual abuse cases pose extremely challenging and extremely fulfilling client relations issues.” Section 1 is an introduction and background to clergy sexual abuse cases. Subtopics include: clerical subcultures of insularity, secrecy, domination and exclusion; deliberate deception; victim suppression; inadequate investigation; adversarial inhibition. Section 2 presents civil causes of action and cites cases. Section 3 focuses on statutes of limitation, including issues related to tolling. Section 4 discusses the First Amendment of the U.S.A. Constitution and civil liability issues. Section 5 describes issues related to the psychology of abuse, including the subtopics of adult survivors of childhood sexual abuse and perpetration. Section 6 describes working with the client through various stages of the process. Section 7 describes witnesses, noting many parallels to a criminal prosecution. Part 9 very briefly discusses damages, both compensatory and punitive. Part 10 is a 2-sentence conclusion. Part 11 consists of appendices, the longest of which are a prospective juror questionnaire and example inquiries during *voir dire*. Includes research references.

Anderson, Jeffrey R., Wendorf, Mark A., Baillon, Frances E., & Penney, Brant D. (2003). [Article] The First Amendment: Churches seeking sanctuaries for the sins of the fathers. *Fordham Urban Law Journal*, 312, (January):617-631.

Anderson is a trial lawyer, St. Paul, Minnesota, who “handled over eight hundred cases against various religious organizations, most notably the Roman Catholic church, in over twenty-five states.” Wendorf is an attorney in St. Paul, Minnesota, who “has successfully represented sexual abuse victims across the country” since the mid-1980s. Baillon is attorney in St. Paul, Minnesota, who “represents victims and survivors of sexual abuse by members of the clergy, teachers, and other authority figures.” Penney is attorney whose “practice focuses primarily on representing survivors of childhood sexual abuse by members of the clergy.” Their beginning point: “In an act of unparalleled audacity and brazen legal maneuvering, the church often argues that the First Amendment of the United States Constitution provides it unfettered immunity and insulation for any accountability to its parishioners or society at large. In so doing, the church perverts our nation’s constitution into a form of unholy absolution for the most unholy of acts.” Their position

is that “the Constitution does not provide a religious institution the right or privilege to operate as a law unto itself – the institution must comply with the law of civil government.” Part 1 briefly introduces and describes the background of the First Amendment. Part 1 briefly describes judicial interpretations of the First Amendment and their applicability to church sex abuse cases. In relation to the Free Exercise clause, they comment: “while the freedom to follow a religion is unqualified, the freedom to act pursuant to that religion is not. Indeed, it is hard to imagine a more compelling reason for limiting the right to act when the action or conduct includes unleashing a known pedophile into a community... Accordingly, a church defendant does not have the right, under the guise of the Free Exercise clause, to place priests it knew were sexual predators in positions of authority where they can victimize parishioners.” Part 2 considers the limited scope of the doctrine of judicial abstention. They conclude: “...none of the essential requisites for application of the judicial abstention doctrine are applicable in church sex abuse cases... [The doctrine] simply does not grant constitutional immunity to churches for the harm caused by their secular torts.” Part 3 analyzes the Establishment Clause, specifically the U.S. Supreme Court’s 3-part test to decide whether a state action violates the clause. They conclude: “In [church sex abuse] cases, there can be no claim that the law is non-secular in purpose, or that its effect is to advance religion.” In conclusion, they state: “Interpreting the First Amendment to provide church defendants complete immunity from sexual abuse claims not only perverts its plain language and ignores Supreme Court jurisprudence, but also places the safety of religious institutions above the safety of all citizens. It would make the children in our society, the most innocent and unsuspecting among us, a less precious commodity than the theology of a church.” 64 footnotes.

Anderson, Taylor L. (2004). [Article] The priest-penitent privilege: A Mormon perspective. *Idaho Law Review*, 41(1):55-84.

Anderson “is a member of the Utah State Bar.” In Part 1, the introduction, he states: “...no published case law exists delineating when this privilege applies to Mormon clergy, aside from a handful of cases discussing [the priest-penitent evidentiary privilege’s] application to [Church of Jesus Christ of Latter-day Saints, or LDS or Mormon] officials known as state presidents or bishops (congregation leaders).” His position is that “courts should liberally apply this privilege to include Mormon lay clergy. Especially in certain [U.S.A.] states, courts should apply the privilege in a way that includes Mormon missionaries and a number of volunteer clergy.” Part 2 gives a history of the privilege, including its origin, its rationales, and some of its more common elements. Part 3 “explores the lay-clergy structure of the local LDS congregations and the activities LDS clergy are involved in that implicate application of the priest-penitent privilege.” He considers as clergy “those adult leaders who act in a spiritual counselor/leader/advisory role in connection with members other than children...” Part 4 is his analysis of issues related to the application of the privilege “in a Mormon setting.” Topics include: meaning of the term “clergy,” meaning of clergy acting with “professional character,” meaning of communication made “in the course of discipline,” and the meaning of “penitential” or “confessional” communication. Very briefly considers application issues related to whether the person communicating with clergy must be a member, and whether discussion of the communication with other Mormon clergy negates the privilege. Part 5 is his conclusion, which again calls for application “expansively and liberally in the Mormon context...” 152 footnotes. [While matters related to sexual boundary violations in a faith community setting are not discussed, and the while the privilege in regard to the sexual abuse of minors is not mentioned, the article is included in this bibliography because of its relevance to the topic, and because articles regarding the privilege in the LDS Church are quite uncommon.]

Anonymous. (1989). Child abuse reporting statutes. *Law & Church* [published by the Center for the Study of Law and the Church, Samford University, Birmingham, Alabama], 4(May):1-2.

Briefly surveys legal issues regarding clergy-penitent privilege and mandatory child abuse reporting laws in the U.S. Notes that there are variances between states, and reports that “mandatory child abuse reporting statutes may pose an exception to the clergy-penitent privilege.”

Anonymous. (1989). Church liability for torts. *Law & Church* [published by the Center for the Study of Law and the Church, Samford University, Birmingham, Alabama], 5(August):1-3.

Reports that churches “are being sued in an increasing variety of lawsuits which previously had been unheard of or were rare.” Among 4 broad categories of lawsuits, identifies “liability claims arising out of situations in which personal services are rendered by the church to recipients” as a category that includes cases of “clergy malpractice, seduction and child molestation.” Cites several recent court cases to illustrate.

Anonymous. (1989). Emerging tort of negligent hiring used against churches. *Law & Church* [published by the Center for the Study of Law and the Church, Samford University, Birmingham, Alabama], (Fall):3-4.

Reports on a 1988 ruling by the Virginia Supreme Court “that a mother whose 10-years-old daughter was sexually assaulted by a church worker could sue the church and its pastor for negligent hiring.” The worker “had been convicted of aggravated sexual assault on a young girl and a condition of his probation was that he not be involved with children.” Explains the basic legal principle of negligent hiring as a tort action, and identifies practical implications for churches regarding staff, both compensated and volunteer.

Anonymous. (1992). Sexual abuse in the church. *Law & Church* [published by the Center for the Study of Law and the Church, Samford University, Birmingham, Alabama], (Fall):1-4.

An overview that discusses “sexual abuse problems facing churches and their related ministries today. 1st section is on abuse that occurs during counseling. Cites the important legal case of *Tenantry v. Robinson and Diocese of Colorado Episcopal Church* to illustrate a court ruling of breach of fiduciary duty, and negligent hiring and supervision. The *Handley v. Richards* case in Alabama is cited as a failure of a malpractice claim. *Destefano v. Grabrian* in Colorado is cited as a failed attempt to use the First Amendment of the U.S. Constitution to protect a Roman Catholic priest and a diocese. 2nd section is on confidential communications, i.e., clergy-penitent privilege and mandatory reporting regarding children. 3rd section is on negligent hiring, retention and supervision, and cites a ruling that volunteers as well as paid employees should be subject to background checks. 4th section is on sexual harassment. 5th section discusses the imposition of punitive damages by citing *Mrozka v. Archdiocese of St. Paul and Minnesota*, a 1992 case that “is the first time that punitive damages have been levied against the [Roman] Catholic Church in the United States.” The 6th section discusses breach of contract by citing *Wade v. Foreign Mission Board of the Southern Baptist Convention*, a 1991 case involving a denomination’s board of foreign missions with knowledge of a missionary’s commission of sexual molestation against his children. [See the following entry for a sidebar.]

Anonymous. (1992). Tips on handling a sexual misconduct case. *Law & Church* [published by the Center for the Study of Law and the Church, Samford University, Birmingham, Alabama], (Fall):5.

Briefly presents 8 practical considerations “if a sexual misconduct charge is directed against the church or a church employee or volunteer.” [This is a sidebar to the previous entry.]

Anonymous. (1993). Sexual harassment – in religious organizations? *Law & Church* [published by the Center for the Study of Law and the Church, Samford University, Birmingham, Alabama], (Winter/Spring):1-4.

Discusses “sexual harassment in the context of religious organizations. Briefly describes Title VII of U.S. Civil Rights Act of 1964 as the basis upon which most claims are brought. Describes 2 primary types of violation, *quid pro quo* and ‘hostile work environment.’ Identifies other ways that plaintiffs can sue using a variety of types of torts. Reports on several church-related cases. *Black v. Snyder*, a 1991 case in Minnesota, was initiated by an associate pastor. *Davis v. Black*, a 1991 case in Ohio, was initiated by a church secretary. [See following entry for a sidebar.]

Anonymous. (1993). Steps an employer can take to prevent sexual harassment. *Law & Church* [published by the Center for the Study of Law and the Church, Samford University, Birmingham, Alabama], (Winter/Spring):1-4.

Identifies 5 items related to a sexual harassment policy for a church, and 8 steps for a church to follow if a complaint of sexual harassment is filed. [This is a sidebar to the previous entry.]

Anonymous. (1996). Chaplain accused of sexual assault: Respondeat superior issue. *The Regan Report on Hospital Law*, 37(2, July):4.

Very briefly review the Ohio civil case of Gebhart v. College of Mt. St. Joseph 665 N.E. 2d 223-OH (1995). The suit against the hospital claimed its liability “under the doctrines of Respondeat Superior and negligent supervision” for the criminal sexual assault of a minor by Rev. George Cooley, a chaplain of the hospital. The Court of Appeals upheld the lower court’s decision that Cooley’s actions, “which occurred in the evening at [his] residence,” were not part of his hospital duties or its activities. The minor had not been a patient at the hospital. The commentary notes: “With the number of alleged sexual assaults against minor children by members of the clergy increasing, it is surprising that relatively few cases have involved hospitals and or hospital chaplains as defendants.” Anticipates that if a chaplain’s assault against a patient had occurred at the employing hospital, the issue of the hospital’s vulnerability under the doctrine of negligent supervision would be for the courts to decide.

Anonymous. (1998). Clergy malpractice and sexual harassment: A federal appeals court addresses both issues in an important ruling – *Sanders v. Casa View Baptist Church*, 1998 WL 27291 (5th Cir. 1998) [PCL4e, PCL4k, PCL12A1, PCL12A2, PCL12A3, PCL12A4]. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, (May/June):3-10.

Summarizes and discusses a U.S.A. federal appeals court ruling in a case of accusations of clergy malpractice and breach of fiduciary duties in which both the clergyperson – a minister of education – and the church were sued. Under the particulars of the case, the minister was held liable while the church was not. While the ruling is directly binding only in Louisiana, Mississippi, and Texas, the article discusses in detail the potential implications of the ruling for churches in terms of reducing exposure to legal risk.

_____. (2001). Sexual misconduct by clergy, lay employees, and volunteers. [Recent Developments section.] *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 15(6, November/December):26-27.

Reports on a case before an Arizona state appeals court involving a man on probation for child molestation. He attended a church retreat, had contact with minors, and violated the terms of his probation. He appealed the revocation of his probation on the grounds that the conditions which prevented him from having contact with minors violated his constitutional right to the free exercise of his religion. The appeals court rejected his arguments because of the precedent of reasonable restrictions on a defendant’s freedoms of speech and association when those conditions bear a reasonable relationship to the goals of probation. Hammar concludes: “The case suggests that pastors and lay church leaders who learn that a person who attends their church has been charged with a sexual offense in the past (especially one involving minors) should ascertain if the person is on probation, and if so, the conditions of the probation. Contact the person’s probation officer to be sure you have the most current restrictions.”

_____. (2002). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 16(1, January/February):29.

Reports and comments on the the decision by by the Alabama Supreme court “that an employee cannot be laible for the sexual misconduct of an employee unless it had prior knowledge of similar incidents.” The Application section states: “This case will be a very helpful precedent for churches to cite when they are sued as a result of the sexual assaults of children committed by employees or volunteers. The court considered that there can be no liability unless the *particular* [italics in original] criminal act was foreseeable by the offender’s employer.”

_____. (2010). [Recent Developments] Privileged and confidential communications. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(1, January/February):24-26.

Reports the decision by a state of Iowa appellate court that “ruled that a pastor could testify concerning a church member’s confession that he had sexually molested a child since the confession was not in confidence and therefore the clergy-penitent privilege did not apply.” After it was reported to the pastor that the member had sexually molested 3 minors, the pastor spoke with the boys separately. The pastor met with the member on 2 occasions, each accompanied by a church deacon, to discuss the allegations. Based on state law, the court ruled that the member’s communication was not privileged because they did not meet 3 aspects of Iowa law: the statements were not confidential, the meetings were not for spiritual or pastoral purposes, and the statements were made in the presence of a 3rd party. The Application section of the article, states: “Not all conversations with a pastor are protected against future disclosure in court by the clergy-penitent privilege. While the definition of this privilege varies slightly from state to state, it is generally acknowledge that only confidential communications made to a pastor acting as a spiritual advisor can be privileged.”

_____. (2010). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(1, January/February):26-27.

Reports the decision by the state of Massachusetts Supreme Judicial Court that “ruled that a denominational agency was not liable on the basis of breach of a fiduciary duty, or negligent hiring or supervision, for a sexual relationship initiated by a pastor in the course of a counseling relationship with an adult member of his congregation.” [The denomination is the Episcopal Church, and the denominational agency is a Massachusetts diocese.] The civil case was filed by a parish church member who “sued the regional church for negligent hiring, supervision, and retention of the pastor, and breach of fiduciary duty” after he sexualized his relationship to her when she came to him for counseling. The court based its decision on the facts in relation to the tort claims, taking care to “proceed cautiously” in the dispute due to the First Amendment of the U.S.A. Constitution.

_____. (2010). [Recent Developments] Confidential and privileged communications. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(2, March/April):14-16, 18.

Reports on recent court decisions regarding clergy-penitent privilege. The 1st is by a state of Florida appeals court regarding the privilege in a case involving a conversation between a man accused of murder and a minister whom the man asked “to accompany him to the police station for questioning.” In the Application section, the articles that, based on Florida law, “the incriminating statements made by a person to a minister cannot be privileged if the minister states in advance that he or she will not consider incriminating statements to be confidential.” Also reports a decision by the Massachusetts Supreme Judicial Court “that the clergy-penitent privilege did not apply to incriminating statements made by a father to a pastor concerning allegations of child [sexual] abuse since the statements were not made in the course of seeking spiritual counsel.” The abuse was disclosed by a daughter of the defendant, a senior in high school, to a pastor at her church. The pastor suggested actions she could take, “including contacting the police or confronting her father.” She chose the confrontation, and a “family meeting was held at the church,” attended by both of the defendant’s daughters, both of whom he had abused sexually, the defendant, the girls’ mother, and 3 pastors of the church. “During the meeting, the defendant made incriminating statements to [the 3 pastors].” The defendant’s actions prompted the mother and a daughter to report his actions to the police. He was arrested and “charged with two counts of rape of a child, four counts of indecent assault and battery on a child under 14, and one count each of assault and battery and threatening to commit a crime.” At trial, the defendant sought to block his statements to clergy at the family meeting, claiming they were privileged. Based on Massachusetts law, the statements were ruled admissible because the defendant did not attend the meeting for a spiritual or religious purpose, but rather attended at the urging of his wife and his wife’s pastor to discuss a *family issue*.” In the Application section, the article states that the “case illustrates that not all conversations with clergy are protected by the clergy-penitent privilege,” and notes factors cited by the court as evidence that the statements were not privileged because he was

not seeking spiritual guidance or support: “(1) the defendant’s sporadic church attendance...; (2) the defendant’s angry demeanor at the church meeting, and his initial denials of the allegations of abuse; (3) the defendant’s repeated requests to leave the meeting.”

_____. (2010). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(2, March/April):24-25.

Briefly reports and comments on the decision by the state of Washington Supreme Court that “affirmed the revocation of a child molester’s probation as a result of his repeated violations of the terms of the probation which, among other things, barred him from attending church or other places frequented by minors.” In the Application section of the article, states: “This case demonstrates that child molesters who are not currently in prison may be subject to a supervised probation arrangement that restricts their church attendance... A church’s exposure to liability is increased if it allows a known sex offender to attend services or other church activities without ascertaining the existence and conditions of a probation arrangement.”

_____. (2010). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(6, November/December):23-24.

Briefly reports and comments on a Kentucky appellate court “rul[ing] that a church could be liable for an employee’s sexual molestation of two minor girls since church leaders had sufficient evidence of inappropriate conduct by the offender to make it foreseeable that he would molest two girls.” The case involved a church-operated, private high school, the principal of which had appointed a 23-year-old church member as the coach of the girls’ basketball team. In that role, the man pursued a 14-year-old team member, which, when discovered by the girl’s mother, informed the principal about the inappropriate behavior. Despite the admonitions by the principal to cease specific behaviors, the man “had sexual intercourse with the victim on two occasions,” attempt to sexually assault another team member, and made sexual advances toward other team members. The parents of 2 of his victims “sued the church and school claiming that they were legally responsible for his actions on the basis of negligent hiring and negligent retention.” Prior to appointing him, the school performed a Kentucky criminal background check, but did not check with Ohio where he had previously resided, and where he had a criminal history for drug and traffic offenses. While the appeals court ruled that had the drug-related convictions in Ohio been discovered, they would not have suggested “that he had a propensity to sexually abuse children,” thus not allowing the claim of negligent hiring. However, the fact of the principal’s having been warned by students and 1 victim’s mother that he “had engaged in inappropriate behavior toward girls at the school” met the law’s standard that there was a reasonably foreseeable risk of harm. The appeals court reverse the trial court’s dismissal of the case. In the application section, the commentary states that the case is instructive because: 1.) “...it demonstrates that [sic] the shortcomings of local or in-state criminal record searches.” 2.) “...the court concluded that the foreseeability that an employee or volunteer will molest minors is not limited to the results of criminal record searches. It also can be based on any other credible evidence that is known to church leaders... The lesson is clear – church leaders who ignore credible allegations of inappropriate sexual conduct by an employee or volunteer are exposing their church to potential liability based on negligence for that person’s future misconduct.” 2009 WL 3320924 (Ky. App. 2009).

_____. (2010). [Q & A] Notifying the congregation of a sex offender. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(6, November/December):28-29.

The article replies to the question: “Our church is responding to the presence of several registered sex offenders in our services and other activities. We have allowed these persons to attend, subject to several conditions to which they have agreed. Some of our board members are suggesting that we take the additional step of notifying the congregation of the identity and background of these persons as a further way to protect our church and ensure appropriate

accountability. Should the congregation be informed?" Very briefly describes 11 points "that church leaders should consider in making an informed decision on this question." 1.) Based on a recent survey by Christianity Today International, states that "most churches do not inform the congregation that a registered sex offender is attending the church." 2.) "Since no federal or state law requires church congregations to be informed of the presence of a registered sex offender, church leaders are free to formulate a response based on all relevant considerations. These include biblical and ethical principles, as well as the protection of minors and potential legal risk." 3.) Some churches use the practice of drafting a general "sex offender policy that details conditions that will apply to known sex offenders who desire to attend the church," and present it to the church membership at a business meeting "for consideration, modification, and approval." 4.) "Congregational disclosure has the effect of making sex offenders more accountable, since there are more persons who will be observing them." 5.) Some churches "provide congregational notification for more dangerous offenders, such as 'Tier II' and 'Tier III' offenders as defined by the federal Adam Walsh Child Protection and Safety Act (CPOSA) of 2006." 6.) Some churches "provide congregational notification in the case of pedophiles (child molesters having a sexual preference for prepubescent minors), since these persons pose the greatest risk to children." 7.) "Be sure to check the probation or parole agreement of any sex offender who is allowed to attend church services and activities... These agreements typically impose various conditions and limitations." 8.) "Any communications shared with the congregation may expose a church to liability for defamation or invasion of privacy. Truth is a defense to defamation, so sharing information about a sex offender's criminal history cannot be defamatory if true... Disclosure of criminal convictions that are matters of public record cannot be an invasion of privacy since they are public rather than private facts." 9.) "The risk of defamation, invasion of privacy, and other theories of liability can be reduced if information is disclosed only to members." 10.) "Some churches only provide notification in the presence of a sex offender to parents of minors." 11.) "All states have an online sex offender public registry that is freely available to all." Concludes with the statement: "Because of the legal issues that are implicated in providing congregational notification of the presence of sex offenders in the church, it is advisable for church leaders to seek legal counsel in formulating a response."

_____. (2011). [Recent Developments] Confidential and privileged communications. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(2, March/April):22-24.

Briefly reports and comments on the decision by an Arizona appellate court that "ruled that a criminal defendant waived the clergy-penitent privilege by sharing incriminating information that he had divulged to his pastor in a confidential counseling session." The counselee disclosed to his pastor that his wife and his 8-year-old stepdaughter had moved out of the home after the mother discovered that he had sexually molested her child, the stepdaughter, and another child. The man "disclosed that adults had forced him to engage in sexual activities when he was a teenager and that he was doing the same thing to his stepdaughter." The pastor, after driving the man to a police station where he turned himself in, was questioned by a detective, "and disclosed the [man's] confession." While incarcerated and awaiting trial, the man called his wife, admitted the molestation, "and informed her that he had confessed to their pastor." The man, charged with two felony counts of child molestation, "was convicted in part because of the pastor's testimony regarding the confession." He appealed on the basis that he had not waived the privilege, which belonged to him under Arizona law, "and therefore the pastor should not have been allowed to testify." The appellate court agreed that the original conversation was privileged, but "concluded that the defendant waived the privilege when he disclosed to his wife that he had told he pastor about the molestations." The Application section of the article states: "... it is essential for ministers to be familiar with the text and application of their state's clergy privilege."

_____. (2010). [Q & A] Retain records. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(3, May, June):30.

The article replies to the question: "We are in the process of conducting background checks on our workers in children's ministry. We have worked hard to provide a safe and secure ministry for our

children... We currently have applications on file for children's ministry volunteers for the last twenty years. How long do we need to keep these applications on file?" 4 points are made: 1.) Written applications, references, and background checks "will constitute strong evidence that your church exercised reasonable care in the selection of volunteer workers in your children's programs, and this makes it less likely that you will be found liable for volunteer's acts of child molestation on the basis of negligent selection." 2.) Because U.S.A. states' statutes of limitations for personal injury claims may "extend the period for filing a lawsuit by a minor for decades," the advice is to retain the items "long enough to be accessible in the event of a lawsuit filed many years in the future by a current victim of child molestation." 3.) Align the church's practices with those of local non-profits, e.g., the local public school district, an act that "will go a long way in demonstrating the exercise of reasonable care and reduce the church exposure to liability based on negligence." 4.) Electronic media is an option for storage.

_____. (2011). [Recent Developments] Child abuse. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(4, July/August):18-19.

Reports and comments on a decision by a federal appellate court's "rul[ing] that sentencing a sex offender to a life term of supervised release did not amount to 'cruel and unusual punishment' prohibited by the Eighth Amendment [of the U.S. Constitution]." The application section states: "This case illustrates an important point. Convicted child molesters often are subject to a parole or probation agreement that imposes strict limitations on their activities. In many cases these include restricted access to places where minors congregate, including churches. When church leaders are deciding how to respond to the presence of a convicted sex offender in their midst, one important consideration is the terms of an applicable parole or probationary agreement. In some cases, the offender will not be permitted to attend church, or may attend under strict conditions. It is imperative for church leaders to be familiar with all such conditions."

_____. (2011). [Recent Developments] Sexual misconduct by clergy, lay, employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(4, July/August):22-26, 28.

Reports and comments on 4 court decisions. 1.) A Kentucky appellate court ruled in a civil case initiated by a 23-year-old man "sued his former church, alleging that he had been sexually molested while [when he was 14 and 15] by the church's youth pastor." Several years later, he told his father, which "resulted in a report being made with the police. Following an investigation, the youth pastor was charged with felony child abuse, and later pled guilty to his crimes and was sentenced to prison." In 2007, the person who had been abused sued the church on the basis that it "was legally responsible for the youth pastor's acts on the basis of negligent hiring, negligent supervision, and a failure to warn." The appellate court upheld the trial court's decision that the state's statute of limitations barred the suit. In the application section, the commentary states: "The case illustrates an important point. In many states, the statute of limitations is 'tolled' in cases involving the sexual molestation of a minor in a church if it can be established that church leaders 'obstructed' the victim's filing of a lawsuit by 'concealing' evidence or knowledge of the abuse. This is a strong argument against [a church's leaders] denying or ignoring credible evidence of inappropriate conduct by staff members, especially in cases involving minors, since such a response may expose the church to liability long after the statute of limitations would otherwise have barred a lawsuit." 2.) A federal court in New York ruled in a civil case "that a [Roman] Catholic archdiocese was not responsible on the basis of negligent hiring, supervision, or retention for the sexual misconduct of a priest, since it had no knowledge of prior wrongful acts." The case involved a parish priest who sexualized his role relationship to a female parishioner after asking her if she had been sexually abused as a child. When she answered in the affirmative, "he informed her that he had helped other women with a history of abuse. In the course of three private 'sessions' the priest engaged in various forms of sexual contact with the plaintiff as part of his 'therapy' to help relieve her of the effects of the prior abuse." The ruled: "'The defendants had no duty to investigate the priest or to warn him not to sexually abuse parishioners, when they had no reason to believe that he would engage in such misconduct. Under New York law, there is no common-law duty to institute specific procedures for hiring employees unless the employer

knows of facts that would lead a reasonably prudent person to investigate the prospective employee.” In the application section, the commentary states: “This case is important because it illustrates the general principle, recognized by many courts, that an employer can be liable on the basis of negligent hiring or retention for the sexual misconduct of an employee only if it knew, or should have known of, the employee’s propensity to commit such acts and yet failed to investigate further.” 4.) An Ohio appellate court ruled in a civil case that a church, its senior pastor, and a state denominational agency were liable for the sexual molestation of 2 minors by an associate pastor, a son of the senior pastor, who “was charged with various felony counts and pled guilty.” The trial court dismissed all claims, and the appellate court upheld the ruling. In the application section, the commentary lists reasons that the case is instructive, which include: 1.) “It demonstrates the risks that are sometimes associated with the selection of a senior pastor’s child as a pastoral staff member... The takeaway point is that churches should apply the same screening standards to everyone, regardless of position or relationship.” 2.) “...it is important for church leaders to be familiar with trends in the risk management practices of churches since a failure to comply with or exceed those practices may constitute evidence of negligence.” 4.) Failure to “tak[e] seriously all allegations of sexual misconduct involving church volunteers and employees who work with minors... ..and to respond appropriately to them, greatly increases a church’s risk of liability based on negligent hiring, supervision or retention should the person who is the subject of the allegations injure others by engaging in similar acts of misconduct.”

_____. (2011). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(5, September/October):23, 25.

Reports and comments on a decision by a New York appellate court’s “rul[ing] that a [United Methodist] church’s associate pastor [who was male] could sue the church as a result of the [female] senior pastor’s sexual harassment.” Comments in the application section: “This case is important for two reasons. First, it illustrates that ‘hostile environment’ sexual harassment [under Title VII of the Civil Rights Act of 1964] is not implicated by every offensive comment or act. Rather, the harassment must be ‘severe or pervasive enough to create an environment that a reasonable person would find hostile or abusive, and the victim must subjectively regard that environment as abusive.’ Second, this case illustrates that sexual harassment is gender-neutral, and exists regardless of the gender of the perpetrator.”

_____. (2011). Stacking up electronics in the church: Gadgets present legal, tax issues for leaders. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(6, November/December):1, 3-15, 17.

Stating that few church leaders have a clear understanding of legal and tax issues associated with “electronic communications via cell phone calls, text messaging, and emails,” he discusses 10 issues. #2 is criminal liability for sexually explicit messages and cites 5 criminal case convictions for sexting that involved a pastor, youth pastors, and a volunteer youth leader. #3 is the employer inspection of electronic devices and communications, which involves ownership of equipment, and legal authority to inspect contents without an employee’s knowledge or consent. Cites federal law (the Electronic Communications Privacy Act, the Electronic Communication Storage Act, and the Computer Fraud and Abuse Act), and federal and state cases involving churches and matters related to pornography and the federal privacy act. Includes a table prepared by the U.S. General Accounting Office that identifies key elements of a computer-use policy. #4 briefly discusses application of the clergy-penitent privilege in relation to the contexts of a “cell phone, e-mail, or text messaging.” #5 considers an exception to the hearsay rule, which generally prohibits the admissibility of hearsay evidence in state and federal court proceedings. Uses an example in which a youth pastor’s text message regarding a volunteer in the church’s youth group, who was accused of molesting a child, was sought as evidence for a civil suit against the church for negligence. #6 discusses sexual harassment as prohibited by Title VII of the Civil Rights Act of 1964 and Equal Employment Opportunity Commission regulations.

_____. (2012). 12 lessons from Penn State's abuse scandal. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 26(3, May/June):1, 3-15, 17-18.

Prompted by the report of a Pennsylvania grand jury "convened to investigate allegations of child molestation by [Jerry Sandusky, former Pennsylvania State University assistant football coach] involving ten minor boys over a period of years, both while he was a football coach at Penn State and after he retired from coaching. This led to 52 criminal charges brought against Sandusky, including several counts of involuntary deviate sexual intercourse, carrying a penalty of up to 20 years in prison on each count." The article describes 12 significant "lessons [from the scandal] of direct relevance to church leaders: "1. Recognizing 'grooming' behavior 2. Recognizing abuse disguised as 'horseplay.' 3. Identifying reportable abuse 4. Understanding who mandatory reporters are 5. Reporting abuse and to whom 6. Understanding the criminal liability for failing to report 7. Understanding civil liabilities for perpetrators of child abuse 8. Understanding civil liabilities of employers for employees' failure to report child abuse 9. Understanding civil liabilities based on negligent hiring, retention, and supervision 10. Implementing the two-adult rule 11. Obtaining insurance for intentional acts 12. Preventing site access by former employees" For #1, cites examples of grooming behavior from the grand jury report. For #7, summarizes laws in 7 U.S.A. states, and cites court cases involving clergy and/or churches. For #8, #9, and #11, cites court cases involving churches. Concludes: "There is an important lesson here for church leaders. Treat every allegation of misconduct by a staff member or volunteer seriously, take immediate steps to protect the congregation from being victimized, and in the case of child abuse, make a report to civil authorities immediately."

_____. (2012). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 26(3, May/June):25-26.

Reports and comments on a decision by a Texas appellate court's "rul[ing] that a national church was not responsible on the basis of respondeat superior or negligence [in hiring, supervision, retention, and training] for a pastor's sexual misconduct; and, that use of the denominational name in the local church's name did not impose on the national church any duty to investigate pastors who served its affiliated churches." The plaintiff had sued the national church over its inactions regarding her church pastor's "pattern of egregious physical and sexual abuse against" her.

_____. (2012). [Q & A] Does the presence of a third party negate penitent privilege? *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 26(5, September/October):30.

In a question/answer format, responds to the question: "We understand that if a third party is present, then it potentially jeopardizes the clergy-penitent privilege. Our pastor counsels people. If the elders are present, are they considered 'pastors'? If not, is the clergy-penitent privilege broken? Our elders say they should be in the same position as the pastor, and they don't feel it breaks the privilege." The 1st response regards the role of elder, and emphasizes the law of the applicable state, noting that the law varies between states. The 2nd response regards confidential communication. Again, emphasizes the law of the applicable state, and states' variations. [The question has implications for the privilege in relation to sexual abuse of children in the context of faith communities.]

_____. (2012). [Recent Developments] Privileged and confidential communications. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 26(6, November/December):27-28.

Reports and comments on a New York court ruling regarding the state's clergy-penitent privilege. In the commentary section, notes that the court's definition of the privilege as "the absence of any third persons," a definition which is narrower than that of states which use Uniform Rules of Evidence (URE). [The URE is a product of the Uniform Law Commission which promotes a simplification and codification of state laws regarding evidence in civil and criminal trials; see Rule 505, Religious Privilege.] States: "The takeaway point here is that ministers need to

understand that the presence of a third person in the course of providing spiritual counsel to a counselee can negate the privilege. This is so under the Uniform Rules of Evidence if the third person's presence is not 'in furtherance of the privilege.' But it is also the case in states in which the clergy privilege law is construed to mean the absence of third persons." The court also ruled that if the person's conversation with a cleric was not initiated to seek spiritual advice, the conversation was not privileged, regardless of whether the person sought such advice at a later point in the conversation.

_____. (2013). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 27(3, May/June):26-27.

Reports and comments on a decision by a "Massachusetts [appellate] court [that] ruled that a church was not liable for the molestation of a child by a church nursery worker since it had no prior knowledge of any similar conduct." The plaintiff, a mother whose "minor son had been sexually molested by a volunteer babysitter during a church meeting," had sued the church, its pastor, and its board members on the grounds of negligence and failure to report the abuse to civil authorities. An item in the commentary section regards the assertion that the church failed to maintain its "'two adult' policy,'" which the court decided that the volunteer, and not the church, violated, "'by following the [victim] into the bathroom.'" The commentary states: "The court concluded that the volunteer, rather than the church, had violated the church's two-adult policy and so it could not be liable for the volunteer's acts on the basis of a violation of the policy. This extraordinary conclusion should not cause any church to be lax in monitoring and enforcing a two-adult policy, since it is likely that many other courts will reject this aspect of the court's opinion."

_____. (2013). [Recent Developments] Sexual harassment. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 27(6, November/December):27-28.

Briefly summarizes and discusses the ruling of a federal district court in Oklahoma "that a church could be sued on the basis of sexual harassment for the conduct of a supervisory employee even though it was not aware of it at the time it occurred... The harassment [of a female employee] included both language and physical conduct." The basis for the suit was Title VII of the Civil Rights Act of 1964. The article quotes regulations by the Equal Employment Opportunity Commission that define sexual harassment. States: "The court rejected the church's argument that it could not be liable for the supervisor's conduct since it had no knowledge it was occurring. It observed, 'An employer is subject to liability to a victimized employee for a hostile environment created by a supervisor with immediate (or successively higher) authority over the employee.' Since the supervisor was the plaintiff's immediate supervisor having immediate authority over her, 'whether the church had knowledge of any alleged sexual harassment is not dispositive of the church's liability.'" The article concludes: "As a result, it is a 'best practice' for a church with employees to adopt a sexual harassment policy, since this will serve as a defense to liability for a supervisor's acts of 'hostile environment' sexual harassment... 2012 WL 2912516 (W.D. Okla. 2012)."

_____. (2013). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 28(3, May/June):25-26.

Reports and comments on a decision by a "federal court in Wyoming [[that] ruled that a [Roman Catholic] church and diocese were not liable on the basis of negligent training or negligent supervision for a church worker's sexual abuse of a woman he was counseling." The worker was an ordained deacon to whom a member was referred by the pastor for bereavement counseling following the death of 2 of her family members in an accident. The deacon sexualized his relationship to the parishioner, and she sued the church, diocese and various church officials on the basis "that they negligently trained and supervised [the deacons], and were vicariously liable for his sexual abuse." Regarding the court's decision, the commentary section states: "This case demonstrates that negligent training claims cannot succeed unless a plaintiff, at a minimum, is

able to establish that a church knew of an employer's propensity to commit wrongful acts, failed to provide adequate training to address that propensity, and this failure contributed to the plaintiff's injuries."

_____. (2014). [Recent Developments] Child abuse reporting. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 28(4, July/August):24-25.

Summarizes and comments on a recent Michigan state appeals court ruling in a case in which a church pastor was prosecuted under Michigan child abuse reporting laws "for failing to report an incident of child abuse that had been disclosed to him in the course of a conversation protected by the clergy-penitent privilege." The original disclosure was made in 2009 to the pastor "by a parishioner regarding her concerns that her husband was abusing her daughters." After she disclosed another incident in 2011, the pastor "told her she needed to report it or else he would. It was during the investigation of this incident that the police learned about the 2009 report by the mother to the pastor." At trial, the pastor "asked the court to dismiss the charges on the grounds that his conversations with the mother were protected from disclosure by the clergy-penitent privilege." The trial court agreed and dismissed the charges; the prosecuting attorney appealed. The appeals court upheld the original decision. The commentary section calls the case significant for 3 reasons: 1.) "...it illustrates the potential criminal liability that clergy face if they are mandatory child abuse reporters under state law, but fail to report known or reasonably suspected incidents of abuse." 2.) "...this case demonstrates the importance of being familiar with the clergy-penitent privilege." 3.) "...in most cases, clergy should report known or reasonable suspected cases of child abuse even if not legally required to do so. Not only will this contribute to a cessation of the abuse, but it will also protect the minister and his or her church from potential civil liability for not reporting."

_____. (2014). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 28(5, September/October):25-26.

Summarizes and comments on a recent Minnesota Supreme Court ruling that upheld the constitutionality of "a state law making it a felony for clergy to engage in sexual contact with counselees in the course of spiritual counseling." The defendant, a Roman Catholic priest, maintained that the law violated the Establishment Clause of the First Amendment of the U.S.A. Constitution. Notes 7 key points for churches, including that "12 states have laws that specifically make sexual contact between a minister and a counselee a crime."

_____. (2015). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(1, January/February):22-23.

Briefly summarizes and discusses the ruling of a state appellate court in Georgia that held a church could be liable for negligently placing an individual, a 21-year-old male, in a volunteer youth leader position without sufficiently performing a background check (*Allen v. Zion Baptist Church of Braselton et al.*, 761 S.E.2d 605, Ga. App. 2014). His application included written references, which the church failed to verify as authentic by failing to contact directly all named reference sources. After he was accepted and functioning as a volunteer, he sexually violated a 14-year-old in the youth program, who reported it to his parents. The youth leader "was arrested and charged with one count of attempted aggravated child molestation and three counts of child molestation. He pled guilty to two counts of child molestation and was sentenced to 20 years." The ruling permits a Georgia jury to "find that employers who fill positions [including positions without compensation] in more sensitive businesses without performing an affirmative background or criminal search on job applicants have failed to exercise ordinary care in hiring suitable employees, even absent a statutory duty to conduct such background searches."

_____. (2015). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(2, March/April):23-25.

Reports and comments on a decision by a “federal court in Colorado [that] ruled that a church was not liable on the basis of negligence or fiduciary duty for a Sunday School teacher’s sexual relationship with one of his adolescent students off of church premises.” After the man, a member of the church, “pled guilty to sexual assault with a 10-year age difference, a class 1 misdemeanor,” the adolescent whom he assaulted sued him and the church, “claiming that the church was responsible for the defendant’s wrongful acts on the basis of negligent hiring and supervision.” The commentary section very briefly addresses the matter of the man’s use of text messages and telephone calls to the girl: “Such communications, the court concluded, were too far removed from the church to serve as a basis for liability. But, at a minimum, they suggest that social media contacts between adult youth workers and minors in the youth group are inappropriate, and may lead to a sexual relationship that in some cases may expose a church to liability. Such communications should be absolutely banned. Any need to communicate with minors should be done through their parents. When social media communications evolve into ‘sexting,’ this can expose the adult participant to criminal liability...”

_____. (2015). Top 5 reasons churches end up in court. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(4, July/August):20.

An infographic-style presentation of ranked reasons for court cases involving churches, 2010-2013, and churches and religious organizations, 2014. The top reason each year was “sexual abuse of a minor.” Source is not identified. [The journal has conducted a similar compilation in prior years and presented the results in the format of an article, which includes the methodology.]

_____. (2015). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(4, July/August):30, 32-33.

Summarizes and comments on the ruling of the Iowa Supreme Court that “affirmed the criminal conviction and prison sentence of a pastor who engaged in sexual relations with four emotionally vulnerable women in his congregation.” Presents a brief description of the relationship with each of the 4 survivors. The vulnerabilities included: unsuccessful fertility treatments, marital problems, family members who were experiencing various distresses, having been sexually abused as a child, and recent death of a family member. Iowa law names “sexual exploitation by a counselor or therapist,” which includes clergy, “who purports to provide mental health services.” The Supreme Court rejected the pastor’s arguments for overturning his conviction on 4 criminal counts. The commentary identifies 6 implications for churches: 1.) “The case illustrates that sexual misconduct by clergy with adult congregants may result in criminal liability under state laws making such conduct illegal.” Names 12 states which criminalize sexual contact with a minister and a counselee. 2.) Notes that some states criminalize sexual contact between a psychotherapist and a counselee without naming clergy specifically. “However, the definition of ‘psychotherapist’ under some of these laws may be broad enough to include a member of the clergy.” 3.) “...another potential basis of criminal liability for ministers who engage in sexual contact with a counselee or member of their congregation” is state “laws making it a crime to engage in nonconsensual sexual contact with another person.” 4.) Laws regarding assault and battery “constitute another potential basis...” 5.) “Church insurance policies exclude any claims based on intentional or criminal misconduct. As a result, ministers who are prosecuted for a sexual offense involving a counselee or member of their congregation ordinarily cannot be expect the church insurance company to pay for a legal defense.” 6.) Cite potential consequences of “clergy sexual misconduct,” including: registering as a sex offender, and loss of clergy credentials. *State v. Edouard*, 854 N.W.2d 421 (Iowa 2014).

_____. (2015). [Recent Developments] Child abuse reporting. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(5, September/October):19-21.

Summarizes and discusses the ruling of the Pennsylvania Supreme Court that “affirmed the felony conviction of a [Roman Catholic] priest who worked in an administrative position with an archdiocese for ‘endangering the welfare of a child’ for failing to take steps to protect children

from a priest who had molested children... By his own account, the defendant was the sole ‘funnel’ of information concerning instances of clergy sex abuse, and it was his office alone that was responsible for not only receiving the allegations and exploring them, but also for passing vital information about abusive priests and their young victims up the chain of command in the Archdiocese [of Philadelphia].” Comments: “This case is significant for one reason: it demonstrates the potential criminal liability that may befall a minister or denominational leader who fails to (1) take steps to protect minors from ministers who are known or reasonably suspected of having molested children, and (2) report such individuals to civil authorities pursuant to the state child abuse reporting law. *Commonwealth v. Lynn*, 2015 WL 1888582 (Pa. 2015).”

_____. (2015). [Recent Developments] Sexual misconduct by clergy, lay employee, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(5, September/October):24-25.

Summarizes and discusses the ruling of the Indiana Supreme Court that “upheld the conviction of a teacher for the attempted seduction of a minor based on his communications with a 16-year-old student via an Internet social network.” Commenting on the application of the case for churches, states: “In many states the transmission of sexually explicit text messages (‘sexting’) via a cell phone or other electronic device constitutes a crime. Such messages also can be used as evidence in civil lawsuits. For example, assume that an adolescent female in a church youth group claims that the youth pastor had nonconsensual sexual contact with her. She sues the church, claiming that is responsible for the pastor’s acts on the basis of negligent hiring and supervision. The victim subpoenas the youth pastor’s text messages to establish the truth of her claims.” Cites criminal cases in North Carolina, Iowa, Colorado, Washington, and Arkansas in which a pastor, 3 youth pastors, and a volunteer youth leader were convicted of sex crimes against youth involving sexually explicit text messages, cell phone images, and emails.

_____. (2015). [Recent Developments] Child abuse reporting. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(6, November/December):26-27.

Summarizes and discusses the ruling of an Arkansas appeals court that “ruled that a school counselor who reported a case of child abuse 14 days after learning about it had not reported the abuse ‘immediately’ as required by the state child abuse reporting law, and therefore was properly convicted for the crime of failing to report abuse immediately and sentenced to one-year probation and payment of a \$2,500 fine.” On the application of the case to churches, states: “As this case demonstrates, mandatory reporters who fail to report abuse by the deadline prescribed by law face criminal penalties, which may include prison or a fine. As a result, it is imperative for church leaders to be familiar with the definition of ‘mandatory reporter’ under state law, and the time period for reporting abuse...”

_____. (2016). [Recent Developments] Confidential and privileged communications. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 30(4, July/August):24-26.

Reports on a Massachusetts appeals ruling in a case in which it “concluded that incriminating statements made to a pastor by a man who was charged with the molestation of his stepdaughter were not protected from disclosure by the clergy-penitent privilege because they were not made to the pastor while acting as a spiritual advisor...” In the ‘What This Means for Churches’ section, 4 reasons as to why the ruling is important are identified: 1.) “...it is the first case involving the application of the clergy-penitent privilege to conversations between a pastor and counselee using a telephone. The court concluded that the conversation was not privileged...” 2.) “...the court noted that the pastor’s church was a Lutheran church having a formal process for confession and absolution, and that ‘it would be extremely unusual for him to take a confession and profess absolution over the telephone.’” 3.) “...the court concluded that a counselee’s sporadic attendance at a church suggests that conversations between the counselee and the church’s pastor are not privileged...” 4.) “...the case illustrates the difficulty of determining whether the clergy-penitent privilege applies to a particular conversation.”

_____. (2016). [Recent Developments] Privileged and confidential communications. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 30(3, May/June):25-26.

Briefly reports on the ruling of a federal district court decision in an Oklahoma case in which the court ruled “that the psychotherapist-patient privilege did not apply to counseling records maintained by a counselor with a doctorate in counseling since he was not a state-licensed psychotherapist, but that the clergy-penitent privilege did apply since the counselor was also an ordained minister who provided spiritual counsel.” The was a “criminal prosecution for child abuse.” In the ‘What This Means for Churches’ section, states: “This case is important because of the court’s conclusion that state child abuse reporting laws designating clergy as mandatory reporters, and eliminating the clergy-communicant privilege as a bar to reporting, do not necessarily eliminate the privilege in contexts other than the reporting of child abuse.”

_____. (2016). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 30(3, May/June):26, 28.

Briefly reports on the ruling of a federal district court decision in Vermont case in which the court ruled “that a [Jehovah’s Witnesses] church and its parent denomination could be liable for a pastor’s acts of child molestation on the basis of negligent supervision, but not on the basis of a ‘duty to warn’ the congregation of the pastor’s dangerous propensities.” The plaintiff identified herself as having been sexually molested by the pastor when she was a minor, and alleged that he had sued at least 3 minors before her, 1 of whom reported the abuse to the church, which took no action. The plaintiff’s mother, when she discovered her daughter’s abuse, reported it to church officials who “took no actions against the pastor, issued no warnings to the congregation, and did not report abuse to any protective agency or police agency.” The plaintiff sued “for breach of fiduciary duty, negligence, breach of a duty to warn the congregation, ratification, and fraud.” In the ‘What This Means for Churches’ section, states: “This case underscores two points: First, most courts have rejected ‘breach of fiduciary duty’ as a basis for church liability in child molestation cases based solely on the victim’s status as a member of the church. There must be a ‘special relationship,’ such as a counseling relationship, for a fiduciary duty of protection to arise. Second, and most importantly, the court agreed with the plaintiff that the church defendants had a duty to supervise the pastor once they became aware of his propensity to molest minors. And, a violation of this duty amounted to negligent supervision for which the church defendants were liable. This is an important conclusion recognized by many courts. Church leaders that learn that a pastor or other employee volunteer has had inappropriate sexual contact with a minor (or adult), and that for whatever reason decide to retain him, have a legal duty to supervise him to prevent future harm... ..the takeaway point is that the church leaders should never retain a known or reasonably suspected sex offender without legal counsel. The risks are too great, as this case illustrates.”

_____. (2016). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 30(4, July/August):28-29.

Briefly reports on a Louisiana appeals court ruling in a case of “a volunteer youth worker who raped a 13-year-old girl while taking her home from a church event.” In the ‘What This Means for Churches’ section, states: “This case illustrates the importance of adopting, and enforcing, a ‘two-adult rule’ that prohibits church employees and volunteers from being alone with a single minor... Clearly, adopting a two-adult rule, while an integral part of a program to reduce the risk of child molestation on church property and during church activities, is of no value if the police is not followed. Church leaders need to continually stress the importance of following such a policy, and be alert to violations.”

_____. (2017). [Recent Developments] Confidential and privileged communications. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 31(2, March/April):20 & 22

Reports and comments on a ruling by a Delaware court which decided “that the clergy-penitent privilege did not necessarily protect two church elders who failed to report a case of child abuse that was shared with them by the victim and his mother.” The 2 elders and the church in the case, *State v. Laurel Delaware Congregation of Jehovah’s Witnesses*, 2016 WL 369355 (Del. App. 2016), had been assessed civil penalties by the State under Delaware’s child abuse reporting statute for failure to report child abuse or neglect. The court decided they were not entitled to summary judgment dismissal. The court concluded “‘that if the terms [in the law] ‘priest,’ ‘penitent,’ and ‘sacramental confession’ were narrowly interpreted, ‘only certain religions would be entitled to take advantage of the [law’s] exception to mandated reporting of child abuse or neglect.’ The exception only would apply to ‘denominations that title their clergy ‘priests,’ and officially recognize a sacrament called ‘confession.’ Clearly, such an interpretation would compel a finding that [the law] is in violation of the [Constitution] since carving out an exception only for certain denominations would impermissibly grant a preference to some religious societies, denominations, or modes of worship. If [the law] were to be interpreted narrowly, the effect would be to advance certain religions over others.’” In the article’s comment section, What This Means for Churches, states that the decision “demonstrates that clergy-privilege statutes that use restrictive terminology (i.e., priest, penitent, sacramental confession) are constitutional only if they are interpreted broadly to encompass confidential spiritual counseling involving ministers.”

_____. (2017). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 31(3, May/June):24-25.

Reports the basis for a Mississippi appellate court’s decision in a case, *Backstrom v. Baptist Church*, 184 So.3d 323 (Miss. App. 2016), which “ruled that a church was not liable, on the basis of negligence or vicarious liability, for a pastor’s sexual relationship with the wife of a counselee and church member.” In a section entitled, What This Means for Churches, states: “This case is instructive because of the court’s description of the steps taken by the church in the hiring of its pastor that precluded it for being liable, on the basis of negligence, for the pastor’s adulterous affair with the plaintiff’s wife.” Steps cited include background searches of candidates for the pastorate, which included “criminal, sexual, driver’s license, and credit reports,” and checking references. The commentary states: “These steps indicate the kinds of precautions churches can take to reduce the risk of liability for the sexual misconduct of staff members.”

_____. (2017). Top 5 reasons churches end up in court. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 32(5, September/October):14.

An infographic-style presentation of ranked reasons for court cases involving churches, 2012-12 and 2015-2016, and churches and religious organizations, 2014. The top category of “sexual abuse of a minor” was the top reason in 2012-2015, and the number 2 reason in 2016. Source is not identified. [The journal has conducted a similar compilation in prior years and presented the results in the format of an article, which includes the methodology.]

_____. (2017). [Recent Developments] Sexual harassment. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 32(6, November/December):26 & 28.

[Incorrectly states that the civil case was brought by a church employee. The employee worked for a hospital in Pittsburgh, Pennsylvania, which has the name of a religious denomination in its title.] Reports and comments on a case of sexual harassment, *Peacock v. UPMC Presbyterian*, in the United States District Court for the Western District of Pennsylvania, decided in 2016. The claim was filed under the sexual harassment Title VII of the federal Civil Rights Act. In the section, What This Means for Churches, comments: “As a result, it is a ‘best practice’ for a

church with employees to adopt a sexual harassment policy, since this will serve as a defense to liability for a supervisor's acts of 'hostile environment' sexual harassment to the extent that a victim of such harassment does not follow the policy." [A correction appeared in the 2018 32(2, March/April) issue, p. 23.]

_____. (2018). Child abuse claims again the top reason churches go to court: Analysis of 2017 data shows insurance disputes, zoning issues also remain among the top problems. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 32(6, November/December):14.

Reports his annual review of "about 12,000 cases pertaining to religious organizations across all 50 states and the federal courts." States that his category of "sexual abuse of a minor" went from 11.7% of cases in 2015 to 8.3% of cases in 2016, and then rose to 12.1% of cases in 2017. Cites concrete steps to take: "Raise the warning with your church leadership using this data. Advocate for regular, formalized training following best practices that reduce the risk." Cites reasons to act related to a church's and board members' potential liability, and "so many negative collateral consequences." Concludes by stating: "Any reasonable suspicion of child abuse must be reported immediately... Err on the side of doing more, not less." The article is accompanied by an infographic which displays the 5 reasons, ranked as to frequency, for years 2012-2017.

Arnold, John H. (1996). Clergy sexual malpractice. *University of Florida Journal of Law and Public Policy*, 8(Fall):25-49. [Accessed 03/30/03 at LexisNexis Academic database.]

Since plaintiffs in civil cases of clergy sexual abuse "are hampered by inappropriate causes of action because of the unique status of the clergy," he "explores the viability of a claim of clergy sexual malpractice, thus obviating the unsuitable and rejected tort of clergy malpractice." Very brief sections include: size of the problem; western religion, misogyny, and the place of the male cleric; impact on the victim and the inadequacy of the churches' responses to hold offenders accountable; the need to define clergy as professionals as the basis for a tort of clergy sexual malpractice; theories of civil liability and their inadequacy. He proposes to establish a tort of clergy that sexual malpractice that is unique to clergy and avoids First Amendment concerns by: focusing on behavior rather than beliefs; utilizing ecclesiastical bodies' definitions of professional standards of care; constructing it of 3 basic components – breach of fiduciary duty, intentional infliction of mental distress, and equity. 200 footnotes.

Arnold, Julie M. (2008). [Notes] "Divine" justice and the lack of secular intervention: Abrogating the clergy-communicant privilege in mandatory reporting statutes to combat child sexual abuse. *Valparaiso University Law Review*, 42(3, Spring):849-903.

Arnold graduated in 2008 from Valparaiso University School of Law, Valparaiso, Indiana. Her context is that the U.S.A. "is facing a pandemic of child sexual abuse," that "abuse is typically perpetrated by a family member, friend, or other known and trusted individual, such as a clergyman," that despite the government's "strong interest in preventing child abuse in all forms... [it] often hesitates acting on accusations of abuse within religious communities or by religious leaders, partially due to the constitutional dictates demanding separation of church and state, " and that the government's "passivity [to intervene] is socially unacceptable and ineffective at resolving child sexual abuse." Part 2 discusses "constitutional restraints on government action via the First Amendment, current mandatory reporting statutes, and the clergy-communicant privilege." Begins with a negative review of internal policies of the Roman Catholic Church, The Fundamentalist Church of Jesus Christ of Latter-Day Saints, the Jehovah's Witnesses, and the Amish regarding allegations of child abuse. Considers the Free Exercise Clause and the Establishment Clause of the First Amendment. Part 3 "analyze[s] mandatory reporting statutes in relation to Religion Clause jurisprudence and the feasibility of abrogating the clergy-communicant privilege as a potential government resource for the sexual abuse dilemma in the church." Addresses arguments opposed to abrogation. Part 4 "offer[s] a model mandatory reporting statute abrogating the clergy-communicant privilege" and includes civil and criminal provisions. Calls for abrogation "just so far as is necessary to make mandatory reporting statutes more effective in uncovering child sexual abuse." Her position: "The main function of the clergy-communicant

privilege, while well-grounded in religious and judicial tradition, creates obstacles to the prosecution of child abuse perpetrators by permitting clerics to withhold from law enforcement officials valuable information transmitted to them in confidence... “Given that one of the most challenging obstacles to prosecuting child sexual abuse is discovering its existence, and given that clergy members are in a unique position to obtain such information, mandatory reporting statutes that call for a suspension of the clergy-communicant privilege increase the likelihood of controlling the pandemic of child abuse.” Part 5 is a brief conclusion stating that her model statute “would be a constitutionally acceptable step toward penetrating the veil of religion used to conceal sexual abuse problems within the church.” 245 footnotes.

Aversano, Dina. (2006). [Comments] Can the Pope be a defendant in American courts? The grant of head of state immunity and the judiciary’s role to answer this question. *Pace International Law Review*, 18(2, Fall):495-529.

Aversano is a student, Pace Law School, Pace University, White Plains, New York. Prompted by the “recent case, initially brought within the Texas state courts and subsequently removed to the [U.S.A.] federal system, [which] named Pope Benedict XVI as a defendant in an action arising from the alleged sexual abuse of three minors by Roman Catholic clergy.” The plaintiffs claimed that when he known as Cardinal Joseph Ratzinger, he “‘designed and explicitly directed a conspiracy to fraudulently conceal tortious conduct.’” The civil suit “raised the preliminary jurisdictional question of whether the Pope, as head of state for the Holy See, should remain a part of this lawsuit. The particulars of the suit highlight the continuously debated issues of when, if at all, a foreign head of state may be subject to the jurisdiction of a United States court and how suits involving heads of states should be resolved, in light of the governing principles behind the foreign sovereign immunity doctrine.” Part 2 “traces the development of foreign sovereign immunity and the derivation of head of state immunity.” Part 3 “extensively examines cases which have named foreign heads of states as defendants.” Part 4 “focuses on the most recent case against Pope Benedict XVI and the claims brought against him as head of the Holy See.” Part 5 “proposes that, in light of the uncertainty surrounding head of state immunity, the FSIA [Foreign Sovereign Immunities Act, adopted by Congress in 1976] should include a separate exception for heads of state that would provide, when circumstances warrant, subject matter jurisdiction over a head of state immunity claim.” In Part 4, the underlying incident that led to the suit is described as concerning the conduct of a seminarian in Houston, Texas, who is alleged to have “recruited the young men to his ‘counseling sessions’ where he sexually abuse them... In naming the Pope, the plaintiffs alleged that he assisted [the alleged offender] in his flight from Texas in order to avoid possible investigation and prosecution for the indicated sexual abuse. Furthermore, the plaintiffs contended that the Archdiocese concealed the priest’s crimes and aided in the evasion of law enforcement so as to comport with the directives from the Vatican.” In 2005, federal district court concluded that the Pope was immune from suit in U.S.A. courts based on his current head of state status. 209 footnotes.

Aylward, Michael F. (2003). Constitution, crime, clergy: First Amendment implications of sexual abuse claims. *Defense Counsel Journal*, 70(2):196-205.

Aylward is a senior partner, Morrison, Mahoney & Miller, Boston, Massachusetts. Briefly discusses 4 fundamental factors that distinguish civil claims against Roman Catholic dioceses and archdiocese for failing to prevent sexual abuse and molestation by priests from similar types of claims in conventional discrimination or tort actions against employers and corporations. The first factor is the Church’s immunity from liability for certain practices due to First Amendment protection under the establishment and free exercise clauses. Regarding establishment issues, describes both substantive and procedural aspects of the entanglement clause, and cites case law examples, including different interpretations of the issues in rulings by judges. The second factor is “the diffuse nature of discipline within the Catholic Church and the influence of canon law on the ability of bishops to control individual priests,” which contrasts with conventional discipline and authority in U.S. corporations. This is exacerbated by territorial geography and sectarian divisions, i.e., religious orders. Observes: “...tension exists between traditional canon law doctrine and evolving common law tort doctrines as they relate to efforts by plaintiffs to apply to church

authorities the legal principles that generally govern the conduct of private employees.” The third factor is “perplexing statute of limitations issues not present in conventional cases” that relate to issues of discovery. The fourth factor is that the liability of nonprofit corporations in many jurisdictions is subject to monetary capitation. This is complicated by liability capitation that does not extend “to individual officers, agents or employees of the corporate defendant.” Concludes: “Much will be learned concerning the constitutional implications of clergy molestation claims as the wave of recently filed suits against Catholic diocese progress through the courts. For now, defense practitioners who are called on to respond to these troubling claims must employ the relatively meager law available.” 37 footnotes.

Bader, Cheryl G. (2003). [Conference] “Forgive me victim for I have sinned”: Why repentance and the criminal justice system do not mix – A lesson from Jewish law. *Fordham Urban Law Journal*, 31(1, November):69-97. [Accessed 02/11/08 at LexisNexis Academic database.]

Bader is associate clinical professor of law, Fordham University School of Law, New York, New York. “This essay will critique the [Georgia Justice Law Project’s] encouragement of confessions in the context of the secular American justice system via comparison with the treatment of confessions under ancient Jewish law.” Part 1 briefly describes the Project as “a private non-profit organization that represents the indigent criminal defendants” in Fulton and DeKalb Counties, Georgia, which uses a holistic, religious approach, including a restorative justice model, and “provides a variety of services for the client from continued education to job placement.” For clients who are guilty, the Project requires acceptance of responsibility for the crime committed, an apology to the victim or victim’s family, reparation through compensation or restitution to the victim, and penance. Part 2 discusses the role of a defendants’ confession in the U.S.A. criminal justice system, including constitutional guarantees, systemic pressure to confess, and the role of the defendant’s lawyer. Contrasts the traditional concept of the lawyer/client relationship – the lawyer is a professional and advises the client, a client-centered counseling approach – the lawyer promotes client autonomy, a client-centered variation which is closer to the Project’s engagement of clients’ values and discussion of moral issues, and a collaborative approach. Notes the risk of a Project’s client’s confession to a victim being admitted as evidence against the client in a criminal case: “The rules of evidence and criminal procedure in the American judicial system are not accommodating to restorative justice principles or a client’s interest in religious redemption.” Part 3 “contrasts the treatment of criminal confessions under traditional Jewish Law with their treatment under the American secular system.” Notes that based on the Talmud, the accused’s confession has no evidentiary value in a traditional rabbinical court and that “criminal conviction could only be obtained through the testimony of two witnesses.” Discussing the concept of repentance in Judaism, states: “In seeking an individual’s forgiveness, the perpetrator must verbal acknowledge his sin to the victim.” Draws from the writings of Maimonides. Part 4 “concludes with the contention that efforts to combine the process of repentance with the criminal adjudicative process are problematic from both a legal and religious perspective. Jewish Law, by stripping any evidentiary value from the act of confession apparently favors the process of repentance through confession above the process of obtaining criminal convictions. The American criminal justice system makes no such accommodation.” 235 footnotes.

Baeza, Seni. (2005). [Note and Comment] Sheep in wolves’ clothing: Why legislation is necessary to help prevent child sexual abuse in churches. *Whittier Journal of Child and Family Advocacy*, 4(2, Spring):441-466.

Baeza is a student, Whittier Law School, Whittier College, Costa Mesa, California. From the introduction: “This Comment argues that new legislation requiring churches to take preventative measures in protecting their minor members and visitors from [child sexual] abuse is essential to protecting children in churches.” Uses the term *pedophilia* as based on a Wikipedia entry to refer to how it “is commonly used in society.” Part 1 identifies perpetrators of child sexual abuse [CSA] in *churches*, a term used generically. Relies primarily on research into commission in the Roman Catholic Church in the U.S.A. Based on a newspaper article, asserts: “In fact, the majority of sexual abuse allegations are made from members of Protestant churches, which is the opposite of the assumption most people have formed as a result of the media coverage of the

Catholic Church crisis.” Part 2 “reveals the many reasons pedophiles are drawn to churches.” Factors identified include: lack of precautions that have been adopted and implemented in secular child- and youth-serving organizations; lack of reporting perpetrators to civil authorities; propensity to minimize the allegations and ignore those who disclose victimization. Part 3 “addresses why legislation [by U.S.A. states] is needed to stop [CSA] in churches.” Citing research regarding the Catholic Church in the U.S.A. as an example, presents her position: “Churches cannot be counted on to address the need to prevent child sexual abuse themselves. There needs to be legislation [at the state level] mandating each local church of every denomination to develop and maintain a policy preventing child abuse and requiring cooperation with proper authorities in the prosecutions of child abusers.” Cites “spiritual abuse” by church leaders as a factor in their lack of fear of liability “because their members are strictly loyal for fear that if they disobey the man of God, they will be sent to Hell to burn for eternity.” Part 4 “shows that implementing laws requiring churches to take preventative measures will not violate the Constitution.” Based on a very brief analysis of the legal doctrine of religious autonomy, and the Free Exercise and Establishment clauses of the First Amendment of the U.S.A. Constitution. Part 5 is her proposed legislation, which is based on “at least the following: 1) that churches be required to screen all children and youth workers; 2) that church workers, including clergy, not be exempt from mandated reporting; 3) that churches owe a duty of care to the children that attend their church; and 4) that churches be regulated to ensure such policies are enforced.” Concludes: “The state’s compelling interest in protecting children outweighs any burden such regulation would impose on any religious organization’s freedom of religion.” In the Conclusion section, states: “Unless the state and church work together, there can be no adequate prevention of child sexual abuse in the church.” 179 footnotes.

Bailey, Shawn P. (2002). [Note] How secrets are kept: Viewing the current clergy-penitent privilege through a comparison with the attorney-client privilege. *Brigham Young University Law Review*, 2002(2):489-525.

Bailey is a student, J. Reuben Clark Law School, Brigham Young University, Provo, Utah. Prompted by recent “concern over child abuse [that] has fueled an attempt to undermine the clergy-penitent privilege.” He argues that “the binary approach suggesting that one must either choose between the privilege or child abuse prevention is simplistic and ultimately flawed. ...abrogation of the clergy-penitent privilege through abuse-reporting laws should be a cause for great concern.” His position is “that if anything, the clergy-penitent privilege merits more protection from abrogation than the attorney-client privilege.” Part 1 summarizes and categorizes the laws in the U.S.A. states and the District of Columbia “regarding mandatory abuse-reporting,” noting wide variations, and “compare[s] the effect these laws have had on the clergy-penitent and attorney-client privileges.” He asserts “that a significant number of state legislatures have simultaneously preserved the attorney-client privilege and destroyed the clergy-penitent privilege in relation to abuse-reporting laws.” Part 2 analyzes the 2 privileges “in relation to the traditional rationales [i.e., utilitarian and privacy or autonomy-based justifications] for evidentiary privileges to assess whether the current difference in status between the two privileges relates to a difference in value or importance.” Part 3 “analyze[s] the clergy-penitent and attorney-client privileges’ respective claims to protection under the Constitution” based on the First Amendment’s Free Exercise and Due Process Clauses, and the Sixth Amendment. Part 4 considers explanations “for the current difference in status between the” 2 privileges. His conclusion section states: “The Supreme Court should hold that both religion clauses of the First Amendment forbid government interference with the clergy-penitent privilege.” 210 footnotes. [Makes a number of assertions that are unsupported by empirical evidence. E.g.: “...abuse-reporting laws rely on the troubling presumption that the state must get involved.” “... it seems reasonable to presume that the bureaucratic machinery of the state will rarely deliver the kind of thoughtful, individualized care that clergy provide when voluntarily contacted by individuals seeking to improve their lives.”]

Bainbridge, Stephen M., & Cole, Aaron H. (2007). [Article] The bishop’s alter ego: Enterprise liability and the Catholic priest sex abuse scandal. *Journal of Catholic Legal Studies*, 46(1):65-106.

Bainbridge is a professor, School of Law, University of California at Los Angeles, Los Angeles, California. Cole, a lawyer, is an associate, Irell & Manella LLP, Los Angeles, California. States at the outset: "...the [legal] question of whether various [Roman] Catholic institutions are [legal] alter egos of one another or part of a single enterprise became vitally consequential when the sex abuse by Catholic priests scandal broke... At least 1,500 abuse cases were pending as of mid-2003, with at least 500 pending against the Archdiocese of Boston alone. As of the beginning of 2006, there were pending more than 560 abuse cases against just the Los Angeles Archdiocese... [In some civil cases] the critical issue is whether diocesan creditors can reach the assets of separate legal entities under some version of alter ego liability. It is with this latter class of cases that this Article is concerned." Part 1, "The Corporate Structure of the Catholic Church in the United States," gives "background by examining the legal structure of Catholic dioceses and entities that are affiliated to varying degrees with dioceses, such as separately incorporated parishes, missions, chapels, schools, charities, and cemeteries." If the law treats the affiliates as separate legal persons, their assets are not available to satisfy claims against a diocese. States: "...although canon law treats these entities as legally separate persons, secular law does not." Notes: "In the face of potentially crippling liabilities arising out of the priest sex abuse scandals, some dioceses have responded by incorporating such affiliates, so as to claim the limited liability benefit that follows from creation of separate legal persons." States that there is a "significant divergence between the requirements of canon law and the dominant secular forms of organization chosen by the Church hierarchy in the United States." Part 2, "Applying the Alter Ego Doctrine to Dioceses and Other Juridic Persons," "sets out the relevant legal principles and provides guidance for their application to the special problems posed by litigation against religious corporations." In the 2-paragraph conclusion, they state: "There is no constitutional bar to a court using the alter ego doctrine to treat a diocese and its separately incorporated parishes as a single enterprise for liability purposes in the priest sex abuse scandal litigation... The analysis in this paper, however, suggests that appropriate cases for invoking the alter ego doctrine in this context will be few and far between.. Given the ready availability of alternative doctrines better suited to the problems at hand, particularly fraudulent transfer law, the case against invoking alter ego in this context thus becomes quite strong." 196 footnotes.

Baker, John S., Jr. (2003). Prosecuting dioceses and bishops. [From an issue based on a symposium, "The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty."] *Boston College Law Review*, 44(4/5, July/September):1061-1088.

By a professor, Louisiana State University Law Center, Baton Rouge, Louisiana. Notes that in the last year and a half, "sexual abuse scandals in the Roman Catholic Church and the financial scandals in corporate America have been unfolding side by side," and that while federal prosecutors "were quick to indict both individual corporate executives and companies," "...state prosecutors have readily prosecuted priests, but have been more hesitant in prosecuting bishops and diocese." His concern is that the "December 10, 20002 agreement between the Diocese of Manchester (New Hampshire) and the state's Attorney General, however, has the potential to change the landscape." Calls it a "pre-indictment diversion-from-prosecution agreement." In his view, there was plenty of evidence against priests who committed child sexual abuse, but "the case against the Diocese makes out nothing more than a civil damage case." States that a criminal "conviction would not have been based on actual criminal culpability." States that "bishops and their dioceses are not proper targets for possible criminal indictment for the crimes of individual priests." Section 1 considers legal issues involved in criminal prosecution of bishops and dioceses, including: whether a corporation is a proper subject for indictment; whether the principle of vicarious criminal liability applies to a diocese or bishop; whether federal criminal law statutes, especially Racketeer Influenced and Corrupt Organizations Act, are applicable; and, whether a bishop's or diocese's failure to act constitutes criminal culpability. Section 2 strongly criticizes the position of the New Hampshire Attorney General's office in the Diocese of Manchester agreement regarding its interpretation of: New Hampshire's statutes of limitations and reporting statutes, Free Exercise Clause of the First Amendment of the U.S.A. Constitution, and the religious exemption clause in the New Hampshire child endangerment law. Criticizes the agreement for the role it gives the Attorney General regarding "ongoing oversight of Diocesan policies and protocols regarding priest and personnel training on child sexual abuse issues."

Regards this act of state intrusion “into the jurisdiction of the Church” and the Diocese’s decision to enter into it as “a dangerous capitulation by one diocese that may have created a serious threat to the other dioceses in the United States.” States that since most sexual misconduct by priests involves not pedophilia, but “teenage boys or young men... most of the sexual misconduct is homosexual conduct” and notes: “In most states, homosexual conduct itself has been decriminalized.” Concludes: “The attempt to indict bishops and dioceses based on the sexual abuse crimes of priests amount to efforts to impose vicarious liability, which is appropriate only in civil or administrative cases.” Also concludes: “...negligence [by bishops] in responding to [the] crimes [of priests] does not constitute criminal conduct by a bishop or diocese.” Argues that ecclesiastical jurisdiction is a parallel jurisdiction to that of secular authorities, and that the Church should defend its jurisdiction against state intrusions. 123 footnotes.

Ballotta, Karen Ann. (1994). Losing its soul: How the Cipolla case limits the Catholic Church’s ability to discipline sexually abuse priests. *Emory Law Journal*, 43(4, Fall):1431-1465.

By a member of the editorial board of the *Journal*. Examines how the Roman Catholic Church “should discipline, and perhaps protect, priests who are accused of sexual molestation.” Argues for substantive changes in “canon law to equip Church leaders who must balance their responsibility to both priests and parishioners.” Her analysis focuses on the Church case of Fr. Anthony Cipolla in the Pittsburgh Diocese, Pennsylvania, who was accused of molesting an adolescent. Calls for reopening and reevaluating the Church’s decision. 173 footnotes.

Barker, Edward, & Wilkinson, Allen P. (1990). Clergy malpractice: Cloaked by the cloth? *Trial: Journal of the Association of Trial Lawyers of America*, 26(5, May):36-40.

Both are lawyers who were involved as counsel in *Nally v. Grace Community Church of the Valley*, which they describe as a “landmark clergy malpractice case” in California. Presents an overview of *Nally*, and notes reluctance of U.S.A. state courts to accept clergy malpractice as a basis for tort action, including the Colorado case of *Destefano v. Grabrian* which “involved a husband and wife who had received marriage counseling from a Catholic priest, resulting in a sexual relationship between Mrs. Destefano and the priest.” Suggests other legal theories “that may provide a basis of recovery” from a “religious defendant,” including breach of fiduciary duty, intentional torts, and intentional infliction of emotional distress. 1 subtopic is incidences involving “allegations that a clergy abused his position of trust and confidence to seduce a woman congregation member who approached him for marital counseling.” Cites outcomes in various state courts involving such factors. Notes inapplicability of U.S.A. Constitution’s First Amendment as a defense in certain circumstances. Concludes that while “[c]ourts are reluctant to recognize a tort of clergy malpractice... [plaintiffs’ counsel] are best advised to concentrate on established theories of liability founded on traditional negligence or intentional tort principles.” 47 footnotes.

Bartel, Martin, R. (1996). [Article] Pennsylvania’s clergy-communicant privilege: For everything there is... a time to keep silent. *Temple Law Review*, 69(Summer):817-842.

Bartel, a Benedictine priest in the Roman Catholic Church, has a law degree and is president and associate professor, business administration, Saint Vincent College, Latrobe, Pennsylvania. States in the introduction that there is “broader confusion and pervasive misunderstandings surrounding the legal issues applicable to the confidential communications made to clergy. The legal realities associated with the clergy-communicant privilege are complex...” Part 1 is a very “cursory examination of the origins” of the privilege. Part 2 discusses Pennsylvania law governing the privilege, including: who qualifies as clergy, acting in a professional capacity, secret and confidential intent, matters communicated other than oral statements, claiming the privilege and waiver, presence of third parties, the privilege and child abuse reporting laws, and duty to warn third parties. States: “Child abuse reporting laws have emerged as the principal statutory method for limited clergy privilege communications... Pennsylvania’s child abuse reporting law is a response to the compelling need to safeguard the most vulnerable segment of the population... Although the enumeration [by Pennsylvania] of specific persons required to report child abuse does not include members of the clergy, it is clear that the list is not exhaustive... The statute

appears to include clergy within its scope regardless of any privilege communication. Although clergy are no doubt included among the mandatory reporters, the clergy-communicant privilege has been retained for testimony in child abuse court proceedings... Clergy may want to tell communicants if there are limitations on the privacy of their communications.” Part 3 briefly examines the privilege “as it has developed in the federal courts.” Part 4 is a short conclusion. 191 endnotes.

Bartholomew, Christine P. (2017). Episode 33. Christine Bartholomew. Exorcising the clergy privilege. [Podcast. 21:50 min.] Nashville, TN: Excited Utterance: Evidence and Proof Podcast, Law School, Vanderbilt University. [Accessed 03/29/18 at the World Wide Web site of Excited Utterance: Evidence and Proof Podcast: <https://player.fm/series/excited-utterance-1301127/41-justin-sevier>]

Bartholomew is an associate professor, State University of New York Buffalo Law School, Buffalo, New York. In an interview with Edward K. Cheng, host, and professor law, Law School, Vanderbilt University, Nashville, Tennessee, Bartholomew discusses her forthcoming law review article. [For author identification and description of the article, see immediately following.]

“Excited Utterance is a legal podcast [weekly during the academic year] that interviews authors of new or forthcoming legal scholarship in the areas of evidence and proof.”

_____. (2017). [Article] Exorcising the clergy privilege. *Virginia Law Review*, 103(6, October):1015-1077. [Accessed 01/06/18:

http://www.virginialawreview.org/sites/virginialawreview.org/files/Bartholomew_Online.pdf]

Bartholomew is an associate professor, State University of New York, Buffalo Law School, Buffalo, New York. States in the introduction:

“The prevailing, two-century-old narrative depicts the clergy privilege as a battle between state power to compel testimony and secular commitment to protect spiritual communication... The premise of this narrative is an empirically untested assumption: only a broad absolute privilege can promote spiritual relationships, encourage individual autonomy, and mediate legal and canonical obligations... This assumption comes at a high cost. It supports an absolute privilege, which in turn sacrifices the highly probative, even outcome-determinative evidence contained in such communications. Nonetheless, the prevailing narrative presupposes clergy would place the sanctity of confidential communications with their flocks above judicial truth finding... Using data culled from over 700 federal and state clergy privilege decisions, this Article challenges the ‘empirical assumption’ behind the absolute privilege... The data describes a privilege in decline: two-thirds of the time, courts rule against a privilege assertion. More interesting, though, is the clergy’s reluctance to embrace an absolute privilege. Rather than asserting bright-line protection, for many, the decision to testify is case specific.”

Part 1 briefly traces “the origin and subsequent evolution of clergy [evidentiary] privilege [in states’] statutes across the United States,” noting the states’ role in influencing federal courts. Identifies policy justifications for the privilege as historically rooted in John Henry Wigmore’s justifications for an absolute privilege... clergy’s testimony and pre-litigation conduct for three key privilege requirements supports a more qualified, more restricted privilege.” Part 2 presents the empirical data from her review of case law decision, which “highlights how pivotal clergy testimony is to privilege determinations.” Summarizes the results by stating that “the survey finds a dying privilege. Even more interesting, though, is the role of clergy in this decline.” The survey spanned cases from 1835 to 2016, and included 700+ criminal and civil cases. Over two-thirds involved Protestant clergy. Citing the findings, states: “...when a court denies the privilege, it is usually because the proponent fails to establish: (1) the cleric acted in his professional capacity, (2) there was no spiritual communication, or (3) the communication was confidential. In analyzing clergy privilege decisions, one pattern quickly emerges: courts rely heavily on clergy testimony for these requirements.” A contributing factor was clergy’s self-description of their role functioning “as disciplinarians, confronters, informants, mediators, or even neutral bystanders,” which were differentiated “from their professional capacity. These distinctions frequently arise when congregants are accused of or are victims of abuse.” Reports that “clergy delineate spiritual conversations as mutually exclusive from discussions of ‘family problems,’ investigations, or

‘disciplinary’ discussions. In other cases, clergy testify that the communicant was not confessing but ‘trying to explain his side of the story’ or ‘popping off.’” Summarizes: “Thus, through pretrial conduct and litigation testimony, clergy challenge the necessity – from a cleric’s perspective – of an absolute privilege.” Based on her analysis of the data in Part 2, Part 3 “explores why courts rely heavily on clergy testimony in deciding privilege assertions and why some clergy share confidences.” Concludes that it is a combination of factors: “Legislators continue to expand clergy privilege statutes without clarifying the triggering requirements for the privilege. Courts fill these gaps by turning to clergy testimony about religious doctrine. In providing this testimony, though, clergy must balance competing duties with insufficient legal or secular guidance on when to speak and when to stay silent. Consequently, the decline of the privilege – and clergy’s role in that decline – is the result of this mutable blend.” Part 4 “advocates for a qualified privilege to bridge the gap between existing, illusory statutory protection and the realities of the privilege in application. By exorcising the absolutist assumption, the privilege can serve its public policy goals without unnecessarily compromising the judiciary’s truth-finding function.” Her position is that the evidence does not support the proposition that absolute confidentiality is essential “to protect religious relationships between communicants and clergy.” Her remedy would shift the responsibility for case-specific decisions to disclose information from clergy to the courts, which “pushes legal realism over legal formalism.” The conclusion is a 3-page recapitulation of her challenge to the existing assumption underlying the absolute nature of the privilege, noting: “By clergy’s conduct, the privilege has already shifted towards qualified protection. Now is the time to recognize that shift.” 293 footnotes. [Cases include child sexual abuse committed in the context of faith communities.]

Bartley, Alana. (2010). [Note] The liability insurance regulation of religious institutions after the Catholic Church abuse scandal. *Connecticut Insurance Law Journal*, 16(2, Spring):505-534.

Bartley is a student, University of Connecticut School of Law, Hartford, Connecticut. “This article will show that through [the exemption of sexual misconduct for general liability insurance policies and other actions by insurance carriers], liability insurance companies have shifted the risk back to the religious institutions and have, in a sense, ‘regulated’ religious institutions, causing them to be more proactive in taking precautions to prevent their clergy from committing acts of sexual misconduct with parishioners.” Part 1 “describes the history of the [Roman] Catholic Church [in the U.S.A.] sexual abuse scandal, delineated into two periods of litigations, each induced by a significant case.” States that insurance company data “shows that the media attention of [the cases of Fr. Gilbert Gauthier in Louisiana and Fr. John Geoghan in Massachusetts] caused a dramatic increase in clergy sexual abuse claims.” Part 2 “addresses liability insurance generally, and then details how liability insurance has affected the Catholic Church sexual abuse scandal.” States: “As most parishes only carried general liability insurance when the initial wave of claims of clergy sexual abuse arose, courts were forced to use definitions, exclusions, and insurance provisions to decide whether and how church insurance policy language applies in cases where victims of clergy sexual abuse were awarded civil damages.” Notes that plaintiffs “must allege a form of negligence on the part of the Church in order for the their incident to be covered under the Church’s insurance policy... Claims made under the theory of negligent supervision have had the most success.” Part 3 “discusses the litigation of clergy sexual abuse cases, including how the term ‘occurrence’ in liability insurance policies has been interpreted by courts in clergy sexual abuse cases.” Cites cases from the Fifth, Ninth, and Seventh U.S. Circuit Court of Appeals. Part 4 “addresses the aftermath of litigation, including how courts have dealt with self-insured retentions when damages are awarded... [and] how liability insurance policies for religious institutions have changed in the aftermath of the Catholic sexual abuse scandal.” States: “More and more cases are finding that self-insured retentions are to be used, causing the Diocese [*sic*] themselves to have to pay damage awards awarded to victims of clergy sexual abuse. Additionally, the liability insurance policies of the religious institutions have changed, where sexual abuse is specifically exempted from coverage. This has caused religious institutions to purchase insurance specifically covering sexual abuse. However, this new form of ‘sexual abuse insurance’ remains insufficient to cover the damage awards handled down to victims. Therefore, religious institutions have been forced by insurance companies to increase their efforts to stop the sexual abuse of parishioners by clergy members...” Part 5 is a 1-paragraph summary: “The

evolution of liability insurance policies throughout the Catholic Church sexual abuse scandal has shed light on how the insurance companies issuing liability insurance to religious institutions have regulated their behavior. ...a greater emphasis on reform within the Church has arisen and policy, such as personnel screening and strict guidelines for dealing with children, has been implemented to prevent acts of clergy sexual misconduct from continuing.” The Conclusion states: “...liability insurance companies incentivized religious institutions to implement policies to curb clergy sexual misconduct.” 192 footnotes.

Beerworth, Andrew A. (2004). Treating spiritual and legal counselors differently: Mandatory reporting laws and the limitations of current free expression doctrine. *Roger William University Law Review*, 10(1, Fall):73-122.

Beerworth is an associate attorney, Martinous Law Associates, Ltd., Providence, Rhode Island. The article “examines the constitutional implications of reporting statutes [affecting clergy and incidents of child abuse]” in U.S.A. states, a number of which were changed “in the wake of the [Roman] Catholic Church [sexual] abuse scandal.” Focuses on the United States Supreme Court decision in *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), stating that the decision “enforces a basic rule couched in the idiom of equal protection: The law must treat similar religious and secular conduct equally in order to pass constitutional muster.” Also considers the Court’s decision in *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993), stating that “*Lukumi* stands for the general proposition that a law burdening *only* [italics in original] religious conduct is neither neutral nor of general application.” “...this article attempts to analyze the constitutionality of certain reporting laws that steer current free exercise doctrine.” Compares states’ treatment of the clergy-communicant privilege and the attorney-client privilege. “The unique design of reporting laws that treat spiritual and legal counselors differently furnishes an optimal crucible for measuring the sensitivity of the nondiscrimination principle to unjustifiable disparities in treatment.” Section 1 reviews and analyzes the *Smith* decision. Section 2 “discusses the ostensible meaning of the neutrality and general applicability requirements in *Smith* and *Lukumi*.” Section 3 examines 2 federal circuit court decisions “that provide credible bases for extending the non-persecution principles well beyond the facts of *Lukumi*.” The focus is interpretation of *neutrality* and *general applicability*. Section 4 “provides an overview of mandatory reporting laws at the state-level, compares the attorney-client and clergy-communicant privileges, and proposes a cogent methodology for assessing the constitutionality of mandatory reporting laws consistent with current free exercise doctrine.” States: “Concerns of a constitutional magnitude arise in the differential treatment of the legal and clerical privileges because some reporting laws expressly and fully preserve the attorney-client privilege while completely or partially abrogating the clergy-communicant privilege... Though all of the foregoing reporting laws vary in language, structure, and degree of differential treatment, none seem to satisfy even the baseline requirement of facial neutrality as defined in *Smith* and *Lukumi*.” States: “Reporting laws that abrogate the clergy-communicant privilege and preserve the attorney-client privilege are problematic under a broad formulation of *Lukumi* because they prohibit certain religious conduct but do not pursue the objective of protecting children with respect to virtually identical nonreligious conduct.” Section 5 analyzes the impact of a 2004 U. S. Supreme Court decision “on the Court’s free exercise doctrine, a case that could likely result in even greater governmental burdens upon religiously motivated conduct.” The Conclusion states: “In the post-*Smith*, era... States that exempt attorneys from mandatory reporting requirements must either provide a correspondingly protective exemption to clergy or extend the legal duty to attorneys as well as to clergy in an effort to comport with the apparent mandate of *Smith*.” He “argues that a free exercise challenge to the various mandatory reporting laws that abrogate the clergy-communicant privilege while preserving the attorney-client privilege may prompt the Court to reexamine, or at least qualify, the rational basis test established in *Smith*.” 292 footnotes.

Belcher-Timme, Jesse. (2004). [Note] Unholy acts: The clergy sex scandal in Massachusetts and the legislative response. *New England Journal on Criminal and Civil Confinement*, 30(2, Summer):243-273.

Written as an analysis of the possible effects of an act adopted in 2002 in Massachusetts to establish penalties for the reckless endangerment of a child, including the failure to act to prevent such a risk. States: "The Massachusetts Legislature passed this Act in direct response to the numerous allegations of sexual assault by members of the clergy in Massachusetts and throughout the United States." Part 2 provides "the history of the clergy sex scandal in Massachusetts and how these events directly developed the motives for passing the Act." Draws heavily upon Boston, Massachusetts, newspaper articles. Focuses on the highly publicized criminal cases of Fr. John Geoghan and Fr. Paul Shanley, and the actions of Cardinal Bernard Law, head of the Boston archdiocese. Reports that as of January 14, 2003, 16 Massachusetts priests had been convicted in criminal trials and 8 others had criminal charges pending. States that "the public outcry on [Law's responsibility for the crimes committed by the priests] led to the proposal and passage of the act creating a 'crime of reckless endangerment of children.'" In May, 2002, state law was amended to include clergy as mandated reporters of child abuse. Later, the penalty for failure to report was increased from a \$1,000. Fine to a prison sentence for an "individual whose reckless conduct exposed a child to physical injury or sexual abuse." Part 3 examines the variety of reckless endangerment statutes enacted in 31 other states, focusing on New York, Vermont, Kansas, and Maine. Also considers the American Law Institute's Model Penal Code of 1962 regarding endangering the welfare of children. Discusses why such provisions "may or may not have been sufficient for the crisis faced by the Massachusetts Legislature." Part 4 "discusses the potential weaknesses of the Massachusetts statute" regarding the scope of *substantial risk*, the length of the maximum prison sentence, the liability for risk if no harm occurs, and whether the duty is too broad. Reports on legislative proposals offered by a Catholic survivors group in Massachusetts. Part 5 is the conclusion. In light of the Act's advantages and shortcomings, proposes legislative remedies to the Act. Advises discretionary rather than mandatory imprisonment for failure to report, time-specific suspension of the state statute of limitations so that abusive priests could be held criminally liable, and eliminating the liability cap for charitable organizations. 233 footnotes.

Bevilacqua, Anthony Cardinal. (1996). Confidentiality obligation of clergy from the perspective of Roman Catholic priests. *Loyola of Los Angeles Law Review*, 29(4, June):1733-1746.

Bevilacqua is Archbishop of the Roman Catholic Church's Archdiocese of Philadelphia, Philadelphia, Pennsylvania. The essay is from a section of the issue, "Symposium: The Religious Voice in the Public Square and Executing the Wrong Person: The Professionals' Ethical Dilemmas." The authors responded to a hypothetical case, pp. 1543-1546: [Symposium Problem] The wrong man is about to be executed for a crime he did not commit. Bevilacqua "respond[s] to the hypothetical from the perspective of the ethical obligation of the [Roman Catholic] priest," adding several qualifiers to the case, including that the person who committed the crime and confesses it to a priest is a baptized Catholic. Part 2 describes how the Church "defines the sacramental seal of confession," stating that there is a 2-fold purpose to the seal – "the good of the penitent" and "[t]he other, more fundamental purpose... is the protection of the Sacrament of Penance itself... While the seriousness of the obligation, notwithstanding the seriousness of the obligation of protecting the penitent cannot be diminished or underestimated, the obligation of religion, or the reverence due to the Sacrament of Penance, is by far a graver obligation, notwithstanding the serious of the obligation of justice towards the penitent... Were the Sacrament rendered difficult or odious to the faithful they would be deterred from approaching it, thereby undermining the Sacrament itself to the great spiritual harm of the faithful, as well as to the entire Church." Part 3 discusses the priest's ethical obligations in the hypothetical case. States: "...it is a virtual certainty that the priest should make [the confessing person's] absolution conditioned on his willingness to reveal the truth to the [secular legal] authorities since a penitent is required to evidence both contrition and a willingness to make reparation if possible for the sins the penitent has committed." In a footnote, he defines the Sacrament of Penance "as an integrated whole, consisting of three actions by the penitent and the priest's absolution. The penitent's acts are repentance, confession or disclosure of sins to the priest, and the intention to make reparation and do works of reparation." In the circumstance in which a penitent releases a priest from the secrecy of the sacrament "could make a prudent decision to reveal confessional matters to others," Bevilacqua's opinion is that disclosure is "both misguided and unrealistic, however well intentioned." Cites the First Amendment of the Constitution of the U.S.A. regarding "protection

of the freedom to practice religion” as the basis for his position “that [legally] requiring a priest to testify regarding confessional matter would be an unconstitutional restriction on the freedom to practice religion.” He argues that the legal privilege of excluding priests from those required to testify “protect[s] religion itself, as well as its practice.” Cites Catholic doctrine, i.e., its catechism, to distinguish between “the professional secret, for which exceptions can be made under certain conditions, and the sacramental secret for which no exceptions can be made.” Part 4 is a 3-paragraph conclusion. 25 footnotes.

Black, Melanie. (2009). The unusual sovereign state: The Foreign Sovereign Immunities Act and litigation against the Holy See for its role in the global priest sexual abuse scandal. *Wisconsin International Law Journal*, 27(2):299-333.

Black is a student, University of Wisconsin Law School, Madison, Wisconsin. “This comment argues that the decision in *Doe v. Holy See* and subsequent decisions increase the possibility that the Holy See will face lawsuits, both within the United States and abroad, for its responsibility in the worldwide priest sexual abuse scandal that has recently affected the Roman Catholic Church. This comment argues that the Oregon District Court and Ninth Circuit decisions in *Doe v. Holy See* and the Western District of Kentucky and Sixth Circuit decisions [in *O’Bryan et al. v. Holy See*] have expanded the scope of the tortious [conduct] exception under the FSIA [Federal Sovereign Immunities Act, a U.S.A. federal law]. Consequently, this expanded interpretation increases the possibility that the Vatican will be sued both within the United States and abroad for its role in the priest sex abuse scandal.” Part 1 briefly “describes the emergence of the global priest sexual abuse scandal” in the Church, including the responses of officials upon discovery, and relates the issues to the U.S.A, civil cases. Cites 2008 figures that report more than 13,000 victims in the U.S.A., 5 bankrupt dioceses, and a cost to the Church of \$2 billion in settlements. Part 2 traces the origin of the theory of foreign sovereign immunity in law, and its evolution from an absolute to a restrictive theory, including the adoption of FSIA in the U.S.A. in 1976, which codified the restrictive theory. Part 3 examines the tortious conduct exception of FSIA, “and how it has been applied to [civil] cases [in federal courts] against the Holy See in the priest sexual abuse scandal in the United States.” Part 4 identifies implications of litigating the “global priest sexual abuse scandal in U.S. courts” and notes 2 “reasons why victims of sexual abuse will seek to name the Holy See in a lawsuit for damages: seeking financial compensation and accountability regarding the role of the Vatican “perpetuating the abuse,” which could lead to reforms within the Church.” Concludes: “In an era of human rights and a narrowing sense of sovereignty, perhaps the balancing of state sovereignty and individual rights in the priest sexual abuse case fits neatly into the chronology of sovereignty, rights, and justice.” 230 footnotes.

Blodgett, Nancy. (1988). Confidentiality vs. doctrine: Jehovah’s Witness lawyers, workers face dilemma. *ABA Journal* [published by American Bar Association], 74(2, February 1):16.

By a reporter for the magazine. Magazine-style article. Reports that the religious denomination, in September, 1997, “directed the 3.3 million Witnesses worldwide, including 750,000 in the United States, to inform the board of elders of their local congregation if they learn of a fellow Witness violating church doctrine... The new religious tenet also affects any Witness employee, such as a secretary, who has access to sensitive information about fellow Witness employees.” Briefly discusses legal and practical implications. [While sexual boundary violations in the context of a faith community is not addressed, the article is included because of its relevance to the topic.]

Brennan, John S. (2002). The First Amendment is not the 8th sacrament: Exorcising the ecclesiastical abstention doctrine defense from legal and equitable claims for sexual abuse based on negligent supervision or hiring of clergy. *Thomas M. Cooley Journal of Practical and Clinical Law*, 5(3):243-299.

Brennan is professor of law, Thomas M. Cooley Law School, Lansing, Michigan. From the Introduction: “The issue to be explored here is: if the church fails to act against sexual abuse, or if its actions, whether through an ecclesiastical tribunal or otherwise, provide no real protection, can the state provide a remedy?” Part 1 describes U.S. Supreme Court cases on which the abstention doctrine was developed, i.e., the limitation on courts “from reviewing church doctrine, practices or

internal discipline or governance in resolving disputes.” Gives particular attention to *Watson v. Jones*, a post-Civil War era property case, and to *Serbian Eastern Orthodox Diocese for the U.S.A. and Canada v. Milivojevich*, a case involving schismatic activity. Notes “the manner in which the decisions appear to limit the doctrine’s scope through context and application.” Asserts: “The abstention doctrine, without significant reference to traditional Establishment or Free Exercise analysis [in relation to the First Amendment of the U.S. Constitution], has been the chief constitutionally-based reason used by courts to refuse to hear negligent supervision or hiring claims involving sexually abusive clergy.” Part 2 “review[s] the Supreme Court cases which develop the abstention doctrine from a common law policy of judicial restraint to a First Amendment principle.” Notes “the manner in which the decisions appear to limit the doctrine’s scope through context and application.” Discusses “cases that have used the doctrine to prohibit actions against religious institutions and their leaders for negligent hiring or supervision of sexually abusive clergymen, and describe[s] how those decisions appear to incorrectly expand the scope of the doctrine and ignore other First Amendment analysis.” In particular, discusses *Swanson v. Roman Catholic Bishop of Portland* and *Pritzlaff v. Archdiocese of Milwaukee*. Part 3 “review[s] cases that have considered the doctrine’s application in negligent hiring and supervision cases but have concluded that it does not apply, and have used traditional Establishment and Free Exercise Clause analyses in permitting the claim.” Notes “that while the results in these cases are correct, they also appear to ignore the proper scope and context in which the abstention doctrine operates under the doctrine’s precedents.” Considers in particular *Malicki v. Doe*, a case of clergy sexual abuse in the Roman Catholic archdiocese of Miami, Florida. Part 4 makes the “argument that if legal remedies for negligent hiring and supervision are constitutionally permissible, then equitable remedies in the form of an injunction should also be available provided that the discretion permitted by the court is properly circumscribed by constitutional limitations.” His solution of injunctive relief would “prevent the ongoing negligence of a church” by forcing it “to remove a clergyman from a situation creating an unreasonable risk of sexual abuse where the cleric has shown a propensity to harm church members.” Concludes: “Courts have no principled reason for abstaining from consideration of claims of the sexually abused whose injury could have been prevented by adherence to the secular duty of due care in the hiring or supervision of clergy, particularly in consideration of the compelling state interest in the safety and well-being of children.” 218 footnotes.

Brocker, Lori Lee. (1991). [Note] Sacred secrets: A call for the expansive application of the clergy-communicant privilege. *New York Law School Review*, 36(3):455-486.

Brocker is not identified; she may have been a student at New York Law School, New York, New York, at the time. “This note focuses on confidential communications between clergy and those seeking counsel, and on the [legally] privileged nature of such communications.” Part 2 is an overview of the privilege’s historical background and current statutory status. Traces common law, 19th century U.S.A. cases, 20th century state laws, and 20th century state and federal cases. Part 3 “raises several contemporary issues that have been or could have become, increasingly problematic for courts applying the privilege...” The 4 issues are: “Is pastoral counseling ever secular and therefore arguably outside the boundaries of the privilege? Do the statutes and judicial decisions adequately define ‘clergy’? Should marriage counseling be considered a confidential communication? Is the privilege justifiably abrogated in cases of child abuse?” After citing a 1984 case in Florida regarding a pastor who was jailed for 24 hours for refusing to testify that a parishioner had confessed to abusing his minor daughter, and who had refused to answer questions after persuading the parishioner to turn himself in to authorities, she states her utilitarian position: “In spite of society’s interest in getting all possible evidence against child abusers, the abrogation of the clergy-communicant privilege is too high a price to pay. A chilling effect on religious confession seems inevitable.” Part 4 “considers the constitutional and public policy justifications of the privilege.” She very briefly discusses First Amendment of the U.S.A. Constitution and, in 2 paragraphs, public policy grounds. States: “Society arguably benefits if people who are troubled or guilty of wrongdoing seek counsel, guidance or forgiveness.” Part 5 is a 3-paragraph conclusion calling for an absolute privilege. 213 footnotes. [Does not consider the effect of an absolute privilege on outcomes regarding minors who are being abused.]

Brooks, Samuel G. (2009). [Note and Comment] Confession and mandatory child abuse reporting: A new take on the constitutionality of abrogating the priest-penitent privilege. *Brigham Young University Journal of Public Law*, 24(1):117-147.

Brooks is a law student, J. Reuben Clark School of Law, Brigham Young University, Provo, Utah. "In this Comment I discuss the constitutional concerns with abrogation of the priest-penitent privilege, also known as the clergy-communicant privilege, in the context of child abuse reporting and argue that state statutes allowing a wholesale abrogation of the privilege unconstitutionally burden the free exercise rights of clergy who have a religious duty to keep communications confidential." Par 1 "summarizes the history and justification of confidentiality privileges and the constitutional basis of the priest-penitent privilege." It "focuses on the rights of the clergy member because in the priest-penitent privilege context the religious duty binds the clergy, not the penitent and, therefore, it is the clergy member's religious exercise rights that are implicated rather than the penitent's." Focuses on the Roman Catholic Church, penance and confession, and a priest's duty of confidentiality." Part 2 very briefly reviews U.S. Supreme Court jurisprudence regarding the Constitution's First Amendment Free Exercise clause, and the constitutional implications of U.S. states' mandatory reporting laws and the priest-penitent privilege. Notes variations regarding requirements that clergy report child abuse. States his position: "For clergy with a religious duty to keep communications confidential, these laws undeniably burden their freedom to exercise their religion. The duty to report also implicates freedom from compelled speech, freedom of association, and privacy." Part 3 "argues that broad abrogation of the privilege unconstitutionally burdens free exercise of religion and also implicates the constitutional rights to freedom that compelled speech, freedom of association, and privacy." Discusses challenging mandatory reporting statutes on a constitutional basis by using the Hybrid Rights exception in the U.S. Supreme Court decision in *Employment Division v. Smith*. He invokes the exception by asserting that mandatory reporting statutes "involve, not only religious exercise rights, but also free speech rights and substantive due process liberty rights" under the Fourteenth and Fourth Amendments. Part 4 is a very brief conclusion. 143 footnotes.

Brown, Kenneth C., Abramson, Mark A., & Miller, Jo A. (1994). Shall we "prey": Liability for clergy malpractice in cases of sexual misconduct. *New Hampshire Bar Journal*, 35(2, June):59-67. [Special issue on family violence]

Brown and Abramson are law partners, Manchester, New Hampshire. Proposes "that a specific cause of action be recognized for clergy malpractice in the case of sexual misconduct," noting that several state legislatures have enacted statutes that hold clergy liable for breach of specific standards of professional misconduct. Discusses: general tort of malpractice and specific elements of clergy malpractice; legal and social trends that support such a cause of action; applicability of case precedents for such action; First Amendment freedom of religion concerns as outweighed by a "compelling state interest in preventing sexual exploitation of children and others who are vulnerable..." Cites the 1980 California case of *Nally v. Grace Community Church of the Valley* as "the seminal case on clergy malpractice..." References.

Buck, Sonia J. (2005). [Case Note] Church liability for clergy sexual abuse: Have time and events overthrown *Swanson v. Roman Catholic Bishop of Portland*? *Maine Law Review*, 57,(1):259ff. [Accessed 10/25/05 at LexisNexis Academic database.]

Buck is not identified. Prompted by "recent current events – most notably the sexual abuse scandals within the [Roman] Catholic Church [in the U.S.A.]." Critiques a ruling by the Maine Supreme Judicial Court in the 1997 case of *Swanson v. Roman Catholic Bishop of Portland* in which a couple "sued their former pastor, Father Maurice Morin, after the couple's marriage counseling sessions with Father Morin led to a sexual relationship between Father Morin and Mrs. Swanson." This led to the couple's divorce and the death of their son by suicide. The Swansons sued Morin for neglect and intentional infliction of emotional distress and negligent pastoral counseling, and they sued the Roman Catholic bishop of Portland, Maine, for negligence in selecting, training, and supervising Morin. On appeal, the Maine Supreme Judicial Court ruled against the couple "because state enforcement of a church's duty to oversee its employees violates the free exercise of religion clauses of the United States and Maine constitutions." Part 1 is an

introduction to the article. Part 2 provides the background of the case and analyzes the majority and dissenting opinions of the justices. Part 3 examines how U.S.A. states other than Maine treat the tort of negligent supervision and how they apply it to ecclesiastical cases of clergy sexual misconduct. Part 4 discusses the uncertainties in Maine law regarding negligent supervision, in general. Part 5 argues that the *Swanson* decision should not be upheld under the judicial doctrine of *stare decisis*. Part 6 concludes that the Maine Court should clarify the tort of negligent supervision in general, allow *Swanson* to be overruled, and allow application of “the tort of negligent supervision to a religious setting in a neutral manner without violating the First Amendment.” States: “In the interest of protecting society from widespread sexual abuse within churches, Maine must also take on the responsibility of making churches accountable for their negligence in failing to supervise dangerous clergy members.” 149 footnotes.

Burek, Lawrence M. (1986). Clergy malpractice: Making clergy accountable to a lower power. *Pepperdine Law Review*, 14(1):257-137-161.

Burek is not identified. Prompted by “the rapid movement of fundamentalist churches into the arena of emotional counseling” and legal cases in the last 5 years in which “the legal system [has] begun to scrutinize the spiritual ministry of the church.” Reviews the California appellate court decision in *Nally v. Grace Community Church of the Valley* (1984) which involved a church’s counseling program, the death by suicide of a parishioner, and a civil suit filed under the theory of clergy malpractice. Cites a subsequent case in Ohio that may have applied the theory in *Nally*, *Klosterman v. Hawkins* (1981), in which the pastor sexualized a relationship with the plaintiff’s wife which resulted from counseling sessions following the death of a minor child. Examines clergy malpractice as related to the First Amendment to the Constitution and its free exercise and establishment clauses. Considers 2 critical factors for liability in a clergy malpractice cause of action, imposition of a duty and standard of care. Considers 3 types of standard of care: secular; denominational specific; state of the art – in relation to psychotherapy. Considers public policy implications for 2 specific areas, issuance of insurance and alteration of the clergy-penitent privilege. Presents his proposal for defining a standard of care to be imposed: 3 prongs that include testing, referring, and training. references.

Burkett, Edan. (2010). [Note] Victory for clergy sexual abuse victims: The Ninth Circuit strips the Holy See of Foreign Sovereign Immunity in *Doe v. Holy See*. *Brigham Young University Law Review*, 2010(1):34-50.

Burkett is a student, J. Reuben Clark Law School, Brigham Young University, Provo, Utah. Examines the U.S. Ninth Circuit Court’s per curiam decision in *Doe v. Holy See* 557 F.3d 1066 (9th Cir. 2009), which upheld the district court decision in a case that sought to permit “an alleged victim of sexual abuse by a Roman Catholic priest to bring suit against the Holy See, otherwise known as the Vatican.” Part 1 is a very brief introduction. Part 2 is a very brief statement of the facts and procedural history. The plaintiff “alleged that in approximately 1965, when he was fifteen or sixteen years old, he was sexually abused multiple times by Father Andrew Ronan, a parish priest at St. Albert’s Church in Portland, Oregon.” Claims against the Holy See as head of the Church included vicarious liability, *respondeat superior*, and direct liability based on negligent retention and supervision, and failure to warn of Ronan’s harmful propensities. The Holy See claimed sovereign immunity under the Foreign Service Immunities Act (FSIA), passed by Congress in 1976. The district court allowed the suit to proceed under the tortious exception of FSIA. Part 3 briefly “trace[s] the relevant legal history” of FSIA. Part 4 describes the Court’s decision: the vicarious liability claim was disallowed due to FSIA’s discretionary function exclusion; denied the application of FSIA’s commercial activity exception; the respondeat superior claim was allowed to proceed and sovereign immunity was removed. Part 5 analyzes the decision, and argues that while the *respondeat superior* claim was correctly allowed, the “rationale for denying a review of the commercial activity exception is suspect because the majority misunderstood the applicable legal standards.” Part 6, the conclusion, calls the decision a landmark victory for victims of clergy sexual abuse in the Portland, Oregon, case. States: “...this case will have a lasting impact on future clergy sexual abuse litigation throughout the country” by serving as a drafting guide. 101 footnotes.

Buti, Antonio. (2002). The removal of Aboriginal children: Canada and Australia compared. *University of Western Sydney Law Review*, 6(1):216ff. [Accessed 01/24/09 at the World Web site of University of Western Sydney Law Review: <http://www.austli.edu.au/journals/UWSLRev/2002/2>]

Buti is a senior lecturer in law and associate dean, research, School of Law, Murdoch University, Murdoch, Western Australia, Australia. Focuses on the “system of Aboriginal child removal” in Canada and Australia, which was a component of the “colonialisation process” and the “policy of assimilating or attempting to assimilate the Aboriginal population into the dominant European socio-economic-political system. A major part of this assimilation process revolved around a policy of removing Aboriginal children from their families to be raised in institutions in order to facilitate their assimilation into white ways.” Part 1 provides background. Very briefly sketches the school system’s policy history, first in Canada and later in Australia, in the 19th and 20th centuries, including the “enormously important” formal role of Christian religious denominations in operating the schools. Summarizes the quality of the education, care, and treatment of children in the system: “The residential school experiment [in Canada] led to many Aboriginals suffering hardship and abuse, including sexual abuse... The story is similar in Australia. Many Aborigines removed from their families complained of harsh conditions, denials of parental contact and cultural heritage, harsh punishment and physical and sexual abuse.” Summarizes the effects: “Loss of culture, family, connection and trust, to name but a few losses, and the pain of abuse, whether physical, sexual or psychological, has resulted in many Aborigines being unable to properly function as parents and members of communities. Often this has been played out through substance abuse, contact with the criminal justice system, poor health, suicide, mental illness, loneliness, and alienation.” Part 2 addresses demands for government reparations that emerged as part of Canada’s “increased public focus [since 1990] on the removal of Aboriginal people from their families to residential schools,” following survivors’ reports of abuse and civil litigation. Notes similarities and differences between Canadian and Australian government responses. Part of the Canadian effort included “discuss[ing] church and government shared responsibility for residential schools cases in order ‘to find a comprehensive long-term solution to the issue of church liability.’” 51 endnotes.

Cafardi, Nicholas P. (1993-1994). Discovering the secret archives: Evidentiary privileges for church records. *Journal of Law and Religion*, 10(1):95-120.

Cafardi is dean and professor of law, Duquesne University School of Law, Pittsburgh, Pennsylvania. Prompted by a recent “plague of claims and law suits against clergy and churches as a result of alleged clergy wrongdoing. Many of these cases have to do with sexual misconduct.” Focuses in particular on the Roman Catholic Church because its “canon law mandates the non-disclosure of records kept in the church’s archives.” Examines “the conflict between the civil procedural rules creating a right to pre-trial discovery and the free exercise rights of a church to select, evaluate and assign clergy without fear of disclosure of confidential information relied upon in the process.” Part 2 illustrates the conflict by describing the 1988 civil case of *Hutchinson v. Luddy* in Pennsylvania in which Francis Luddy, a diocesan priest, was sued for “repeated acts of sodomy with a minor who was an altar boy and a member of the parish...” The bishop of the diocese and other Church officials were also named in the suit. When the plaintiff sought information in the bishop’s secret archives that would show “that Father Luddy’s pedophilic behavior was known to [leaders of the diocese]...”, the bishop resisted on the legal basis of the Free Exercise Clause of the U.S.A. Constitution’s First Amendment. The court’s decision to permit discovery of relevant non-privileged information was appealed by the bishop, but the lower court ruling was upheld by Pennsylvania Superior Court. Discusses clergy privilege and the seal of confession, and practical problems with statutory privilege. Part 3 argues for a new application of privilege to protect “church-clergy relations, especially in the area of choosing who is or who is not qualified to be a minister.” Maintains that “clergy personnel records maintained by the church” are not “comparable to secular personnel records kept by secular employees.” Part 4 considers the assertion of a First Amendment privilege against discovery in light of the 1979 U.S. Supreme Court case of *Herbert v. Lando*. Concludes by describing how to analyze a civil case of clergy misconduct that is “based on theories of negligent selection, assignment or

supervision of the minister by the church...” Argues that a church-clergy privilege should “serve as a bar to the discovery of church records regarding its clergy.” 106 footnotes.

Calistro, Valerie B. (2014). Mediation and issues of secrecy and confidentiality in sexual abuse cases. *The Brief* [published by American Bar Association], 43(2, Winter):28-33.

Calistro, an attorney, is managing partner, Ventura, Ribeiro & Smith, which maintains offices in Connecticut and New York, New York. “This article addresses both sides of the debate: how secrecy and confidentiality can be used as a weapon to empower the reticent survivor [of sexual abuse or sexual assault] while increasing the value of the [civil tort] case, and how they can also be used as a harmful shield by the abuser as a means to discretely shut down potentially embarrassing publicity and reduce accountability.” Regarding a plaintiff’s civil action and issues related to privacy, notes that “the survivor may have to disclose information and records that would otherwise have been confidential, and the law in most states is such that most records are made public. By bringing a civil action, a survivor may lose a great deal of privacy, because the action stems from a survivor’s claim that the abuser harmed him or her in some way.” Describes the general nature of an out-of-court settlement between plaintiff and defendant in which confidentiality is part of the agreement, calling the agreement a “‘value-added’” tool for both parties. Notes that “[h]igh-profile cases involving the Catholic Church, football coaches, universities, and movies stars have called into question whether mediation is “an appropriate means of dealing with cases arising out of sexual abuse... ...in the aftermath of the Catholic Church’s settlement negotiations, we now have a much clearer understanding of the role of mediation in sexual abuse cases. ...even with the ‘process’ adopted by the vast majority of archdioceses, it is not clear what the mediation, in and of itself, looks like.” Briefly identifies arguments in the policy position that the private character of mediation in sexual abuse cases is contrary to the public interest because it “does not take into account the interests of people other than the participants, for example other victims or potential victims who might be protected if the conduct of certain abusers was made public,” and that it undermines “the deterrence and education of potential offenders by making what would otherwise be a very public process into a self-contained and restricted one.” Regarding the Catholic Church, states: “The Roman Catholic Church has taken the position that the most appropriate way to deal with cases of clergy abuse is through independent church mediation. Mediation for abuse claims is attractive for the obvious reasons: privacy, efficiency, cost, and finality. However, many question whether mediation truly gives the victim a fair route to justice. They argue that in some clergy sexual abuse cases, bodies responsible for ministerial credentialing have misused mediation to the disadvantage of people who have come forward. Specifically, the problem lies where mediation is suggested as a means of keeping the matter confidential and disposing of the complaint as quickly as possible, before the allegations are investigated. Undoubtedly, the church favors mediation because it focuses more on preventing information from reaching the public than it does on compensation, accountability, and reconciliation. But this has devastating consequences for the survivor because it frustrates his or her efforts to gain a sense of power by standing up and encouraging the community to confront the abuser. Moreover, using mediation to avoid taking disciplinary action or to mitigate discipline is an inappropriate use of the process.” 51 footnotes.

Calkins, Richard M. (2010). Mediation: The radical change from courtroom to conference table. *Drake Law Review*, 58(2, Winter):357-399.

Calkins is with the Calkins Law Firm, West Des Moines, Iowa, and is a former dean, Drake University Law School, Des Moines, Iowa. States at the outset: “No change in the American judicial system has been more dramatic, radical, or pervasive than the full implementation of mediation into our judicial system... Although utilized over the years on the periphery of the legal spectrum, it has only been the past three decades that mediation has taken its position at the forefront of dispute resolution... There are four primary reasons why change was required: the proliferation of cases filed each year, the soaring costs of litigation, the increased time to resolve cases, and the increased stress and destructive nature of the process.” The article discusses “the full potential of mediation and ADR [Alternative Dispute Resolution]” and “examines two primary areas of change: (1) new strategies to find resolution, and (2) opportunities for creative

settlements.” Part 2 is a lengthy review of specific strategies and 12 types of arbitration. Discussing the use of polygraph tests, he provides a case study in a footnote involving 6 children in a family who accused “a cleric with sexually abusing them.” Due to a variety of factors, “[t]he defendant church questioned the validity of the claims.” Use of the polygraph undermined the credibility of some of accusers, but supported the credibility of others: “The tests established that [the others] had been raped and sodomized by the cleric... Recognizing that the family had been devastated by the cleric, the church settled with the family for \$3 million.” Part 3 reviews innovative settlement formats by considering some of the possibilities that are available. The format of *spreading out payments* is accompanied by a case study in a footnote involving 25 victims of child sexual abuse who sued their former pastor and church. In mediation, the parties agreed on a dollar amount, “but the church indicated that it could not pay this amount upon settlement because it would face insolvency if it did.” Mediation was able to resolve the differences over the terms of payment by arranging the payment to be spread out over time. The format of an *escrow account* is accompanied by a 5-paragraph case study in a footnote involving a boy who had been sexually abused by his pastor. The complex case involved a criminal trial, a lost opportunity for the boy’s family to sue the pastor and the church, a civil suit against a lawyer for legal malpractice, failed mediation, a civil trial, and another mediation. Concern for the welfare of the boy, “who had become addicted to cocaine and later heroin,” led the church and its insurance carrier to create an escrow account to make money “available for education, treatment, counseling, and living expenses for ten years,” a move that settled the case. The approach of *noneconomic provisions built into the settlement* discusses inclusion of *apology and forgiveness*. Cites in a footnote the author’s experience of mediating 800+ child sexual abuse cases, including a case in which a man, “who, as a teenager, had been severely abused [sexually] by his pastor for six years,” and describes the role of forgiveness in the man’s recovery. Also discusses the inclusion of *noneconomic conditions that change behavior*, and briefly describes examples “for pastor sexual abuse cases,” which involve 3 steps: giving the person who is the victim the opportunity to speak to a church official; deciding noneconomic actions to be taken by church leadership; deciding monetary factors. Regarding noneconomic actions, a case study in a footnote describes a case involving 37 men who “alleged that when they were boys they had been sexually abused by three clerics.” States: “The case was resolved when the church agreed to twelve noneconomic demands, which changed the modus operandi of the church.” The 12 are listed. Part 4 is a 1-paragraph conclusion. 67 footnotes.

Callahan, Michael James, & Mills, Richard. (1994). Historical inquiry into the priest-penitent privilege. *University of Detroit Mercy Law Review*, 81(5, Summer):705-718.

Callahan is identified as a judge with no other descriptors. Mills is a student, School of Law, University of Detroit Mercy, Detroit, Michigan. “The goal of this study is to learn how the [priest-penitent] privilege came into American jurisprudence in light of the unequivocal assertion of [the classic treatise on evidence by] Wigmore that the privilege was unknown at common law.” Describes the privilege as generally “exclud[ing] as incompetent evidence of any communication given to a legitimate minister during a discipline or sacramental activity that is part of that religion’s discipline or belief.” The beginning section traces how U.S.A. state and federal case law in the U.S.A. has regarded the privilege by examining the nature of 4 components: discipline, communication, penitent, and minister. Examples reveal the range of variations between jurisdictions. Cites a Texas decision in a 2000 case involving “a disciplinary meeting between a [Roman Catholic] priest serving as the director of Catholic charities for the local diocese and another priest accused of sexually abusing children.” The last section describes “[t]he first known American case that covered the privilege,” an 1817 trial involving a Catholic priest in New York, New York. Offers commentary on the effect of the court’s ruling as “help[ing] drive deeper the wedge between English and American law.” 90 footnotes.

Carmella, Angela C. (2003). The protection of children and young people: Catholic and constitutional visions of responsible freedom. [From an issue based on a symposium, “The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty.”] *Boston College Law Review*, 44(4/5, July/September):1031-1060.

By a professor of law, Seton Hall University School of Law, Newark, New Jersey. Her premise is: "In light of a growing consensus that the [Roman Catholic] Church has failed in the past to protect children from [sexually] abusive priests, states have begun to rush in to fill the void by imposing external accountability... Now, as [U.S.] states respond with new forms of legislation, regulation, and prosecution, it becomes incumbent upon the Church to cultivate the practice of responsible freedom." Proposes 3 ways for the Church to do this: 1.) "...use its broad freedom under the First Amendment to get its house in order."; 2.) "...acknowledge the rightful extent of the state's jurisdiction in child safety."; 3.) "...the notion of responsible freedom imposes a duty on the Church to use its freedom for vigorous new life, neither demanding from the state total deference to internal church management nor relinquishing to the state the church's task of internal correction." Section 1 "sets out the constitutional framework that governs the relationship between church and state, and describes various legal issues relating to clergy." Notes that there is a "larger jurisprudential trend of imposing greater social responsibility on churches." Section 2 "reviews the Catholic social teachings on the proper relationship between church and state, particularly the Church's acceptance of limits to religious freedom when public order is violated." Notes: "Catholic teachings embrace both the affirmative duty (owed not to the state but to God) of church leaders to behave morally and promote the common good in conditions of freedom, and the recognition of the legitimate role of the state to limit that freedom in some circumstances." Draws in particular from the 1965 *Declaration on Religious Freedom* of the Second Vatican Council. Section 3 "provides examples of the ways in which the Church must cultivate the practice of responsible freedom" in the context of clergy sexual abuse of children and youth. Explores tort litigation and the Church's ill-advised use of the defense of the religious autonomy doctrine under the First Amendment. Very briefly comments on recent individualized agreements between the Diocese of Manchester, New Hampshire, and the Diocese of Phoenix, Arizona, and prosecutors that provide state oversight of the dioceses' compliance with their child protection policies. Concludes: "And, as it acknowledges the rightful jurisdiction of the state on matters of clergy sexual abuse of minors, the Church can neither simply demand complete deference to its internal decisions nor relinquish its task of moral renewal to the state." 93 footnotes.

Carter, Terry. (2007). Collaring the clergy: Jeffrey Anderson goes global with his pursuit of pedophiles. *ABA Journal* [published by American Bar Association], 93(6, June):38-44. [Accessed 01/20/08 at the World Wide Web site of *ABA Journal*: http://www.abajournal.com/magazine/collaring_the_clergy/print/]

By a senior writer for the magazine. Profiles Jeffrey Anderson, and his work as a plaintiff's attorney, St. Paul, Minnesota, who is described as "one of the first [U.S.A.] lawyers to bring suits claiming sexual abuse by clergy" beginning in the mid-1980s and as representing hundreds of clients in cases involving the Roman Catholic Church. Reports that in 2006, "Anderson went international with his cause, filing suit in Los Angeles Superior Court against Cardinal Norberto Rivera of Mexico. The suit alleges Rivera colluded with Cardinal Roger Mahoney of the Los Angeles Archdiocese to allow a priest who sexually abused boys to transfer from Los Angeles [in California] to Mexico City, thus serving up more victims." Includes comments from: a Sacramento, California lawyer who represents the California Catholic Conference; Marci Hamilton, professor at Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York; Mark Reinhardt, Anderson's former partner of 23 years; and, Mark Chopko, general counsel, U.S. Conference of Catholic Bishops, Washington, D.C., among others. Topics include lawsuits against members of the Church hierarchy in countries other than the U.S.A., including a federal case in Portland, Oregon, against the Holy See, which is based on the tort exception to the Foreign Sovereign Immunities Act of 1976. Reports that the Church in the U.S.A. "has paid out more than \$1 billion since 1950 in settlements, jury awards, legal fees, therapy for victims and support for offenders, as well as other costs, according to statistical reports published on the Web site of the U.S. Conference of Catholic Bishops (usccb.org). Most of that has been since 2002." Sketches elements in his approach and strategy, including "refusing settlements that include confidentiality agreements," utilizing the news media "not just for exposing sexual abuse by authority figures but for changing perceptions and attitudes – the raw materials of public opinion," and supporting changes in state laws regarding statutes of limitations. Quotes Timothy Lytton, professor, Albany Law School, Albany, New York: "Clergy sexual abuse litigation is probably the most powerful example today of how civil lawsuits can enhance policy-making... These lawsuits put the issues on

the agendas of church officials, law enforcement and state legislatures. It was no longer just about bad apples.”

Cassagne, Jr., Craig P. (2015). [Note] What is a “confession per se?”: *Parents of a minor child v. Charlet*: Priest-penitent privilege and the right of the Church to interpret its own doctrine. *Southern University Law Review*, 42(2, Spring):255ff.

Cassagne is a student, Southern University Law Center, Baton Rouge, Louisiana. Analyzes issues in a Louisiana civil case, *Parents of Minor Child v. Charlet*, which was decided in an appeal to the Louisiana Supreme Court. *Charlet* involved a female minor, 12-years-old in 2008, who, during the sacrament of reconciliation, told her Roman Catholic priest on 3 occasions that she was being inappropriately touched and kissed by an adult male parishioner, Mr. Charlet, who “told her that ‘he wanted to make love to her.’” Cassagne, quoting from the case record, states: “Father Bayhi responded by telling the child to handle the situation herself because if others were involved ‘too many people would be hurt.’ According to the child, she asked Father Bayhi how to end her situation and he responded, ‘This is your problem. Sweep it under the floor and get rid of it.’” Louisiana “law requires that a priest must reported suspected abuse except when hearing confidential communications; Fr. Bayhi did not report the parishioner. Cassagne states that the case “can be reduced to three questions”: Who is the holder of the priest-penitent communication privilege? Is the priest required by Louisiana statute to report what he learned during the sacrament of reconciliation? “...does a civil court have the power to define religious doctrine such that it may analyze what was said... and determine whether it is a ‘*confession per se*?’” Part 1 begins with a brief history of “the framing of the First Amendment” of the U.S.A. Constitution and “the meaning of religious autonomy.” He briefly discusses the Free Exercise Clause of the First Amendment and state and federal court decisions regarding *church autonomy*. He continues with a 3-paragraph history of child abuse reporting statutes and their application to a few cases involving clergy. Part 2 “presents the factual and procedural background of the case, *Parents of Minor Child v. Charlet*. After her conversations with Bayhi, Charlet’s abuse continued against the girl. When her parents became aware of the extent of Charlet’s behaviors, they filed a formal complaint with law enforcement. In 2009, Charlet died unexpectedly of a heart attack. 4 months later, the parents filed a civil action against Bayhi for failing to report the alleged abuse, and against the Diocese of Baton Rouge as “vicariously liable for the misconduct of Father Bayhi and [for being] negligent in the training and supervision of one of their priests.” The Diocese sought to block evidence regarding what was communicated during the sacrament of reconciliation, but the exclusion was denied by the original court. On appeal, the First Circuit upheld the exclusion of the communication as protected, ruled that Bayhi was not a mandatory reporter, and dismissed the case against the Diocese. On appeal, the Louisiana Supreme Court in 2014 vacated the First Circuit’s decision, and reinstated the original court’s ruling. Part 3 briefly discusses Louisiana law regarding mandated reporting and confidential communication with a cleric, and Catholic canon law. He notes that a priest “is considered a mandatory reporter under the Louisiana Children’s Code, but there is an exception carved out for confidential communications. However, the Louisiana Children’s Code also seems to nullify that exception by specifically extending mandatory reporting to communications whether confidential or not.” Part 4 is an analysis of 3 issues in *Charlet*, focusing on the issue of whether a civil court has the power to define religious doctrine “such that it may analyze what was said during the sacrament of reconciliation and determine whether it is a ‘*confession per se*?’” His position is that the Louisiana Supreme Court’s ruling violates the First Amendment. The Conclusion states: “...mandatory reporting statutes should not impede the US Constitution’s protections of the freedom of religion guaranteed by the First Amendment.” In light of this position, he supports reconciling the inconsistencies in the Louisiana Children’s Code so as to “preserv[e] the Seal of Confession under the First Amendment” as “crucial to the ‘free exercise’ of Catholicism.” 256 endnotes.

Cassidy, R. Michael. (2003). Sharing sacred secrets: Is it (past) time for a dangerous person exception to the clergy-penitent privilege? *William and Mary Law Review*, 44(March):1627ff. [Accessed 05/26/03 at LexisNexis Academic database.]

By an associate professor, Boston College Law School, Newton, Massachusetts. In response to “the growing crisis of pedophilia in the Roman Catholic Church,” he examines whether the doctrine of clergy-penitent privilege “should protect a parishioner’s disclosure to a clergy member that the parishioner intends to commit a future violent act against another individual.” Argues that clergy should disclose a much wider scope of dangerous activity and that “a carefully crafted dangerous person exception to the clergy-penitent privilege would not violate either the Free Exercise or the Establishment Clauses of the First Amendment.” Part 1 reviews the rationale for the privilege, and traces its history beginning with the Roman Catholic Church. Part 2 reviews the status of the privilege in U.S. state courts, noting specific components that include: discipline enjoined requirement, types of protected communication, who holds the privilege, and who constitutes a cleric. Part 3 reviews the limited application of the privilege in U.S. federal courts. Part 4 considers states’ experiences with clergy obligations, mandated reporting laws, and “the difficult issue of whether society’s interest in exposing dangerous behavior outweighs the parties’ interests in confidentiality.” Currently, 32 of 50 states require clergy to be mandated reporters of child abuse: 18 list clergy among designated professionals, and 14 have general catch-all provisions.” Identifies variations between 10 states regarding abrogation of clergy-penitent privilege by mandated reporting statutes. Part 5 poses a hypothetical dilemma regarding the privilege, and compares the ethical and legal responsibilities of a clergy with those of a lawyer and a psychotherapist. Distinguishes between statutory laws of privilege and rules of client confidence which are ethical norms of a profession. Finds that clergy have “much more discretion, and much less guidance from legal norms and standards of professional conduct, in determining an appropriate course of action.” Concludes: “The reluctance of courts and legislatures to recognize an exception to the clergy-penitent privilege is perhaps best understood as simple avoidance of a delicate and complex policy issue.” Part 6 considers various remedies and recommends a model clergy-penitent privilege statute that contains an exception to dangerous person/future harm circumstances. Proposes that in instances of Roman Catholic sacramental confession in which an individual discloses intent to commit a future dangerous crime, the communication should be privileged, but only at the option of the clergy. Part 7 addresses Constitutional issues that his proposal raises regarding Free Exercise and Establishment. Concludes with a call “to consider seriously the societal costs of the clergy-penitent privilege and to discuss whether certain limitations on its application would better serve the public interest without compromising First Amendment values.” Extensive citation of case law; 457 footnotes.

Cedrone, Michael J. (2004). Using a negotiation lens to examine the American Catholic Church’s response to the clergy sex-abuse scandal. *Negotiation Journal*, 20(1):65-77.

Cedrone is a law clerk for the senior judge, U.S. District Court for the District of Massachusetts. From 1995 to 2000, he was employed by the Roman Catholic Church’s Archdiocese of Boston, Boston, Massachusetts, as a musician and religious educator. Uses 2 models from negotiation theory to examine the behaviors of 2 prominent Church leaders dealing with the “clergy sex-abuse scandal” in the U.S. Church. The first model is aggressive and adversarial, derived from legal litigators. The second is more collaborative and focuses on underlying issues, principles, or needs and interests. Begins with a case study of Cardinal Bernard Law of the Boston archdiocese to illustrate the first model. Cedrone notes that beginning in 1992, Law explicitly condemned the abuse of minors by clergy and implicitly acted to protect the Church from public scandal and “maintain the structural integrity” of Church leadership through a containment strategy in which Law “publicly characterized the problem as narrow in scope, swiftly proposed a new policy solution to the limited problems he perceived, and settled victim lawsuits quickly and quietly.” Concludes that Law’s “unilateral solution did not meet the needs and interests of all parties involved. However, it did allow him to further the public perception that the archdiocese had recognized and responded to a relatively minor problem, while keeping the structure of church leadership largely unchanged.” Cites confidential settlement agreements with victims in civil claims to illustrate this conclusion. Also cites Law’s response to victims, priests, and lay groups since 2002 as making “it clear that protecting the church and his role within it was an important motivation for his behavior.” Cedrone then considers the public statements of Bishop Wilton Gregory in 2002 as president of the United States Conference of Catholic Bishops. Observes that in contrast to Law, Gregory “addressed several groups at once, drawing upon a mixed set of

negotiation behaviors to pursue his agenda. The form and content of his remarks made his underlying principles and interests clearer. ...he articulated clear goals with sufficient generality that all could agree on, and he was deliberately vague about more sensitive areas.” Concludes that Gregory’s collaborative style sets a precedent for others to follow. 18 references.

Chiste, Katherine Beaty. (2007). Faith-based organizations and the pursuit of restorative justice. *Manitoba Law Journal*, 32(1):27-59.

Chiste is an associate professor, Faculty of Management, University of Lethbridge, Lethbridge, Alberta, Canada. Presents a 3-part explanatory model “that focuses on participation of faith-based organizations (FBOs) – a consistent community resource in many restorative justice [RJ] ventures.” Notes that the primary ways the effectiveness of RJ practices is currently measured “are largely outcome not process-based and place much of their focus on the offender.” Gives examples of RJ in the contemporary Canadian context and “from a local or ‘micro’ perspective.” Part 1 identifies 6 categories of participants from FBOs involved in RJ. Part 2 describes 5 “roles of these actors in terms of education, advocacy, training, or programming” in RJ activities. Part 3 describes 6 aims or goals of FBOs regarding “work-healing, peacemaking, ministry, discipleship, or witness” in RJ activities. Part 4 reflects on RJ as a form of justice. Given the “rhetoric of love” underlying RJ’s ideal of “‘right-relation’ between human beings,” she notes that “the demographics of [RJ] mean that it is disproportionately female victims of violence who are thus required to love their victimizers.” [While not directly related to sexual abuse in faith communities, the article is included in the bibliography because of its attention to issues related to the RJ model which some faith-based proponents of RJ overlook.] 135 footnotes.

Chopko, Mark E. (1992). Restoring trust and faith. *Human Rights* [published by the American Bar Association Section of Individual Rights & Responsibilities], 19(4, Fall):22-24, 29.

Chopko is general counsel, National Conference of Catholic Bishops and United States Catholic Conference, Washington, D.C. Very briefly addresses numerous topics related to the sexual abuse of minors by priests in the Roman Catholic Church in the U.S.A and to “efforts by the hierarchy... to deal effectively with this problem...” Among the topics are: sexual abuse of minors by clergy as “not a new phenomenon.”; the Church in the 1980s discovered “that we did not have a very good medical and psychological understanding of child abuse and those who act out sexually in this way.”; the nature “of predisposition toward the sexual abuse of children...”; the social standard of 20 years prior to treat child abusive behavior as simply a moral infirmity for which counseling and a life change were appropriate responses.”; the divisiveness of child abuse in the faith community; “...we have learned that an exclusively ‘legal’ approach which ignores the human dimension is not the best approach.”; “Reconciliation, healing, openness to the truth, civil responsibility, prevention of further harm – these are the ingredients of an effective response.” Describes actions by the National Conference of Catholic Bishops since 1985 in relation to “seeking means of prevention and response.” Very briefly describes the corporate polity of the Church in the U.S.A. and the locus of “governing authority” regarding priestly discipline. States: “Past silence by individual bishops has sometimes been misinterpreted by our critics as evidence of ‘cover-up.’” Points to a lack of confidence or understanding as factors in the inability “to deal effectively with the problem publicly...” Also cites privacy concerns and civil authorities’ requests to preserve ongoing criminal prosecutions as factors resulting in silence. Comments on the behavior of attorneys in legal cases involving the Church: states that plaintiffs’ lawyers sometimes exaggerate claims of harm and cover-up to attract publicity; states that defense attorneys sometimes dissuade bishops from acting pastorally “for fear of appearing to admit liability.” Concludes by describing the role of a bishop or a superior of a religious institute, in the face of ambiguity, in cases of abuse. States: “The situation in which we find ourselves in this society took a long time to develop. It is taking a long time to correct. The point here is that it is being corrected.” Lacks references.

_____. (1993/1994). Ascending liability of religious entities for the actions of others. *American Journal of Trial Advocacy*, 17:289-350.

Examines the emerging legal construct of ascending liability which he defines as “any effort to compel an organization to take responsibility for any dereliction of its agent, employee, or related entity. For religious groups, these efforts engage a [civil] court in reviewing the conduct of those who minister, in the broadest sense, for the group... Distinct from direct liability, ascending liability concerns only those cases in which the organization is asked to assume derivative or vicarious responsibility, not for their own actions, but for the actions of others.” Considers the basis on which such liability may be found, and the limits and defenses to such assertions. He “compares and contrasts liability exposure through an examination of the structure of religious communities, under civil law and religious doctrine. ...[this article is] designed as a teaching tool and aims to illustrate the basic legal theory with examples drawn from the cases.” Part 2 offers definitions and background. Notes: “...although ascending liability has as its root the most basic litigation urge – to find a financially responsible defendant, it also includes an element of social purpose – to enforce some greater responsibility [for future prevention] through the liability system.” Takes into account differing forms of ecclesiastical structure and governance. Part 3 identifies principles “which tend to unify a divergent and complex body of law” governing the imposition of responsibility: statutory or corporate responsibility, denominational responsibility, and situational responsibility. Part 4 describes differences in denominational settings, including whether the religious entity is incorporated or not. A subsection, pp. 317-322, discusses sexual misconduct arising from authorized activities, including abuse of minors and abuse in the context of counseling. Part 5 discusses liability theory as an engine of social change. Part 6 reviews defenses asserted in ascending liability cases. Part 7 is a brief conclusion. States: “Religious organizations struggling to understand their confrontations within the United States legal system might well pay attention to how their very structures, expressions of polity or discipline, or actions unwittingly commit them to risk liability. The risk is real and may very well encompass matters beyond the practical daily control of the organization and those who minister for it.” Cites a number of legal cases related to clergy sexual abuse from a variety of denominations, including Roman Catholic, Southern Baptist, Evangelical Lutheran Church in America, United Methodist Church, and Church of the Nazarene. 295 footnotes.

_____. (2003). Shaping the Church: Overcoming the twin challenges of secularization and scandal. *Catholic University Law Review*, 53(1, Fall):125-159. [Accessed 03/20/06 at LexisNexis Academic database.] [Originally published as: Chopko, Mark E. (2003). How abuse scandal exacerbated other existing problems for the Church. *Origins: CNS (Catholic News Service) Documentary Service*, 32(33, January 30).]

By “the chief lawyer to the Conference of [Roman] Catholic Bishops in the United States...” Based on his Brendan Brown Lecture, Columbus School of Law, Catholic University of America, Washington, D.C., January 15, 2003. Reflects on the previous 24 months for the Church since the media reports in January, 2002, of the sexual abuse of minors by priests and subsequent actions of the hierarchy upon discovery. “The theme of this lecture is simple, stark, and urgent: there are forces at work in society that will, unless checked, radically remake the religious institutions serving the public... Those forces already are there and are exacerbated by the scandal.” Part 2 briefly states his 2 points of reference: child abuse is a crime in secular law, an offense of God’s commands, must be stopped, its perpetrators brought to justice, and Church institutions held accountable; the U.S. Constitution guarantees autonomy to religious institutions to order “internal affairs according to religious doctrine and [they] should not have to recede from religiously motivated actions for fear of legislators, regulators, or courts.” Part 3 describes social pressures already underway “toward shaping the Catholic Church to the prevailing culture, through litigation and legislation or regulatory action.” Part 4 very briefly summarizes the impact of the scandal, which he states “was created by a failure in the leadership of the church...”, as opening the door “for government more vigorously to cross the constitutional boundary between the business of religion and the business of government, and to remake the Church in dangerous ways.” Part 5 briefly identifies specific problems for the Church stemming from the scandal as governance, liability, and public responsibility. Part 6 very briefly argues against the occasion of the scandal “as a reason to secularize and abandon religious institutions.” Part 7 concludes by affirming the United States Conference of Catholic Bishops’ Charter for the Protection of Children and Young

People (Revised edition) as a way for the Church to recover from the scandal, and calls for preservation of the Church “from the secular forces that will buffet it...” 188 footnotes.

_____. (2003). Stating claims against religious institutions. [From an issue based on a symposium, “The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty.”] *Boston College Law Review*, 44(4/5, July/September):1089-1226.

Chopko is general counsel, U.S. Conference of Catholic Bishops, Washington, D.C. Begins by observing that U.S. society has changed in regard to the historical legal immunity granted to religious institutions, and notes the implication: “The demise of charitable immunity generally, and its limitation in virtually every jurisdiction, means that these entities must pay attention to their legal relationships and conduct.” This includes the difficulty of “being held responsible for the conduct of a member, employee, or agent, or even the conduct of another related group or its members, employees, or agents, including volunteers.” Written to review “the theories under which liability might attach to religious organizations for the actions of others, their employees or volunteers, or even the actions of related church entities. [He] also examines selected areas of liability, attempting to distinguish between cases that may properly fall within accepted and ordinary liability theory and those which seem outside. Finally, [he] offers some critique of the efforts to rewrite traditional tort law as applied to religious institutions.” Part 1 discusses derivative liability, ascending liability, and ecclesiastical structure. Part 2 identifies 3 principles governing the imposition of liability: statutory or corporate responsibility, denominational responsibility, and situational responsibility. Notes that these principles are not mutually exclusive. Part 3 illustrates how the principles apply in types of tort cases. His discussion of sexual misconduct includes various legal theories of liability: clergy malpractice, doctrine of *respondeat superior*, negligent hiring and retention, negligent supervision, and breach of fiduciary duty. In conclusion, states that the task that confronts courts “is to identify the proper defendant against which constitutionally stated claims could lie. The identification of the defendant is an exercise in reviewing the corporate and ecclesial documents of the religious organization to decide which entity in polity has the precise authority to act on the complaint underlying the lawsuit.” 153 footnotes.

_____. (2004). Continuing the Lord’s work and healing his people: A reply to Professors Lupu and Tuttle. *Brigham Young University Law Review*, 2004(5):1897-1920.

A reply to an article in the issue. Presented as part of a conference on church autonomy, February 6-7, 2004, at J. Reuben Clark Law School, Brigham Young University, Provo, Utah. [See this bibliography, this section: Lupu, Ira C., & Tuttle, Robert W. (2004).] 1 catalyst is clergy sexual abuse of children and the responsibility of religious institutions. “In this brief Comment, I endorse the conclusions reached by Lupu and Tuttle and believe their article, if applied by practitioners and courts, will add needed strength to the rights of religious institutions without sacrificing the rights of those injured by church ministers. I write to clarify additional areas in which their analysis could be expanded and offer remarks based on how cases are in fact litigated against churches...” Part 1 very briefly discusses the U.S.A. legal doctrine of church autonomy in relation to First Amendment aspects and civil law issues raised by specific cases. Concludes that the U.S.A. Supreme Court’s decision “to decline a resolution that depends on interpreting religious doctrine” in *Gonzalez v. Roman Catholic Archbishop of Manila* “should normally apply in tort litigation involving churches.” Part 2, the longest section, “notes particular places where the constitutional rights of religious organizations could be infringed through the liability system.” Addresses: deciding whether a specific religious entity is the proper defendant in a civil liability case, whether the U.S.A. Constitution bars consideration of the civil matter, and whether narrowly drawn civil claims are permitted under the Constitution. Concludes: “No one would argue that a state cannot award damages for physical abuse even if carried out in pursuit of religious teaching. Few should complain when the liability system compensates individuals injured by the repeated criminal misconduct of clergy, especially when that behavior is in fact known to leaders who were in a position to stop it. But the test is intentionality, not negligence. In these circumstances, the Constitution would not morally bar a court from jurisdiction to hear a case setting forth such intentional acts.” Numerous citations of case law; 133 footnotes.

_____. (2007). [Response] A response to Timothy Lytton: More conversation is needed. *Connecticut Law Review*, 39(3, February):897-912.

A reply to an article in the issue. [See this bibliography, this section: Lytton, Timothy D. (2007).] Part 1 examines the relationship between “[m]edia interest in the story of sexual abuse in the [Roman Catholic] Church” and civil litigation against the Church. Concludes that the focus since 2002 on the problem of abuse in the Church “to the exclusion of all other kinds of abuse in all other institutions and in the home... ..did a disservice to a discussion of the larger issue in the broader society... Neglect of the broader issue through this distorted framing inevitably harms society.” Cites Lytton’s documentation of “the connection between the claimants’ advocates and the media.” Part 3 “challenge[s] what Professor Lytton at times refers to as the ‘reluctant’ Church and its leadership.” Argues that significant responses of the U.S. bishops in 1993 and 2002 were not the results of litigation. Part 4 “critique[s] the nature of the reaction of the Church to litigation and the prospects of further efforts to expand, rather than contract, tort ability.” 76 footnotes.

Cisar, David, & Stroebel, Christopher. (2012). [On the Edge] A private moment in the fishbowl: Filings under seal in bankruptcy court. *American Bankruptcy Institute Journal*, 31(1, February):38-39, 72-73.

Cisar is an attorney, von Briesen & Roper, s.c., a law firm in Milwaukee, Wisconsin. Stroebel is an attorney with the firm’s Madison, Wisconsin, office. Comments on “[r]ecent decisions [in U.S.A. federal courts that] highlight the tension that can arise in [Chapter 11] bankruptcy cases between the narrow statutory exceptions to transparency and requests to seal filings.” Focus on “the Ninth Circuit’s recent decision in *In the Matter of Roman Catholic Archbishop of Portland in Oregon* [that] creates a split from cases in the First and Eighth Circuits concerning how courts determine whether material is scandalous or defamatory under § 107(b)... The tension in the case law is between a plain language reading of § 107(b) and a more flexible ‘look-behind-the-statute’ approach that could allow a court to exercise greater discretion.” The Ninth Circuit reversed a lower court’s decision “to unseal records that had previously been protected under a stipulated order. Among the sealed records was a punitive-damage estimation memorandum prepared by sexual abuse tort claimants attached to which were the personnel files of 27 clergy...” They conclude: “The case law shows a growing trend in which public access to judicial records is severed from its constitutional and common law roots through pre-emption by, and the plain language limitations of, § 107.” 26 footnotes.

Clark, Kelly. (2009). Institutional child sexual abuse – Not just a Catholic thing. *William Mitchell Law Review*, 36(1):220-240.

Clark, an attorney, is a partner, O’Donnell, Clark, and Crew LLP, Portland, Oregon. Based on remarks at William Mitchell College of Law, St. Paul, Minnesota. First person style. Draws upon his experience in civil litigation against churches and “secular organizations of good will with high social purposes” for how they responded to child abuse allegations. Part 1 is introductory. States that his purpose is “to first explain how institutional child abuse is not just a [Roman] Catholic thing, and to point to a number of other institutions where similar scandals are bubbling or have erupted; second, to suggest where the common institutional attitudes and grandiosity that these institutions share; third, to use a number of case examples from my work to show these attitudes in action; and, finally... [to] offer a few simple guidelines for these institutions to follow if they want to end child abuse in their midst, help the victims who have been abused under their watch heal, and to take back their places in society as rightly respected institutions of trust where children are safe.” Part 2 is a 2-paragraph catalogue of the reality of “the scandal of child abuse” in non-Roman Catholic denominations, secular non-profit child-serving organizations, and public entities including schools and law enforcement. Part 3 is 1-paragraph statement that the institutional attitude of arrogance, which aids institutional abuse and is manifested in the Catholic Church as *clericalism*, is the dynamic that the end justifies the means: “...institutions of trust where child abuse thrives, believe, in a very real and concrete way, that the ordinary rules of life and law do not apply to them, or do not apply to them in the same way as they do others who do not share their lofty work, or who do not understand it or sufficiently appreciate it. It is fundamental to understand this dynamic if one wants to make sense of the abuse scandals in the

churches and the secular institutions of goodwill.” Part 4 cites specific examples from civil cases in which “these attitudes and assumptions” were expressed through legal arguments by defendant institutions, including churches, to avoid civil liability or accountability. Part 5 makes 3 suggestions as to how the institutions can best respond “to institutional child abuse and help heal the victims,” including non-monetary gestures. Part 6 is a brief conclusion. States: “...when it comes to child sexual abuse in institutions of trust, grandiose attitudes of uniqueness and invincibility is one important element in allowing this problem to fester.” 7 footnotes.

Clark, Kelly W. G., Roggendorf, Kristian Spencer, & Janci, Peter B. (2006). [Article] Of compelling interest: The intersection of religious freedom and civil liability in the Portland priest sex abuse cases. *Oregon Law Review*, 85(2):481-540.

Authors are, respectively, 2 attorneys with O'Donnell & Clark LLP and a law clerk with the Portland, Oregon, firm. Clark has represented 100+ “victims of sexual abuse inflicted by priests, nuns, and teachers working for the [Roman Catholic] Archdiocese of Portland [Oregon] and various other dioceses and religious orders across the nation.” Written “to provide an overview of the unique [legal and policy] issues raised by [cases involving priest sex abuse and civil litigation] with a particular view toward the interaction between religious liberty and civil liability.” Utilizes a composite case “of priest sexual molestation of a minor as a template for illustration and analysis” based on the law firm’s clients. Part 1 describes “policy reasons for imposing liability on a church for the abuse of minors” by those under its employ or its agents. Examines the legal theories of vicarious liability through the doctrine of respondeat superior and basic negligence in selection, supervision, or retention of an employee-priest. Part 2 “examines both the structure and the rationale for the extended child abuse statute of limitations [in Oregon], including the nearly incomprehensible damage that child abuse inflicts on the psyche of the victim.” Part 3 “looks at actual theories and principles of liability used against the [Catholic] Church and discusses the defenses, assertions, and claims – centering on questions of religious freedom – by which the Church has attempted to avoid the liability or limit exposure to damages.” Concludes: “No offense is done, either to core concepts of religious liberty in the civic constitutions of our society or to the core teachings in the ‘constitution’ of the Catholic Church, to demand that full justice be done for crimes against children committed in the name of the Church.” 167 footnotes include legal and clinical references.

Clark, Paul A. (1998/1999). [Recent Development: Malpractice] Clergy malpractice after *F.G. v. MacDonell* and *Sanders v. Casa View Baptist Church*. *American Journal of Trial Advocacy*, 22(1, Summer):229-235.

Presents 2 recent civil cases involving clergy sexual misconduct “decided in different jurisdictions [that] address the recognition of a cause of action for clergy malpractice.” The first case, *F.G. v. MacDonell*, 150 N.J. 550 696 A.2d 697 (1997), involved a former parishioner of an Episcopal Church in Bergenfield, New Jersey. She sought and received counseling from the rector who sexualized the relationship. The New Jersey Supreme Court “held that F.G. could proceed with her claim against MacDonell for breach of fiduciary duty... [as a] appropriate form of relief than permitting action for clergy malpractice.” The Court reasoned that such a claim “permits the recovery of monetary damages and avoids any potential entanglement with the First Amendment, which is inherent to a claim of clergy malpractice.” The Court cited the difficulty in claims for clergy malpractice of defining the applicable standard of care: “Undertaking such a task causes courts to become heavily entangled in religious doctrine and practice.” The second case, *Sanders v. Casa View Baptist Church*, 134 F.3d 331 (5th Cir. 1998), involved 2 parishioners of a Baptist Church which also was their employer. They brought malpractice and breach of fiduciary claims against a minister of the church who they alleged sexualized his relationship with them in the context of marriage counseling. The Fifth Circuit Court allowed the claim of medical liability to proceed on the basis of a secular, as opposed to religious, standard of professional care for the minister’s secular-based counseling activities. In a brief conclusion, Clark notes the cases “illustrate the reluctance of the nation’s courts to establish a cause of action for clergy malpractice in claims based on clergy misconduct.” Identifies a number of case decisions which discuss the recognition of clergy malpractice, some of which involve sexual misconduct. Also identifies

secondary sources, i.e., law journal articles, discussing clergy malpractice, some of which involve sexual misconduct.

Cobb, Matthew. (2010). [Case Note] A strange distinction: Charitable immunity and clergy sexual abuse in *Picher v. Roman Catholic Bishop of Portland*. *Maine Law Review*, 62(2):703-716. [Accessed 07/22/11 at the World Wide Web site of the journal: http://mainelaw.maine.edu/academics/maine-law-review/pdf/vol62_2/vol62_me_1_rev_703.pdf]

Cobb is a law student, University of Maine Law School, Portland, Maine. Analyzes and critiques the Maine Supreme Judicial Court's ruling in the case of *Picher v. Roman Catholic Bishop of Portland*, a case involving the issue of "whether the doctrine of charitable immunity protected charitable organizations from liability for intentional torts. The court ultimately held that charitable immunity was not a defense to intentional torts, but that it did bar negligence claims based on the sexual abuse of a minor." The Court "was tasked with determining to what extent the Bishop, as a corporation sole, could be held liable for civil claims surrounding the alleged sexual abuse of young boy [William Picher] by his priest [Raymond Melville]." Part 1, an introduction, states: "...a majority of the Law Court partly vacated the trial court's grant of summary judgment for the Roman Catholic Bishop of Portland (Bishop) and held that the doctrine of charitable immunity did not protect the Bishop from liability for the alleged intentional tort of fraudulent concealment." Part 2 very briefly describes the history of the doctrine of charitable immunity in Maine and in other jurisdictions. Part 3 describes the majority and minority opinions in *Picher*. Part 4 is an analysis that discusses negligent supervision in Maine law, exception to charitable immunity for negligent supervision, and why the Bishop's liability should not be limited to intentional torts. States that the decision "has, in effect, placed the policy of protecting charitable funds, and the benefits that the public recoups from them, above the right of a sexual abuse victim to seek compensation from an entity that breached its duty to protect that individual from the potential harm posed by a pedophilic priest." Part 5 is the conclusion. 199 endnotes.

Cochran, Jr., Robert F. (2013). Church freedom and accountability in sexual exploitation cases: The possibility of both through limited strict liability. [From a symposium: The Freedom of the Church in the Modern Era.] *Journal of Contemporary Legal Issues*, 21(1):427ff.

Cochran is professor and director, Hebert and Elinor Nootbaar Institute on Law, Religion, and Ethics, School of Law, Pepperdine University, Malibu, California. Part 1 briefly reviews the "protections courts and legislatures have historically provided to churches in tort law cases," which include: charitable immunity, associational immunity, qualified immunity for communications in a group's interest, Free Exercise clause of the First Amendment of the U.S.A. Constitution, Religious Question Abstention, Ministerial Exception, and clergy malpractice claims. Part 2 discusses claims against churches that seek to hold them liable in cases of sexual abuse by their clergy, noting both successful and unsuccessful attempts. States: "...the evidence of the last few decades suggests that the self-protective interests of religious communities can trump their concern for members. It appears many churches will not protect their members without the additional incentives of law." Part 3 "consider[s] possible means of avoiding interference with churches' right to determine and apply their own religious doctrine while pressuring them to provide greater oversight of clergy... I consider giving judges greater control over liability and damages in cases brought against religious defendants. In addition, I consider imposing limited strict liability on churches – a rule that might both protect church discretion and hold churches accountable... The challenge is to craft a rule that both effectively encourages religious congregations to eliminate exploitation and avoids imposing the broader community's standards on the religious community. It may be that the tensions between these two goals can be reconciled by imposing limited strict liability on churches." His position is that this is less interventionistic than the state applying an external standard as in negligence cases. "Strict liability would create a strong incentive for religious congregations to protect their members but would leave it to the church to determine how best to eliminate the risk." He would couple this "with a significant limit on damages" due to "a great risk that injuries will punish minority religious groups in such cases." He would make churches "liable only for incidents that occur after they are on notice" of a clergy member's past behavior or "proclivity toward such behavior"

out of concern that liability before notice “would deter churches from offering the youth activities and counseling services that are of such great benefit to the broader community.” In a paragraph, considers how to set the limit for damages. Part 4 is a 5-sentence conclusion. 102 endnotes.

Cole, William A. (1987). [Article] Religious confidentiality and reporting of child abuse: A statutory and constitutional analysis. *Columbia Journal of Law and Social Problems*, 21(1):1-51.

Cole is the article editor of the journal, 1986-1987. From Part 1, the introduction: “...this Article attempts to answer three questions. First, what are child abuse reporting statutes and, as a matter of statutory interpretation, how are they applicable to members of the clergy? Second, if reporting statutes do apply to the clergy, how do they impact on religious confidentiality and how are they in turn affected by the religious privilege? And third, what are the constitutional implications of requiring clergy to report and testify concerning abuse [of minors]?” He concludes: “...many states’ child abuse reporting statutes, more as a result of inadvertence than design, do sweep members of the clergy into the category of persons obliged to report and testify about abuse, at least as a prima facie matter. ...principles of statutory interpretation yield no satisfactory answer to the question of which set of laws – child protection statutes or the religious privilege – trumps the other. ...many states’ current reporting statutes probably create an impermissibly heavy burden on the free exercise of religion and are, therefore, unconstitutional.” Part 2 reviews child abuse and child protection statutes, including clergy reporting requirements. Part 3 considers “religious confidentiality” and the clergy-communicant privilege. Part 4 examines the statutory conflict between clergy reporting laws and the clergy-communicant privilege. Expresses his position: “Even though it may increase conflict with reporting laws, the religious privilege should also be expanded to provide full protection to observations made by the clergy member during confidential counseling sessions, even if based solely on nonverbal communications and impressions.” Part 5 regards the applicability of the U.S.A. Constitution’s First Amendment to the issues. Part 6, the conclusion, ends by calling for state legislatures “to clarify the application of child abuse reporting laws to member of the clergy and to either exempt clergy from their reach altogether or to so tailor the laws that they will no longer threaten fundamental rights guaranteed by the Constitution.” 237 footnotes.

Colombo, Ronald J. (1998). [Note] Forgive us our sins: The inadequacies of the clergy-penitent privilege. *New York University Law Review*, 73(1, April):225-252.

Takes the position that the evidentiary rule of clergy-penitent privilege from U.S. common law “as understood by most courts and legislatures... does not conform completely to the requirements of the First Amendment [of the U.S. Constitution]. As a result the privilege at times violates the Amendment’s Establishment Clause by unduly preferencing religion. Additionally, at other times the privilege’s protections are insufficient, offending the notions of religious liberty and tolerance upon which both the First Amendment’s Establishment Clause and Free Exercise Clause were built.” Part 1 discusses evidentiary privileges, in general, and clergy-penitent privilege, in particular, noting the key variables are “(1) the definition of clergy, (2) the scope of communication that the privilege protects, and (3) the ownership of the privilege.” Argues that “[m]ost clergy-penitent privilege statutes [adopted by U.S. states] do not comport with the justifications” offered for the privilege: “While some of these statutes are merely unwise as a matter of policy, others arguably violate the Constitution.” Part 2 very briefly reviews the Free Exercise Clause and Establishment Clause of the First Amendment, and discusses legal accommodation of religion based on judicial decisions. Part 3 applies the principles of common law for the privilege and the principles of the First Amendment to the privilege, an application that “expose[s] the inadequacies of the privilege as commonly understood.” Argues that “the ‘privilege’ and the ‘accommodation’ are not necessarily synonymous” which “expos[es] the need for a dual system of protection for clergy-penitent privilege and a testimonial accommodation.” Proposes a system of protection based on “the form of a constitutionally sound clergy-penitent privilege” for the sake of the penitent, and “a form of religious accommodation” for the sake of clergy based on a “dual ownership provision.” 142 footnotes.

Cooke, Jesse. (2004). [Comment and Note] Beyond an unfortunate “occurrence”: Insurance coverage and the equitable redress of victims of sexual predator priests. *Arizona State Law Journal*, 36(Fall):1039-1065. [Accessed 10/25/05 at LexisNexis Academic database.]

By an M.B.A./J.D. candidate, Arizona State University schools of business and law, Tempe, Arizona. The article “seeks to shed light on the insurance law issues that arise in instances of sexual molestation by Roman Catholic priests, examining in particular the interpretive methodology courts apply to liability insurance policies to redress the victims of abuse.” Part 2 discusses application of contrasting interpretations of an occurrence under commercial general liability policies, both within and outside the context of clergy sexual abuse occurrences. Notes some civil court decisions. Contrasts *reasonable expectation standard* and *substantial probability standard* regarding the Church’s responses to discovery of abuse by clergy and concludes: “If a reasonably prudent person in the position of the Church would expect or should expect that an employee is a danger to innocent life, the church [*sic*] should bear responsibility for all resulting liability.” Concludes by asserting his position that the Church relies on insurance coverage to cover claims rather than being held liable based on higher standards as an employer, and that if higher standards are invoked, a diocese will “be forced to employ reasonable measures to oversee their employee priests and handle allegations that arise in a manner that is consistent with public expectations and civil law requirements... A uniformly applied judicial interpretation of which events constitute occurrences and a consistent method for determining the number of occurrences involved in a claimed event would force the Church to take a more active role in training, supervising, policing, and dismissing its priests.” 148 footnotes.

Conroy, Sandra (1995). [Comment] The delayed discovery rule and *Roe v. Archdiocese*. *Law and Inequality: A Journal of Theory and Practice*, 13(2, June):253-279.

Conroy is a student, University of Minnesota Law School, Minneapolis, Minnesota. She critiques a 1994 decision of the Minnesota Court of Appeals in the civil case of *Mary Roe, et al. v. Archdiocese of St. Paul and Minneapolis, et al., Gerald (Jerry) Piche*. The introduction describes the case facts regarding Mary Roe [pseudonym] who in early 1982, at 17-years-old, began counseling sessions with Fr. Gerald Piche, a priest of the Roman Catholic Church’s Archdiocese of St. Paul and Minneapolis, St. Paul, Minnesota. 4 months later, she moved into a convent house adjacent to Piche’s church. 2 months later, shortly after she turned 18, Piche sexualized his role relationship to her. The counseling relationship ended in August, 1984, and the sexual relationship ended late in 1984. In February, 1985, she attempted suicide. After memories of the experiences with Piche returned in 1988, “Roe began to suffer psychological problems, including suicidal ideation and self-mutilation.” It was only in 1992, while watching a news program on sexual abuse by clergy, that “Roe was able to link her psychological injuries to her relationship with Piche.” She filed a civil complaint that month. Given the statute of limitations in Minnesota, the trial court “applied the statutory delayed discovery rule.” It concluded that Roe should have linked her injuries to the abuse at the time the injuries were experienced, and barred her claim under the statute of limitations. On appellate court upheld the summary judgment. Part 1 reviews “the injuries commonly suffered by sexual abuse victim-survivors as well as the history and application of delayed discovery rules.” Cites clinical literature and case law, including another case involving a minor and a priest of the Archdiocese, and a case from the Archdiocese of Milwaukee, Milwaukee, Wisconsin. Her documentation supports the conclusion that the nature of the harms from the sexual abuse which may lead to involuntary coping mechanisms, like denial and trauma symptoms, can interfere with the ability to connect the injuries to their cause. Part 2 very briefly analyzes the *Roe* trial court’s understanding of the delayed discovery rule as “a troubling interpretation of the [Minnesota]... statute which could potentially deny a class of plaintiffs access to a civil remedy for personal injuries caused by childhood sexual abuse.” Part 3 examines the Court of Appeals reasoning, finding it flawed for 2 reasons: it is inconsistent with the Minnesota legislature’s intent for survivors of sexual abuse, and it fails to distinguish that a “victim’s discovery of the *cause* of her injuries is distinguishable from the victim’s *knowledge* of the wrongfulness of the defendant’s conduct.” [*italics in original*] States: “The focus in determining whether to apply the delayed discovery rule to a sexual abuse case should be whether notions of fundamental fairness warrant the application of the delayed discovery rule in the case at

hand,” as determined by balancing the harm to the defendant by allowing the exception to the statutes of limitations with the harm to the plaintiff of having a remedy disallowed. The conclusion section is a 2-paragraph summary. 174 footnotes.

Cooney, John Daly. (2007). [Note] Determining when to start the clock: The capable ascertainment standard and repressed memory sexual abuse cases. *Missouri Law Review*, 72(2, Spring):633-649.

Cooney is a student, School of Law, University of Missouri, Columbia, Missouri. The context is Missouri’s civil statutory law for tort cases. Presents an analysis and critique of the decision of the state’s Supreme Court in the case of *Powel v. Chaminade College Preparatory, Inc.* 197 S.W.3d 576 (Mo. 2006) (en banc). The case involved a Roman Catholic school in St. Louis, Missouri, which included boarding students, and 2 of its staff, a priest and a religious brother. The plaintiff alleged that the 2 “had regularly and repeatedly engaged in sexual contact with him while he was a student attending and living at Chaminade in the 1970s.” The issue before the Court was whether the statute of limitations had been tolled based on the meaning of the state’s law regarding damages as “‘sustained and capable of ascertainment,’” i.e., “when a reasonable person would have been put on notice that an injury and substantial damages may have occurred.” Part 2 is a very brief summary of the facts and the Court’s ruling. Part 3 reviews the legal background, including how Missouri law addresses “the issue of repressed memories in childhood sexual abuse cases.” Part 4 describes the *Powel* decision and its “new, objective capable of ascertainment standard” and its application to the case. Part 5 is a comment in which he argues that the Court “misapplied its new objective standard to cases of repressed memory... In doing so, the court has potentially opened the door for more spurious claims from plaintiffs, and allowed for a dangerous level of legal and financial exposure to certain defendants.” Part 6 is a 1-paragraph conclusion, which ends: “While the holding in *Powel* will certainly be responsible for bringing some sexual predators to justice, its more significant effect will be to completely frustrate the purpose of the statute of limitations in repressed memory sexual abuse cases.” 143 footnotes.

Cornell, Ruth. (1999). [Note and Comment] The church and the law in the Ninth Circuit concerning mandatory reporting of child sexual abuse: What the legal advocate representing a church or clergy needs to know about Ninth Circuit child sexual abuse reporting statutes. *Journal of Legal Advocacy and Practice*, 1:137ff. [Accessed 02/22/04 at LexisNexis Academic database.]

Purpose is “to inform practitioners who represent churches or clergy members of the requirements of child sexual abuse reporting statutes, a major area of church liability, within the [U.S. federal] Ninth Circuit Court of Appeals, while placing an emphasis on California’s reporting statute.” The Circuit includes Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. Section 2 reviews Ninth Circuit basic requirements of reporting statutes for clergy and occupations, professions, or positions that closely relate to that of clergy, e.g., a clergy who is functioning as a school administrator. In question/answer format, addresses: who is a reporter, what triggers the duty to report, contents of the report, timing requirement, to whom the report is made, how the report is made, immunity from liability, penalty for failure to report, and exceptions for clergy. Section 3 considers the previous questions in relation to California’s reporting statutes. Also discusses what constitutes penitential and confidential communications. Section 4 is a conclusion that briefly “discusses the limitations of clergy exceptions and proposes that California’s reporting statute should be amended by the addition of either an exemption from immunity for malicious or knowingly false reports, or by including a good faith requirement for mandatory reports.” 92 footnotes.

Coughlin, John J. (2003). The clergy sexual abuse crisis and the spirit of canon law. [From an issue based on a symposium, “The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty.”] *Boston College Law Review*, 44(4/5, July/September):977-998.

By a professor, University of Notre Dame Law School, Notre Dame, Indiana, who is a Franciscan friar in the Roman Catholic Church. “This Article argues that the recent [clergy sexual abuse] crisis [in the Roman Catholic Church] has resulted in part from a failure to respect and enforce the relevant provisions of canon law.” Part 1 discusses canon law, including: its ideals; provisions regarding sexual misconduct, including sexual abuse of a minor (Canon 1395 of the 1983 *Codex*

Iuris Canonici); the role of bishops in applying canon law. States: “It does seem clear, however, that over the course of several decades, many – and perhaps most – bishops declined to implement and enforce the rule of canon law. This failure violated the normative principles of natural and divine justice.” Very briefly identifies unbalanced applications of canon law as antinomian or legalistic. Part 2 describes the failure of the rule of the 1983 code in relation to clergy sexual abuse. His interpretation is the post-Vatican II effort to correct the legalistic application of canon law led to an antinomian reaction that led to a “reduction of the culture of canon law”, a reduction which “was a contributing factor in the failure to employ the juridical structure to check abuse.” States that U.S.A. bishops: 1.) “opted for a therapeutic approach to the exclusion of correcting grave injury through the rule of canon law”; 2.) blurred canon law’s distinction between internal and external forums of the Church when it relied exclusively on the psychological approach “which tended to create the impression of secrecy and cover-up” and “neglected the external forum of the canonical penal sanctions”; 3.) responded in 2002 to the crisis with a zero-tolerance policy that “abandoned the psychological model in favor of an absolute rule... that permitted little or not discretion” and raised numerous due process concerns for the rights of those accused. Part 3 identifies “canonical consequences that have resulted from imbalance between law and spirit”: 1.) lack of confidence in canon law; 2.) diminished understanding of the bishop’s function; 3.) a reduced understanding in society “of the Church as a corporate entity dependent on the state.” Concludes that without the bishops’ failure to observe canon law and the exclusionary reliance on a psychological approach, “there probably would have been no crisis.” Calls for a “proper balance of law and spirit” and a “re-commitment to the rule of [canon] law.” 89 footnotes.

Cranmer, Frank. (2011). *Maga* and vicarious liability for sexual abuse. *Law and Justice: The Christian Law Review*, 167, (Winter):20-26.

Cranmer, on the editorial committee of the journal, has a law degree and a degree in canon law. He specializes in legislation as it affects churches, charity law, and religion and human rights in the United Kingdom. He has been Clerk of Bills at the House of Commons in England. Examines the appeals court decision in the case of *Maga v Trustees of the Birmingham Archdiocese of the Roman Catholic Church* (2010), which the Archdiocese was found to be vicariously liable for the sexual abuse of the plaintiff, Mr. Maga, by an assistant priest at a Roman Catholic parish in Coventry, England. His conclusion is that the decision “would appear to suggest that the ultimate authorities of the Church, diocese or synod in question do not have to know about the fact of a sexual assault in order to be vicariously liable for it: all that is required is for some incompetent, lazy or gullible ecclesiastical line-manager who *does* [italics in original] know about it to fail to inform the appropriate authority and the trustees may fine themselves liable in damages. Moreover, it would appear that for vicarious liability to be engaged the victim does not even have to have attended the rites of the Church in question: merely to have been involved with a miscreant minister of that Church who has present himself or herself to the victim in a ministerial capacity.” Concludes: “In short, though it may have given some reassurance in relation to direct tortious liability, *Maga* may on balance have made things *worse* [italics in original] for the Churches, overall, because it seems to have lowered the bar for vicarious liability in cases of sexual abuse.” 21 footnotes.

Cruz, Eduardo. (1991). When the shepherd preys on the flock: Clergy sexual exploitation and the search for solutions. *Florida State University Law Review*, 19(2, Fall):499-523.

Develops the position that sexual relations between clergy and parishioners is sexual exploitation, analyzes legal and ecclesiastical responses, and concludes that legislative action is necessary. Topics include: issue of consent, power imbalance, and transference; scope and nature of the problem; fiduciary duty. Proposes a 4-part response to the problem: education; support services; criminal sanctions; and, civil remedy. References a number of legal cases. 181 footnotes.

Dalton, Kari Mercer. (2012). [Article] The priest-penitent privilege v. child abuse reporting statutes: How to avoid the conflict and serve society. *Widener Law Review*, 18(1):431-465.

Dalton is associate professor, John Marshall Law School, Atlanta, Georgia. Part 1 introduces the article; states: “Due to the recent sex scandals in the [Roman] Catholic Church, the general public

has lost respect for and no longer trusts the Church as it once did. There is perception that the Church covered up alleged sexual abuse and caused further harm with its efforts to conceal the abuse. There is a clear public demand to do away with what is perceived as 'secrecy' within the Church. Because of this eagerness to peel away veils of concealment, the public and, in turn, [state] legislators have become bolder in their lack of deference to the institution of the confessional." This leads to the conflict between clergy as state-mandated reporters of child abuse and clergy, within some faith communities, as required to preserve "the traditional secrecy of the confessional." Part 2 traces the history of the priest-penitent privilege, beginning with the Roman Catholic Church, through English common law, and into U.S.A. law. Notes that the U.S.A. states' statutes regarding the privilege are not consistent in language or scope. States: "...the federal courts perpetuate the inconsistencies in the priest-penitent privilege's definition because it applies either varying state law or ambiguous federal common law." Part 3 is "an analysis of the history and definitions of various child abuse reporting statutes... so that the conflict between the reporting statutes and the priest-penitent privilege can be more clearly understood." Comments that "the child abuse reporting statutes are inconsistent and not uniform throughout the states." Part 4 describes the conflict between the privilege and child abuse reporting statutes, citing court cases from California, Connecticut, Arkansas, Indiana, Washington, and Utah. Observes: "...not only is there a conflict between two types of statutes, but there is also a conflict in the way to resolve the two of them." Part 5 examines factors potentially involved in court cases: Free Exercise and Establishment clauses of the U.S.A. Constitution's First Amendment; due process, privacy, and free speech considerations; public policy and state interests. Her proposal to avoid the conflict: "State legislators should simply exclude members of the clergy from the statutory list of mandatory reporters." Part 6 is a 3-paragraph summary of the article. 177 footnotes.

Daly, Kathleen. (2014). Conceptualising responses to institutional abuse of children. *Current Issues in Criminal Justice*, 26(1):5-29.

Daly is professor, criminology and criminal justice, School of Criminology and Criminal Justice, Griffith University – Mt Gravatt, Mt Gravatt, Queensland, Australia. "This article presents one piece of a larger project that historicises institutional abuse [of children], presents survivors' memories of institutional life, and analyses redress processes and outcomes... The analysis in this article centres on historical abuse in residential care facilities..." States that *institutional abuse* is constructed as: 1.) "sexual abuse of children by adults in a range of residential care and community-based settings." 2.) physical, sexual, or emotional abuse of children by adults (or their peers) in residential and out-of-home care." 3.) "the conditions of life in the 'dehumanising institutional environment' of residential care." Notes that *institutional abuse* "can refer to historical or contemporary abuse or both." In the Appendix, she lists and summarizes 19 cases "compris[ing] all the major Canadian and Australian cases of historical institutional abuse of children in residential care, which came to public attention by mid-2010." Of the 19, 4 are cases that elicited a public response to the "sexual abuses of boys by adult male carers, 'a more disturbing form of abuse.'" 12 are responses to "a failure of government or church authorities to protect and care for children." 5 are cases "policy or practice wrongs were committed against certain groups of children..., or the wrongs against children were embedded in a more general discrimination against a group... ..allegations of (and convictions for) institutional abuse were relevant, but secondary, to the policy or practice wrongs against children." The last 2 cases "are redress schemes only: they addressed failures of government and church authorities" in the other 17. "Most cases concerned sexual and physical abuse (some also included neglect), but four were of sexual abuse only." Differentiates the cases by the type of formal response; identifies indicative outcomes factors that triggered the response. 11 cases are from Canada and 8 from Australia. Briefly traces the history of the conceptualization and application of the *institutional abuse* of children, noting cases from different countries. Uses what she calls a social problems analysis to show "why institutional abuse of children was 'discovered' in the 1980s." Cites 4 factors in a shift towards abuse cases being recognized as *institutional abuse*: 1.) changing concepts of childhood; 2.) new concepts that facilitated awareness and recognition of abuse; 3.) "celebrated media cases of clergy sexual abuse"; 4.) the public "observability" of the sexual abuse of minors, particularly stories of "institutional sexual abuse of boys by men." Very briefly discusses

“triggering factors” that led to inquiries. Very briefly presents 3 of the 19 cases as examples: 1.) Mount Cashel residential school for boys in St. John’s, Newfoundland, Canada, which was operated by the Irish Christian Brothers, a religious order in the Roman Catholic Church. 2.) a number of incidents in Queensland, a state of Australia, which exposed the sexual and physical abuse of children “by teachers, state-employed caregivers, police officers, and members of churches.” Included in the incidents was sexual abuse by the Roman Catholic chaplain of the St. Joseph’s Home in Neerkol, which was an orphanage. 3.) A large number of incidents over decades in Australia in what she terms the “*Child Migrants*” and “*Stolen Generations*” cases, which involved Roman Catholic religious orders, including the Christian Brothers and Sisters of Mercy. In the concluding section of reflections on responses to institutional abuse, states that her typology differentiating between what elicited public response – sexual abuse of boys by adult male carers, abuse secondary to efforts “to bring policy wrongs against children and groups to light,” and “wrongs against children [that] were embedded in a more general discrimination against a group” – “is crucial to empirical knowledge and theoretical analysis of institutional abuse cases.” Notes that a variety of disciplines – history, sociology, social work, and law – have studied *institutional abuse* of children, and that “[i]n analyzing modes of redress, scholars are now using terms and analysis from restorative justice, therapeutic jurisprudence, and transitional justice.” Very briefly discusses the best application of transitional justice to her typology. Concludes: “The response to historical institutional abuse is a large and multifaceted problem, and scholars must be open to varied theorisations. No one overarching theoretical framework or set of terms can contain it all.” 15 footnotes; 47 references.

Dane, Perry. (2004). “Omalous” autonomy. *Brigham Young University Law Review*, 2004(5):1715-1772.

Presented as part of a conference on church autonomy, February 6-7, 2004, at J. Reuben Clark Law School, Brigham Young University, Provo, Utah. Dane is a professor of law, School of Law-Camden, Rutgers, The State University of New Jersey, Camden, New Jersey. He examines established U.S.A. legal doctrines regarding religion and religious institutions, and how they apply to “the hardest text case we now confront – the responsibility of churches for sexual abuse by clergy.” The doctrines are: 1.) the 1990 decision by the Supreme Court in *Employment Division v. Smith* “that, in most cases, religious beliefs create no constitutional right to an exemption from ‘neutral, generally applicable’ laws.” 2.) “...the general rubric of institutional autonomy, by which American churches and religious communities *are* insulated from the full reach of the neutral, generally applicable laws to which comparable nonreligious institutions are subject.” [italics in original] His goal is “to illustrate the complex interaction of a robust respect for religious institutional autonomy and an equally robust recognition that churches, as actors in society, cannot be entirely immune from the demands of secular law.” He argues against an “effort to subject religious institutional autonomy to the acid principle of ‘neutrality.’” More broadly, it tries to articulate and describe a still-vigorous doctrine of religious institutional autonomy even in the shadow of a weakened doctrine of free exercise [referring to a clause of the First Amendment of the Constitution].” Part 2 “argue[s] that religious institutional autonomy, in its most full and vigorous form, is entirely consistent with *Smith*,” both technically and in principle. Describes how religious-based exemptions are “constitutionally anomalous,” and cites the example of “the so-called ministerial exception, which immunizes decisions about the appointment of clergy from the reach of civil rights and other statutes.” Part 3 “briefly consider[s] a related challenge from within institutional autonomy jurisprudence itself – that is, the idea of ‘neutral principles of law’ made famous in the *Jones v. Wolf* decision [of the Supreme Court in 1979].” His argument “is that, contrary to some lower court decisions, *Jones*’s language of ‘neutral principles of law’ is not the equivalent of *Smith*’s ‘neutral, generally applicable laws.’” Part 4 states at the outset “that *Smith* did radically cut back on the protections afforded by the Free Exercise Clause. So the question remains where to draw the boundary between a truncated, crabbed right of free exercise and a vigorous, deferential, rich principle of religious institutional autonomy.” He “briefly explore[s] the boundary between the realm of institutional autonomy and the real of free exercise by saying something about the hardest test case we now confront – the responsibility of churches for sexual abuse by clergy” and “one specific problem – church liability for sexual crimes committed, particularly against children, by clergy.” Cites numerous legal cases involving both Roman Catholic and non-Catholic churches. States: “I have argued that we need

to worry about holding churches liable in sexual abuse cases on the basis of ‘duties’ grounded in ‘special relationships’ that exist in the internal life of the religious community... Limiting church liability cases to causes of action that can be understood in such ‘general’ terms would be conceptually more consistent with a healthy respect for religious institutional autonomy.” Part 5 is a conclusion. 190 footnotes.

Davis, Fiona. (2015). The Royal Commission into Institutional Responses to Child Sexual Abuse: Learning from the past. *Australian Feminist Law Journal*, 41(2, December):213-218.

Davis is a postdoctoral research fellow, National School of the Arts, Australian Catholic University, Sydney, New South Wales, Australia. “This note takes an historical perspective to situate the current Royal Commission [into Institutional Responses to Child Sexual Abuse] in a longer history of Australian child abuse inquiries. It also highlights some of the institutional and governmental responses to its work to date and the difficulties the Commissioners face with government enactment of their recommendations.” States that the Royal Commission, which was appointed in 2013 by the Governor-General, “is part of an international movement of governmental inquiries into child abuse that began in the 1990s...” It was given “broad powers to investigate how to prevent future child sex abuse within [private, public, and non-governmental] institutions, identify best practice reporting procedures and propose schemes for the redress of historical abuses.” It is “to consider strategies to improve responses to past and future abuse,” and “make recommendations extending to ‘policy, legislative, administrative and structural reform.” It has convened private sessions and public hearings, and conducted research. Of 33 case studies begun, public hearings were held for 31, and reports issued for 14. As examples of institutions which “responded swiftly and decisively following investigation by the Royal Commission, cites: the entire board of the Yeshiva Centre, an Orthodox Jewish organization in Melbourne with multiple educational facilities, which is operated by the international Chabad-Lubavitch movement, resigned following a 2015 hearing into responses to allegations of child sexual abuse at the Centre.” [Royal Commission case #22]; in 2015, “the Anglican diocese in Wangaratta became the third Victorian Anglican diocese to become a company so child abuse survivors could more easily sue for redress.”; in 2015, “the Christian Brothers [order of the Roman Catholic Church] resettled with abuse survivors in Western Australia following a review prompted by the Commission.” As example of resistance, cites the responses to the Royal Commission by former Catholic archbishop of Sydney, George Pell. Concludes that from a historical perspective, the Commission has many advantages over prior inquiries into the sexual abuse of children in institutional settings, “particularly with regard to its powers and scope.” States: “To date it has used these advantages wisely, reflecting advances in inquiry practices, particularly the prioritisation of survivors voices... ...this Commission has the potential to instigate lasting changes to the ways that institutions and wider society responds to allegations of child sexual abuse.” 39 footnotes.

Davtyan, Ellin. (2006). [Note and Comment] Time to strip religious ‘sanctuaries’ of their protective blanket: The effect of freedom of religion on vicarious liability and negligence claims filed against Catholic Church by victims of sexual abuse in the United States and Canada. *Southwestern Journal of Law and Trade in the Americas*, 12:525ff. [Accessed 02/26/07 at LexisNexis Academic database.]

The author has a law degree. “This Note compares the different approaches developed by the Canadian and American courts to determine whether the Catholic Church is liable on theories of negligence and/or vicarious liability for the sexual assaults committed by the members of its clergy.” Part 2 briefly summarizes “the applicable Canadian and American principles of negligence and vicarious liability” in relation to plaintiffs’ civil theories in cases of sexual molestation. 1 set is claims of negligent hiring, retention, or supervision. The second set is respondeat superior or vicarious liability claims. Part 3 “examines the approaches developed by Canadian courts in their determination of when religious institutions may be liable to third parties, both in negligence and vicarious liability, when its clergy committed the sexual misconduct.” Analyzes the Canadian Supreme Court decision of *John Doe v. Bennett*. Part 4 considers the approach to the issue in the U.S.A., noting that the U.S. Supreme Court has not addressed it, and that there is a split between lower federal courts and states courts. Discusses the U.S.

Constitution's First Amendment's Establishment and Free Exercise Clauses which have raised as defenses by the Catholic Church against civil claims for clergy sexual misconduct. Discusses civil categories of negligent hiring and supervision, and vicarious liability or respondeat superior. Part 5 very briefly discusses 2 main differences between the Canadian and U.S. approaches: 1.) Canadian courts "do not engage in preliminary determinations of whether freedom of religion prohibits them from hearing negligence or vicarious liability claims filed against the Church" in contrast to the U.S. courts lacking a consistently applied position; 2.) Canadian courts "are willing to examine Canon law, the Church structure, and its internal procedures in order to determine whether the requirements of a negligence and vicarious liability are met" in contrast to the U.S. courts prohibition "from interpreting Canon law and the internal governance of the Church." Part 6 is a brief conclusion that calls for resolution of the split in U.S. courts "in favor of allowing negligence and vicarious liability claims against religious institutions to go forth, without the ability to hide behind the First Amendment protections." Concludes that when courts refuse to adjudicate victims' tort abuse claims, "the First Amendment is violated because it 'establishes' immunity for religious entities." 157 footnotes.

de la Houssaye, Nadia. (1993). [Comments] Liability of the church for the sexual misconduct of church leaders. *Loyola Law Review*, 39(2, Summer):313-338.

By a member of the Loyola Law Review, published by Loyola University School of Law, New Orleans, Louisiana. "This comment addresses the increasing liability of religious institutions for the tortious sexual misconduct of religious leaders." Section 1 reviews briefly the fact that no U.S. court to date "has acknowledged the existence of a separate cause of action for the malpractice of a clergy member while acting within a clerical capacity. Rather, courts have found clergy and religious organizations liable based on three existing courses of action: (1) negligence, (2) intentional torts, and (3) breach of contractual obligations." Section 2 describes 4 theories of liability that courts have recognized as the basis for action "against religious institutions for the sexual misconduct of leaders...": the doctrine of *respondeat superior*, agency principles, negligent hiring, and negligent supervision. Notes specific cases in a variety of U.S. denominations and states in which the theories of liability have both failed and succeeded, including particular factors and elements that influenced rulings. Section 3 briefly describes traditional barriers against clergy and religious organizations, and notes the erosion in recent years of defenses based on the First Amendment to the U.S. Constitution and the charitable immunity doctrine, "two traditional barriers against liability of religious organizations..." Notes that "the courts have consistently found that a religious leader's sexual misconduct poses such a substantial threat to public safety, peace, and order that the misconduct falls outside the First Amendment protection and is subject to regulation." Section 4 "examine[s] religious organization's moral, legal, and economic duties in determining whether religious organizations should settle or litigate sexual misconduct cases... [and] discuss[es] the various theories and problems of risk shifting [to insurance companies.]" The Conclusion calls for religious organizations to "develop policies and procedures addressing the existing sexual misconduct crisis and to prevent further wrongdoing." Identifies 5 internal mechanisms to be included: "(1) greater use of the ecclesiastical courts to enforce canon law; (2) religious leaders should be encouraged and allowed to adopt life patterns that promote physical, mental, emotional, and spiritual health; (3) counseling, supervision, and support systems should be permanently available for religious leaders; (4) religious leaders should be required to routinely attend classes and workshops on sexual abuse/exploitation, stress management, and sexual boundaries; (5) religious institutions must report sexual abuse to proper officials." 178 footnotes.

Deibel, David L. (1998). Saving grace: Defending priests accused of sexual misconduct. *San Francisco Attorney* [published by The Bar Association of San Francisco], 24(1, February/March):14-16.

Deibel describes himself as "a [Roman Catholic] priest who also happen to be a civil attorney (inactive) and a canonist" who has "spent a number of years representing and clergy and religious accused of misconduct and sexual abuse of minors [in ecclesiastical proceedings]." Magazine-style article. States: "The primary problem for a lawyer defending a priest accused of sexual misconduct is precisely that reality which gives rise to the specter of accusation and litigation in the first place – the status as priest and the priest's relationship to the Church." Implications

include: anger resulting from the priest's violation of a position of trust, whether in fact or perceived; the priest's relationship to the institutional church is juridic; the priest's parish role "makes him appear to be in law an agent of his bishop invoking the doctrines of respondeat superior, negligent supervision and so forth." Other problematic dimensions include "the priest look[ing] to Church leadership for support, direction and encouragement," while those who were abused "look to that same leadership for acknowledgment, support and healing." States that despite the priest's material dependence on the Church in exchange for his service, in his experience, "priests are required to fund their own criminal defense even though most do not have adequate resources." States that the Church's perceived "arrogance and insensitivity... in the face of sexual misconduct allegations is more usually a function of collective confusion, ignorance, shame and paralysis." Notes Church leaders' dependence on attorneys and insurance considerations. Sketches successful efforts to sue the Church. Comments briefly on the use of negligent supervision as a tactic. Differentiates between *pedophilia* and *ephebophilia* without defining either. States that the individual priest, whether innocent or guilty, is "[t]he most expendable item" in a suit against the Church, and calls that "an act of corporate irresponsibility." Lacks references.

Doak, Jonathan. (2011). The therapeutic dimension of transitional justice: Emotional repair and victim satisfaction in international trials and truth commissions. *International Criminal Law Review*, 11(2):263-298.

Doak is affiliated with Nottingham Law School, Nottingham Trent University, Nottingham, England. States in Part 1, an introduction: "Particularly scant regard has been paid to the psychological impact of testifying either before two of transitional justice's archetypal creations – the international criminal trial and the truth commission. To this end, this article explores the concept of emotional repair for victims within these settings. It is contended that the processes of both institutions have not been subjected to sufficient victim-oriented analysis." Notes that in both, "the role afforded to victims is purely instrumental in nature," and that while "victim-centered approaches have begun to penetrate both theory and praxis surrounding the *outcomes* of transitional justice mechanisms, the *processes* are still dominated by a top-down ideology and have received considerably less scrutiny." [italics in original] Part 2 describes his concept of *emotional repair* which "focus[es] on cognitive emotions which are precipitated from human conflict," and "tend to largely negative in nature, and include anger, hatred, hurt, grief, shame, guilt, etc." Noting the lack of rigorous research regarding the needs of people who are victims, he draws on 4 themes in the psychological literature based on experiences of victims: account-making, truth-finding, justice, and deliberative encounter. Identifies these as "antecedents that *may* contribute in some measure to the psychological healing of victims." [italics in original] Describes each theme in both the context of international criminal trials and of truth commissions. Identifies ways in which the structure of each work against an individual's healing. E.g., criminal trials force witnesses to provide accounts which are fragmented due to cross-examination and/or exclusionary rules of evidence. Regarding justice, he differentiates between *substantial justice*, which is an outcome, and *procedural justice*, which is the fairness of the process, and also involves whether the witness/survivor experiences secondary victimization. Part 3 proposes steps towards "an emotionally intelligent model of transitional justice": minimize the risk of secondary victimization; confer victims with a right to a free narrative; provide opportunities for victim and perpetrators to enter into deliberative dialogue. States: "My third proposal is more far-reaching: truth commissions, courts and prosecutors could append their fact-finding processes to parallel restorative justice processes which would involve a direct and deliberative encounter between the victim and the perpetrator... While such a radical move may appear to hold promise on paper, it would be significantly more difficult to realise in practice." Part 4 concludes by calling for interdisciplinary approaches "on the how the precise micro-dynamics of why the act of account-making in legal or political settings might help to transform emotions and expedite healing." 171 footnotes. [While the context of sexual boundary violations in faith communities is not addressed, the article has relevance for how those communities respond and the affects of their structures and processes on survivors who participate.]

Donohue, Ryan J. (2005). [Comment] Thou shalt not reorganize: Sacraments for sale: First Amendment prohibitions and other complications of Chapter 11 reorganization for religious institutions. *Emory Bankruptcy Developments Journal*, 22(1, Fall):293-336.

By a law student, Emory University School of Law, Atlanta, Georgia. Occasioned by events in the U.S.A. Roman Catholic Church related to the sexual abuse of minors by priests. "The purpose of this Comment is to display the dire need for an amendment to the U.S.A. Bankruptcy Code that prohibits religious organizations from filing for bankruptcy protection under chapter 11." Part 1 traces the contemporary context of recent bankruptcy filings by the Church's archdiocese of Portland, Oregon, the diocese of Tucson, Arizona, and the diocese of Spokane, Washington. Part 1 includes an overview of U.S.A. bankruptcy law. Part 2 examines the U.S.A. Constitution's First Amendment's Free Exercise and Establishment clauses and recent federal law as "the constitutional and statutory mandates to be considered with respect to non-secular bankruptcies." Part 3 discusses potential conflict with the Free Exercise and Establishment clauses in non-secular bankruptcies. Part 4 proposes solutions for avoiding or remedying potential conflicts with the First Amendment, including amending the Bankruptcy Code, legislative accommodations, and challenging the Code on First Amendment grounds. Concludes: "Chapter 11 reorganization is infeasible for religious institutions seeking bankruptcy protection." 354 footnotes.

Doyle, Meredith C. (2014). Circles of Trust: Using restorative justice to repair organizations marred by sex abuse. *Pepperdine Dispute Resolution Law Journal*, 14(2):175-201.

Doyle is not identified. Part 1, the introduction, states: "...this Article focuses primarily on using restorative justice to heal and rehabilitate the institution within which [sexual] abuse [of minors] has occurred." Throughout the text, 3 "institutions" are used as the context: Boy Scouts of America; the Second Mile Foundation and Pennsylvania State University, State College, Pennsylvania; Roman Catholic Church in the U.S.A. Part 2 describes ways in which the U.S.A. "criminal justice system is inadequately equipped to mitigate the damage done to these organizations by a wayward member." Notes: "The system can punish the person who committed the offense, but it cannot repair the severe harms these incidents inflict on a community's faith in the organization." Also notes ways in which the system is not oriented to address the needs of survivors. Part 3 very briefly "discuss[es] what the [3 organizations] have done to rebuild their reputations and prevent future sex abuse" by using "a restorative justice lens to determine how effective the implantation of these programs has been and how restorative justice techniques can improve them." 4 paragraphs discuss the Catholic Church. Part 4 cites the standard restorative justice techniques of Victim Offender Dialogue and Family Group Conferencing, noting the limitations in the context of sexual abuse of minors. Endorses the use of "the peacemaking circle" as a way to reconcile "the relationship between those affected [which includes survivors and "secondary victims"] within the organization's community and the leadership in that organization." Identifies 5 main features of the circle, and suggests ways each organization apply the circle. 1 paragraph discusses the Catholic Church. Part 5 is 2 paragraphs which discuss the importance of survivors receiving "validation [of their experiences] from other victims or supportive community members to heal," a factor which can lead to unity which promotes problem resolution. Part 6 briefly describes a videotape of a healing circle conducted in Wisconsin in the context of the Catholic Church. States that the "restorative lens" considers "moral, social, political, and economic factors" in contrast to only "legal terms." Part 7 prescribes where each of the 3 organizations must focus and "use restorative solutions that are tailored to their own needs and based on their unique cultures." 3 paragraphs address the Catholic Church. Part 8 "discuss[es] the use of public apologies in restoring community faith in these once-revered organizations." Part 9 is a 1-paragraph conclusion. 136 footnotes. The sources rely extensively on news media and World Wide Web postings; few are from professional, academic, or peer-reviewed literature.

Doyle, Thomas P., & Rubino, Stephen C. (2004). Catholic clergy sexual abuse meets the civil law. *Fordham Urban Law Journal*, 31(January):549ff. [Accessed 02/21/05 at LexisNexis Academic database.]

Doyle is a Roman Catholic priest with a doctorate in Canon Law, a certified drug and alcohol counselor, and has been an expert witness and consultant for approximately 500 clergy sex abuse cases in 7 countries. Rubino is a partner in the law firm of Ross & Rubino LLP, Margate, New

Jersey, has been counsel of record or co-counsel in excess of 400 cases of childhood sexual abuse in North America, and has consulted internationally on clergy sexual abuse cases. A well-documented overview of the “complex phenomena” of Roman Catholic clergy sexual abuse cases that discusses “the dynamics of the Church’s power structures.” States: “Clericalist control and traumatic bonding are the most important aspects of cases of abuse perpetrated by the clergy. These two dynamics explain why clerics are able to seduce people and to eventually subject them to a pattern of debilitating sexual abuse... They explain why the Church leaders have often done little to stop the abuse, and why they persist in treating victims in an adversarial manner.” Part 1 presents an overview of the problem and identifies 2 basic aspects that been scrutinized – “the sexual abuse of persons by members of a clergy obliged to celibacy, and the response by the authority structure of the Catholic Church” – and a second area of scrutiny – “the use of the American civil court system as a means which victims of clergy sexual abuse seek redress.” Describes the scope and nature of the problem in relation to incidence, victims, perpetrators, Church leaders’ responses, and the Church’s canon law system. Notes that the Church’s leadership since 1984 and its internal legal system have “proven to be consistently ineffective in satisfying aggrieved victims. This had led to widespread referrals to the civil courts for relief.” Part 2 reviews “the historical development of the church’s treatment of clergy sexual abuse” and considers pre-Medieval and Medieval texts and papal documents that form the basis for older versions of Canon Law. Concludes that clergy sexual abuse in “not a new problem” and that “Church leaders have not always denied the existence of clergy sexual misconduct, nor have they always been secretive in the way they dealt with guilty clerics.” Part 3 describes how clergy sexual misconduct has been addressed in the contemporary Catholic Church, focusing on the U.S.A. Sketches a pattern that “is a summation based on the authors’ experience.” Notes that the pattern began to change “radically with the widespread coverage” that began in 1984 with the Louisiana criminal and civil cases against priest-perpetrator Gilbert Gauthe and the ecclesiastical leadership of his diocese: “Victims are now believed. Secular law enforcement has abandoned its hesitation to press criminal charges. Judicial sympathy for bishops and the institutional church gradually vanished as more and more examples of judicial cover-up came to light.” Includes a discussion of “the power differential that exists between victim and cleric” and “the meaning and power of clericalism” that “helps explain the traumatic bond that comes into being between a clergy abuser and his victim” which relates to the concept of religious duress and “explains why many victims would not terminate the relationship because they could not break from it even after repeated abusive acts. It explains why victims were unable to disclose the abuse... A plausible reason for delays in reporting abuse is found in the interconnection of clericalism, religious duress, traumatic betrayal, and bonding.” Very briefly discusses the problem of the emotional paralysis of the victim, reporting to legal authorities, and statutes of limitations in secular law. Notes that the Church’s hierarchical form of government “has a greater potential for effectively dealing with abuse among the clergy. The failure of the system to deal with deviance among its key members points to abuse of power on a massive scale.” Part 4 is a very brief summary. 421 footnotes.

Durrant, Rena. (1996). Where there’s smoke, there’s fire (and brimstone): Is it time to abandon the clergy-penitent privilege? *Loyola of Los Angeles Law Review*, 39(4, December):1339-1368.

Durrant is a student, Loyola Law School, Loyola Marymount University, Los Angeles, California. Cites the current “social climate in which a reevaluation of the clergy-penitent privilege is in order” and attributes the climate to recent public outrage over institutional secrecy exercised by Roman Catholic jurisdictions in the U.S.A. in matters of sexual abuse of minors by clergy. While noting that “a great deal of literature has questioned the clergy-penitent privilege in light of the current Catholic sex scandals, this paper will attempt to divorce the privilege from the current controversy and question its validity through a strictly doctrinal approach.” [For citations of relevant literature, see especially footnotes 6, 13, 47, and 129.] Part 2 describes privileges within the criminal justice system in general and “then delineates the scarce body of Supreme Court jurisprudence” regarding the clergy-penitent privilege. Part 3 utilizes John H. Wigmore’s utilitarian justification for the adoption of privileges, and concludes that the clergy-penitent privilege fails at least 3 of Wigmore’s utilitarian requirements. Part 4 analyzes the privilege in relation to the Free Exercise and Establishment Clauses of the First Amendment of the U.S.A. Constitution, and “concludes by asserting that the privilege in fact violates the Establishment

Clause” whether “one applies the separationist theory or the nonpreferentialist theory...” Part 5 is a brief conclusion that calls for striking down the privilege due to the current social climate, lack of utilitarian justifications, and Establishment Clause problems. 156 footnotes.

Edelman, Meredith. (2015). An unexpected path: Bankruptcy, justice and intersecting identities in the Catholic sexual abuse scandals. *Australian Feminist Law Journal*, 41(2, December):271-287.

Edelman “is a PhD scholar at the Regulatory Institutions Network at the Australian National University,” Canberra, Australian Capital Territory, Australia. The article’s objective “is to consider differences in terms of access to justice through legal process along lines of race, gender, class domination and childhood and vulnerability. I hope to contribute to understandings of how cultural conceptions of abuse and those affected by it may render some victims invisible.” Part 2 compares “the sexual abuse scandal affecting the [Roman] Catholic diocese in Boston, Massachusetts,” to “how the scandal has unfolded in two rural, economically disadvantaged areas – northern Alaska and northern New Mexico and Arizona.” Describes the former as urban and populated; in contrast, describes the latter as rural and isolated. Describes the legal remedy involving survivors in the former as primarily that of civil litigation, a process which was traumatic for survivors; in contrast, describes the process for the latter as involving participation in diocesan bankruptcy proceedings, which allowed involved “lower barriers to obtaining a legal remedy.” Part 3 begins by noting: “Research on rates of abuse by Catholic clergy is inconclusive with respect to gender, race, ethnicity or other demographic markers.” Cites some examples to support her argument that “members of dominant social groups feature prominently in public portrayals of survivors,” i.e., “primarily white men,” and suggests various factors for this “framing device” by plaintiffs’ attorneys in litigation cases. She applies intersectionality theory – “various axes of disadvantage, including gender, race, age, sexuality and social status, have varied effects on the success of plaintiffs in court cases, and that the effects will be different among those plaintiffs for whom multiple axes are present” – to international examples to identify situations in which racial/ethnic minors – indigenous children in Australian residential schools, First Nations children in Canadian residential schools, Native American children in U.S.A. residential schools, children raised in orphanages or residential schools for poor children – “suffered very high rates of child sexual abuse.” She then examines the 2 groups, based on contrasts in their public visibility, to suggest that the differences in “the urban and rural jurisdictions might help illuminate how different types of legal mechanisms may affect the likelihood that survivors access justice through the legal system.” Cites non-monetary provisions e.g., personal and public apologies, which were desired by survivors who participated in the diocesan bankruptcy cases, as more likely to be obtained than in civil litigation against the Church. Part 4, a brief conclusion, ends with the statement: “In coming years, research on outcomes for survivors and their perspective on legal process, including differences among races, ethnicities, genders, sexualities and other social markers, will be critical to deeper understandings of how to attain justice.” 93 footnotes.

Editors. (1985). [Note] Developments in the law: Privilege communications. *Harvard Law Review*, 98(7, May):1450-1666.

Provides a comparative and theoretical analysis of privileged communications which “examine[s] developments in the [U.S.A.] legal system’s protection of communications may by individuals within the context of confidential relationships.” Describes evidentiary privileges as deviating from the “common law principle that ‘the public has a right to every man’s evidence,’” and “thus visibly impede the realization of a central objective of the legal system in order to advance other, often less immediate goals.” Part 1 “briefly reviews the principal historical sources of current American privilege law...” Part 2 discusses “traditional and nontraditional modes of analyzing privilege law...” “Section A describes and analyzes the two balancing approaches most commonly used to justify privilege law – the traditional justification of encouraging socially useful communications and the privacy rationale – and attempts to reconcile them within a full utilitarian framework,” the latter typified by John Henry Wigmore’s influential writings. “Section B evaluations certainty and functionalism, two theories about the proper parameters of privilege law that have been largely influenced by the balancing approaches. Section C describes two attempts to explain privilege law politically – the power theory and the image theory – and

analyzes them both in light of a theory of political choice.” As an example of the power theory, states: “...although the recognition of the priest-penitent privilege undoubtedly stems in part from the power of the [Roman] Catholic Church, its recognition stems also from an accommodation by the secular state to the religious beliefs of a large population. The Church exercises influence mainly to the extent that its social vision is accepted or accommodated by society.” Parts 3-6 “analyze doctrinal communicative privileges: Part 3, attorney-client; Part 4 A., medical and counseling relationships; Part 4 B., clergy-communicant relationships; Part 5, family members; Part 6, particular institutions. Part 7 “examines the doctrine of waiver in privilege law, seeking to provide a comparative perspective on the processes by which the protection of an otherwise accepted privilege may be lost.” Part 8 is a conclusion. Part 4 B., clergy-communicant relationships, pp. 1555-1562, consists of 3 sub-parts: history of the privilege, scope of the privilege, and theoretical justifications. Regarding the history: cites English courts’ recognition of the privilege before the Reformation, and its later abandonment; traces the recognition of the privilege in the U.S.A. to a New York court decision in *People v. Phillips* in 1813 in a case involving a Roman Catholic priest. Suggests that “[t]he paucity of challenges to the clergy-communicant privilege may result from the legal system’s regard for the clergy and for established religion... [This deference] has also resulted in limitations on the clergy-communicant privilege designed to ensure that the protected communication has a religious purpose.” Regarding the scope, notes variations between states as to: whether the clergy, the communicant, or both hold the privilege; the definition of clergy; whether clergy confidentiality is mandated by the doctrine of the particular faith community; whether the privilege is extension “to cover secular counseling activities of the clergy.”; whether clergy are required “to disclose any knowledge they have regarding potential child abuse violations.” Regarding theoretical justifications, lists justifications related: to the Free Exercise clause of the U.S.A. Constitution’s First Amendment, noting that the constitutional right “is not absolute and may be overridden by compelling state interests.”; privacy rationales; the image theory of courts maintaining their legitimacy, which is based on the public “perceiv[ing] that courts observe basic principles of fairness and decency,” which leads to “most judges and attorneys [being] reluctant to cross the line that separates church and state by demanding behavior from clergy that would violate religious principles. The spectacle of courts imprisoning members of the clergy for refusing to violate confidences entrusted to them might tend to subvert public faith in the judicial process.” Part 4 C. concludes that the current justifications are not justified, and promotes a “statutory scheme” which would protect privacy interests establish “limited exceptions to the privilege for cases in which the individual has no justifiable expectation of privacy or the state’s interest in the information is especially great.” Part 8, the conclusion, states: “...the law of privilege defies any unifying principle or justification... Few, if any, areas of evidence law raise such fundamental dilemmas and result in such controversial outcomes. Nonetheless, some broad principles do emerge. Both camps in the privilege debate are hampered by empirical uncertainty. One can never prove that costs outweigh benefits or vice-versa with regard to a particular privilege... The debate must instead focus on the values that society seeks to protect in a particular area or particular relationship. Once these values are identified, the evaluation of the privilege must rest not merely on an attempted cost-benefit analysis, but also on considerations of personal privacy and the social acceptability of a legal system that intrudes into particular areas.” Each part contains a set of footnotes; Part 4 B., The Clergy-Communicant Privilege, contains footnotes 166-213.

Ellis, John, & Ellis, Nicola. (2014). A new model for seeking meaningful redress for victims of Church-related sexual assault. *Current Issues in Criminal Justice*, 26(1, July):31-41.

Both are lawyers in Australia. The article is an edited and revised version of their oral presentations “at a forum on multidisciplinary responses to historical child sexual abuse convened at Sydney Law School, University of Sydney,” Sydney, New South Wales, Australia. From about 1974-1979 when he was 13- to 17-years-old in his Roman Catholic Church parish, John Ellis was sexually victimized by Fr. Aidan Duggan, a Roman Catholic priest. In the opening section, John Ellis begins by reviewing his experiences as an adult who participated for 3 years in the Roman Catholic Church of Australia’s protocol, Towards Healing: Principles and Procedures in responding to Complaints of Abuse against Personnel of the Catholic Church in Australia, and after that process failed, he then pursued litigation against the Church for 3 years in the formal

court system. Regarding the Towards Healing process, he cites 5 significant problems from his perspective: 1.) It was “strongly adversarial.” 2.) There was “a lack of transparency and information about the process.” 3.) There was “a significant power imbalance” for him as a victim without an experienced advocate. 4.) “...victims have little or no say in the exercise of the various discretions throughout the process...” 5.) “...delays are very common and the Church is frequently unresponsive.” Regarding the formal litigation system, he comments on its limitations: it is adversarial and not suited for resolving a dispute of this kind; it contains “pitfalls, uncertainties, arbitrariness and incomprehensibility...”; it is very costly, protracted, depersonalized, and emotionally burdensome for a survivor of “complex trauma.” In the next section, Nicola Ellis presents an alternative redress model designed by her and John to help survivors who approached them for assistance in a case. The model, which they have applied in 300+ matters over the last 6 years, is built on a conceptual foundation of “therapeutic jurisprudence, the Conversational Model of Psychotherapy, and Trauma-Informed Care and Practice (TCIP).” In describing the foundation’s components, contrasts it with other models, including those of Towards Healing, formal litigation, conventional restorative justice, and government victims’ assistance programs. States that it resolves matters according to legal principles, and is based on collaborative dialogue with those who are victims and the Church entity. Concludes with a call for both legislative reforms, “particularly in relation to statutes of limitations and legal structuring of institutions to avoid liability,” and “attitudinal reforms towards the ways survivors are responded to.” 16 footnotes; 9 references.

Ezeanokwasa, Jude O. (2014). [Article] The priest-penitent privilege revisited: A reply to the statutes of abrogation. *Intercultural Human Rights Law Review*, 9:41-102.

Ezeanokwasa is a Roman Catholic priest, Catholic canon lawyer, judge of the tribunal of the Catholic Archdiocese of Miami, Miami, Florida, and judge of a Catholic tribunal in Nigeria. In the introduction, states: “The Catholic Church has been in recent times, on the front pages of newspapers regarding instances of child sex abuse. As a consequence, there has been a call for the repeal of priest-penitent privilege statutes in cases of child sex abuse.” He analyzes the Free Exercise clause of the 1st Amendment of the U.S. Constitution in relation to states’ statutes which abrogate the privilege in cases of child sexual abuse (CSA. Part 1 briefly sketches the history of the Free Exercise clause by citing U.S. Supreme Court decisions. Part 2 describes “the sacrament of reconciliation or penance” as a sacrament of the Catholic Church. Part 3 traces the history of the privilege in U.S.A. states’ statutes beginning in 1828 in New York, noting that “by 1991 all fifty states and the District of Columbia had statutorily embraced the priest-penitent privilege” while language varies in relation to the type of communication covered, the necessary context, and who holds the privilege. [He omits definitions of priest, clergy, or minister which are used generically.] Identifies 4 classes of states’ statutes regarding mandatory reporting of child abuse. Of the 7 states’ statutes that abrogate the privilege in cases of child abuse, his focus, developed in part 4, is New Hampshire, North Carolina, and West Virginia which make an exception for attorney-client privilege. Part 4 is his 30+ pp. analysis of U.S. Supreme Court decisions “in establishing equitable conditions for constitutionally burdening the free exercise right.” States: “Since the mandatory-reporting statutes [of states] sweep away the free exercise right of Catholics by compelling the divulgence of confessional secrets in order to advance the protection of children from molestation or abuse in general, the issue for our purpose here is whether this class of statutes satisfies the conditions for limitation of the constitutional right laid down by the Supreme Court.” Cites Supreme Court decisions since 1879, particularly regarding “compelling state interest,” and its qualifiers, e.g., “religion-neutral,” “generally applicable,” and “least restrictive.” Applying the principles of neutrality and general applicability, he asserts, without substantiation, that statutes abrogating the privilege “more or less subtly target the Catholic Confessional Seal.” He concludes that any statute which abrogates the privilege is “neither religion-neutral nor generally applicable.” While acknowledging that “protection of children from sex abuse” serves a compelling governmental interest under the “strict scrutiny” standard, introduced in *Church of the Lukumi Babalu Aye, Inc., v. City of Hialeah*, 508 U.S. 520 (1993), he argues that the New Hampshire, North Carolina, and West Virginia statutes fail to meet the “narrowly tailored” element because they except attorney-client privilege. [He does not address the other 4 states’ statutes.] His application of the strict scrutiny’s standards of “measure adopted

by the government [being] a proper means for realizing the stated compelling governmental interest” and “that the measure adopted by government must be narrowly tailored to that interest” leads him to conclude that the abrogating statutes fail. Argues that the Church’s practice of confession “enables penitents to step forward and benefit from the faith-based counsel of the priest and turn their lives around for their personal good.” [Does not offer evidence to substantiate the benefits derived or the competency of priests to function “as agent of human and social renewal,” either in general or in cases of CSA.] Asserts, without evidence: “The number of would-be molesters that would have been roaming the streets if not for the grace of the confessional and the atmosphere of absolute secrecy should be appreciated.” [Does not address the counter scenario of people who confessed to CSA but did not change their behavior, and whom the privilege protected from discovery by law enforcement, which could have allowed for intervention.] [Does not offer evidence to substantiate his argument that abrogating the privilege will result in people not using the sacrament due to lack of trust. Similarly, does not cite evidence to support that abrogating the privilege for licensed fiduciary professionals, e.g., a nurse, results in injury to patients who cease to trust the profession.] [Asserts that mandatory reporting of CSA erodes Free Exercise right of “the alleged child molester... [and] that of the priest and innocent their parties who, out of the reasonable fear of losing their trust will no longer approach the sacrament.” Does not address the possibility of mandatory reporting by priests of CSA could result in enhanced trust.] The conclusion summarizes his position. 298 footnotes.

Fain, Constance Frisby. (1991). Clergy malpractice: Liability for negligent counseling and sexual misconduct. *Mississippi College Law Review*, 12(1, Fall):97-141. [Special Issue: Symposium on Professional Malpractice]

By a professor, University of Pennsylvania School of Law, Philadelphia, Pennsylvania. Overview of clergy malpractice as professional negligence that causes injury to the person to whom professional duty is owed, with emphasis on negligent counseling, defined broadly, and sexual misconduct. Topics include: cleric’s duty of care; professional standards of care; judicial and ecclesiastical responses to clergy malpractice, including sexual misconduct; and, national scope of clergy sexual misconduct. 252 footnotes.

Fain, Constance Frisby, & Fain, Herbert. (2006). Sexual abuse and the church. *Thurgood Marshall Law Review*, 31(Spring):209 ff. [Accessed 11/03/06 at LexisNexis Academic database.]

The 1st author is a professor of law, Thurgood Marshall School of Law, Houston, Texas. The 2nd author is professor of ethics and field education, Houston Graduate School of Theology, Houston, Texas. “This article presents an overview of the sexual abuse problem primarily within the church with emphasis on the impact and the prevention of such conduct.” Part 2 is a general description of the problem of clergy sexual misconduct. Part 3 presents brief summaries of decisions in U.S. civil cases involving sexual misconduct by clergy: *Lund v. Caple*, 675 P.2d 226 (Wash. 1984), *Milla v. Tamayo*, 232 Cal. Rptr. 685 (Cal. Ct. App. 1986), *Handley v. Richards*, 518 So.2d 682 (Ala. 1987), *Strock v. Pressnell*, 527 N.E.2d 1235 (Ohio 1988), *Destafano v. Grabian*, 763 P.2d 274 (Colo. 1988), *Strata v. Patin*, 545 So.2d 1180 (La. Ct. App. 1989), *Byrd v. Faber*, 565 N.E.2d 584 (Ohio 1991), *Bladen v. First Presbyterian Chrch of Sallisaw*, 857 P.2d 789 (Okla. 1993), *Moses v. Diocese of Colorado*, 863 P.2d 310 (Colo. 1993), *Schieffer v. Catholic Archdiocese of Omaha*, 508 N.W. 2d 907 (Neb. 1993), *Robertson v. Church of God, International*, 978 S.W.2d 120 (Tex. Ct. App.-Tyler 1997), *Doe v. Norwich Roman Catholic Diocese Corporation*, 268 F. Supp. 2d 139 (D. Conn. 2003), and *Poole v. North Georgia Conference of Methodist Church*, 615 S.E.2d 604 (Ga. Ct. App. 2005). Observes: “...the judiciary is often reluctant to impose liability on the church regardless of how bizarre the events engendering the claims. Continued and persistent media focus addressing the issue and exposing the clergy perpetrators of sexual abuse should exert pressure on the courts, as well as the churches to do whatever is necessary to alter ministerial behavior.” Part 4 identifies the impact of clergy sexual abuse on the victim, the church as an institution and as a congregation, and the offending cleric and the cleric’s family. Part 5 presents practical steps by which a “church should be able to limit its chances of being held liable under the theories of respondeat superior, and negligent hiring, supervision and retention of a clergyperson who sexually abuses congregants.” Includes background questions for use with

clergy and their references in job applications, and a sample employment agreement. Part 6 is a very brief conclusion. 126 footnotes.

Farrell, Christopher R. (2003). [Note] Ecclesiastical abstention and the crisis in the Catholic Church. *The Journal of Law and Politics*, 19(1, Winter):109-143.

By student, University of Virginia School of Law, Charlottesville, Virginia, who is an executive editor of the journal. Events in the U.S. Roman Catholic Church since 2002 regarding sexual abuse of minors by priests and the responses of the Church's hierarchy prompt him "to re-examine the state of the law regarding secular courts' role in adjudicating matters that require interpretations of ecclesiastical law." Part 1 reviews the history of the so-called doctrine of ecclesiastical abstention under the First Amendment of the U.S. Constitution, and the Establishment and the Free Exercise clauses in particular. Sketches the origins of the abstention and relevant U.S. Supreme Court rulings. Part 2 outlines the basic arguments for both sides regarding abstention in cases of third party lawsuits against Roman Catholic Church officials that are "seeking to impose tort or criminal liability upon bishops or archbishops for the actions of priests within their administrative umbrella." Because the Supreme Court has not provided clear guidance, "...state and federal courts have come down on both sides in these disputes." Part 3 "evaluate[s] the potential viability of lawsuits against church officials by focusing on the different theories under which plaintiffs attempt to recover – *respondeat superior*, negligent hiring, negligent supervision, and intentional failure to supervise..." He concludes "that notwithstanding the Supreme Court's recent religion-clause decisions, the ecclesiastical abstention doctrine continues to bar such suits." His position is that all *respondeat superior* and negligence claims against Church officials must be dismissed "...because any other course of action will result in a violation of the ecclesiastical abstention doctrine." He is more qualified regarding a claim of intentional failure to supervise: the claim fails "unless the church defendant does not dispute that it retained supervisory authority over the errant priests, and that the conduct took place on church-owned or church-controlled property upon which the priest could enter only as the church's servant." 187 footnotes.

Fedje, Jill. (1991). Liability for sexual abuse: The anomalous immunity of churches. *Law and Inequality: A Journal of Theory and Practice*, 9(3, August), 133-161.

Argues for "the imposition of civil liability on churches for the clerical sexual abuse of parishioners... limited to situations in which the church failed to properly investigate a minister prior to placement in a congregation or failed to investigate allegations of the minister's sexual misconduct." Section 1 reviews the judicial "reluctance [in the U.S.] to hold churches liable for the sexual acts of their dysfunctional clergy" and "the scant case law on this topic..." Specifically considers *Milla v. Tamayo*, 187 Cal. App. 3d 1453, 232 Cal. Rptr. (1986), which involved 7 Roman Catholic priests who sexually abused a 16-year-old girl who aspired to become a nun, and the *Schultz* series of cases in New Jersey in the 1980s that involved a Franciscan brother who sexually abused a family's sons, 1 of whom later killed himself. Section 2 examines the "courts' interpretation and application of various recovery theories in cases of sexual exploitation by an employer's agent or employee." These include *respondeat superior*, agency law, negligent hiring, and negligent retention of an unfit employee. She argues that "judicial consistency mandates extending these theories of liability to churches." Also advocates for: disclosing an offending cleric's history of prior sexual improprieties to future employing congregations; assisting victims of clergy, both present and past; a duty to report clergy sexual abuse to both secular and ecclesiastical authorities. Section 3 proposes "that state legislatures adopt statutes requiring churches to investigate for sexual impropriety prior to hiring ministers" in order to protect "potential victims from a hidden abuser as well as [to protect] churches from the high cost of litigation and settlement..." Offers the Minnesota 1986 statute governing employment of psychotherapists, including clergy who perform psychotherapy, as an example. Concludes by noting that the legal rule that allows victims of sexual exploitation to "recover from institutions of which the victim's attacker was an agent" has "not been applied to churches for the sexual abuse of parishioners by their ministers. This leads to the inequitable result that similarly situated plaintiffs receive different treatment under the law." 176 footnotes.

Feldthusen, Bruce, Hankivsky, Olena, & Greaves, Lorraine. (2000). Therapeutic consequences of civil actions for damages and compensation claims by victims of sexual abuse. *Canadian Journal of Women and the Law / Revue Femmes et Droit*, 12(1):66-116.

Feldthusen is with the Faculty of Law, University of Western Ontario, London, Ontario, Canada. Hankivsky is a research associate at the British Columbia Centre of Excellence in Women's Health, Vancouver, British Columbia, Canada, and at the Centre for Research in Women's Health, University of Toronto, Toronto, Ontario, Canada, and is a visiting scholar, Department of Political Science and the Centre for Research, International Academy of Law and Mental Health, Paris, France. Greaves is director, British Columbia Centre of Excellence for Women's Health. "This article reports the findings of a two-year study, which examined how victims/survivors of sexual wrongdoing experience [Canadian] civil litigation and [Toronto Province] government compensation procedures." The touchstone for assessing the survivors' experience was *therapeutic jurisprudence*, a now recognized "important model for assessing the impact on participants of various aspects of the legal system." It empirically examines the consequences of substantive rules, legal procedures, and the behavior of actors in legal proceedings, e.g., lawyers and judges. The authors' qualitative study was conducted to identify therapeutic and anti-therapeutic consequences for survivors in 3 types of legal proceedings. Begins by describing a theoretical framework of *therapeutic justice* which they constructed using clinician Judith Herman's influential *Trauma and Recovery*, 1997 edition. By therapeutic, the authors invoke a definition of Christopher Slobogin "to signify 'the extent to which a legal rule or practice promotes the psychological or physical well-being of the people it affects,' without in any way presupposing that all the survivors interviewed [in the study] were necessarily unwell and needing to recover." The study included 87 survivors, ages 19-59, 98% of who were female: 48 had filed compensation claims arising from "crimes of a sexual nature" with the Ontario Criminal Injuries Compensation Board (CICB) between 1988 and 1997; 26 had validated claims between 1994 and 1997 under the agreement between the Grandview Ontario Survivors Group and the Government of Ontario (Grandview); 13 had commenced actions for damages for sexual battery (Civil) between 1991 and 1997. [Operated by the Provincial government of Toronto, Grandview Training School for Girls was a residential reform school for girls 12-18. "Many experienced physical, sexual, and psychological abuse while in custody.] Open-ended questions were administered in telephone interviews. The findings section is lengthy, and divided into 2 sections, Motivations and Expectations, and The Claiming Process and Its Effect. Includes extensive quotations from survivors. Compares and contrasts responses from the 3 subgroups of participants. Findings reported under Motivations and Expectations include: 82% of all participants "were seeking public affirmation of wrong or closure," the most frequent motivation. 72% "were seeking the justice that they felt they had been denied," the 2nd most frequent motivation; 3% "hoped that their suit or claim would deter the defendant and other potential perpetrators from harming others in the future." Of the 41% who "discussed money as one of their reasons for making a compensation claim or taking a civil action... Specifically, respondents indicated that money was sought to pay for counseling, to further education, and to assist with family care costs." These findings are briefly analyzed using Herman's work. The Claiming Process and Its Effect is divided into subsections: Participation; Dignity and Trust; Lawyers; Support Network; Effect of the Compensation; Confronting the Perpetrator; After the Adjudication. Includes extensive quotations from survivors. Compares and contrasts responses from the 3 subgroups of participants. Among the findings: "1.) Eighty-four per cent of all respondents reported some negative emotional consequences. These consequences included a sense of loss of control over the process, mental anguish, depression, suicidal tendencies, frustration, anger, and a feeling that the system was not dealing with them in a responsive and personal manner. In addition, 53 per cent reported physical side-effects, including headaches, insomnia, hypertension, diarrhea, vomiting, and other ailments that required hospitalization." 2.) "All respondents emphasized the need to have strong support systems." 3.) "...key to meaningful participation is the survivors' need for hearings and trials to take place in comfortable, safe surroundings." 4.) "...an average of 48 per cent of the women gave an overall positive response, reporting a sense of closure, validation, empowerment, or relief." The section, Specific Suggestions for Improvement, includes subsections regarding: Before the Hearing; The Process Itself; The Compensation Package. The

final section, Conclusions and Observations, states: “Perhaps the most important conclusion that should be drawn is that society ought to provide a number of legal options to victims of sexual abuse in order that survivors themselves can elect the appropriate balance of confrontation, vindication, monetary and in-kind compensation and other variables, which best match their therapeutic needs... The research suggests a real need to provide a clear understanding of the risks and benefits of each process to prospective applicants or litigants... [Therapeutic healing] is dependent on a procedure that does not further traumatize victims but rather values survivors’ dignity, participation, and worth as human beings.” 55 footnotes. [While the context of sexual boundary violations in faith communities is not addressed, the findings of the study are relevant for assessing the procedures and models utilized by faith communities.]

Fenton, David T. (1986). [Note] Texas’ clergyman-penitent privilege and the duty to report suspected child abuse. *Baylor Law Review*, 38(1, Winter):231-248.

Examines the recent opinion by the attorney general of Texas regarding the state child abuse reporting statute, Section 34.07 of the Texas Family Code. The opinion states that the Section “requires clergymen to report cases of suspected child abuse, even in instances where such abuse is confidentially disclosed to the clergyman by a parishioner,” and that it requires clergy to testify in child abuse proceedings. Part 1 briefly describes the historical development of the clergy-penitent privilege, including statutory recognition and judicial interpretation, and the reliance on the Wigmore formulation of “four fundamental conditions necessary to the establishment of a privilege against the disclosure of communications...” Part 2 is a 3-paragraph discussion of child abuse as a significant problem in the U.S.A. and the Texas legislature’s 1965 and 1975 responses. Part 3 briefly critiques the attorney general’s opinion on clergy-penitent privilege and the issues of the affirmative duty to report suspected child abuse and to testify in a child abuse proceeding. Part 4 briefly considers implications of the opinion in relation to the First Amendment of the U.S.A. constitution and state policy interests. Part 5 very briefly concludes that the opinion “appears to reach a correct result as to existing state law, but for some of the wrong reasons.” Points to the Texas legislature’s need to clarify its intent regarding the privilege in relation to child abuse law. 123 footnotes.

Fenton, Zanita E. (2001). Faith in justice: Of fiduciaries, malpractice and sexual abuse by clergy. *Michigan Journal of Gender and Law*, 8(1):45ff. [Accessed 03/30/03 at LexisNexis Academic database.]

By an assistant professor of law, Wayne State University Law School, Detroit, Michigan. Introduction notes that sexual misconduct by clergy is an instance of the perpetual dynamic of “the overall fabric of society and a long history of subordination of those in weak positions...” Addressing sexual abuse within religious institutions is made difficult by constitutional restrictions on the manner and intensity by which the state may act. Briefly reviews U.S. cases of religious contexts and adult victims in counseling relationships, and their outcomes that vary “on whether the court characterizes the claim as one for breach of fiduciary duty or for malpractice.” Part I. “examines the theories of [clergy] malpractice and breach of fiduciary duty, and determines the appropriate cause of action for sexual misconduct and ascertains their capacities to withstand First Amendment scrutiny.” Discusses breach of fiduciary duty in greater detail, including its components of trust and confidence, duty and obligation, benefit, power differential, vulnerability, and inability to consent. Part II. examines the Free Exercise and Establishment clauses of the First Amendment, and “evaluates the approaches of courts to the situations of clergy sexual misconduct.” To find guidance for dealing with clergy sexual misconduct, considers the judicial treatment of sexual harassment by clergy under Title VII of the U.S. Civil Rights Act of 1964. Discusses a general theory of state intervention in the affairs of religious organizations. Concludes with an application of an appropriate cause of action under tort law within First Amendment constraints. Calls for the extension of liability beyond individual clergy perpetrators to institutions to the “extent [they] have the ability to control or guide its clerics within its institutional setting...” Wide range of excellent references and citation of numerous legal cases involving churches; 258 footnotes.

Fife, Morgan. (2006). [Comment] Predator in the Primary: Applying the tort of negligent hiring to volunteers in religious organizations. *Brigham Young University Law Review*, 2006(3):569-617.

“This Comment examines in depth the potential [civil] liability of religious organizations due to volunteers acting outside the scope of their responsibilities, using the case of the LDS Church [The Church of Jesus Christ of Latter-day Saints] and Aaron Marcos Montoya as a framework. Montoya was found guilty in 2005 of 4 counts of aggravated sexual abuse of a child committed in 2004 against 3 children while he was teaching a Sunday school class at his LDS church in Utah. In the LDS Church, the class for young children was part of the Primary, an organized program of religious instruction. Later he pled guilty to additional charges of sexual molestation of six victims, 3-to-11-years-old, committed prior to his 2004 actions. Part 1 is an introduction. Part 2 presents “a brief description of the LDS Church, its policies, and its organization” and notes the process of recruiting volunteers who work with children in the local church. It also provides background for the crimes committed by Montoya. Part 3 “briefly describes the origins and developments of the tort [of negligent hiring] and then examines the elements of a prima facie negligent hiring claim.” Describes this tort as a significant legal remedy for plaintiffs seeking to hold “employers liable for the tortious actions of their employees that fall outside of the scope of their employment” in situations in which the legal remedy of respondeat superior does not apply. Part 4 “analyzes the potential questions that arise in applying the tort to institutions utilizing volunteers and to religious institutions generally.” Factors include whether the organization “exercised sufficient control over the volunteer” for an employment relationship to exist. The First Amendment’s Establishment and Free Exercise clauses are considered in relation to religious institutions. Part 5 “appl[ies] the elements of negligent hiring to the known facts of the [Montoya] case and general LDS Church policies and practices.” Considers the issue of the LDS Church’s duty to screen potential teachers of young minors. Concludes that under the tort, the Church “cannot be held liable for negligently hiring and retaining [Montoya]. More importantly, the First Amendment would likely preclude such an action” due to the Establishment Clause’s prohibition of excessive church/state entanglement. 236 footnotes.

Fiftal, Emily. (2003). [Note] Respecting litigants’ privacy and public needs: Striking middle ground in an approach to secret settlements. *Case Western Reserve Law Review*, 54(2, Winter):503-572.

Fiftal is a law student, Case Western Reserve School of Law, Cleveland, Ohio. “This Note argues that when a court determines whether [civil case] settlement terms will remain confidential, the use of a blanket, bright-line rule, or even an across-the-board balancing test for all types of settlements, is not appropriate due to the unique public interest in certain types of cases.” Among the types of cases that she would subject to a different balancing standard to “account for the strong public interest in the information” are those involving sexual abuse or predation, and cites cases of sexual abuse of minors by priests in the U.S.A. Roman Catholic Church as an example. Part 1 describes the current U.S.A. judicial and legislative approaches to confidentiality in settlement agreements, and identifies arguments pro and con regarding settlements. Judicial approaches described include U.S.A. federal, common law, and some state approaches. Part 2 describes criticisms of the current approaches presented in Part 1. Part 3 describes various reforms proposed, including ethical rules for lawyers, balancing tests, and bright-line approaches. Part 4 is her critique of proposals as inadequate, and presents her proposal of “two balancing tests that take into account the unique public interests that arise in certain types of settled cases.” Observes: “Courts and settlement confidentiality have been discussed for many years, and courts, legislatures, and scholars repeatedly identify the same fact patterns as problematic – especially mass torts and product liability cases and sexual abuse cases.” In Part V, she “applies the proposed balancing tests to several situations, such as the recent [Roman] Catholic priest sexual abuse scandal, and demonstrates how the proposed rule achieves appropriate results.” Argues for a presumption of access in which “a person in power is taking gross sexual advantage of someone in an inferior position, typically a child.” Summarizes her position: “The [proposed] rule’s case-by-case approach and recognition of both the general need for confidentiality and the special needs of the public in certain cases addresses the concerns of both those that argue for confidentiality and those that argue for public access.” 317 footnotes.

Florig, David S. (1995). Insurance coverage for sexual abuse or molestation. *Tort & Insurance Law Journal*, 30(3, Spring):697-737.

Florig is a senior associate, Manta and Welge, a firm in Philadelphia, Pennsylvania. States in Part 1, an introduction: "The number of reported [civil] cases addressing insurance coverage for claims of sexual abuse or sexual molestation continues to grow. No groups, whether clergy, homeowners, teachers, day care providers, health care providers, or businesspersons, are immune to such allegations... insurers and victims of abuse should be aware of the evolving case law interpreting the different kinds of policies implicated. This article discusses developments and trends under various kinds of [insurance] policies." In Part 3, which considers general liability policies, federal civil court opinions are described and analyzed in 4 cases involving Roman Catholic entities: 1.) a 1994 ruling by the U.S. District Court of Appeals for the Fifth Circuit regarding the number of *occurrences* of sexual abuse committed by 2 priests against multiple minors in the case of *Society of the Roman Catholic Church of the Diocese of Lafayette v. Interstate Fire & Casualty Co.*, which involved "occurrence-based policies." 2.) a 1994 ruling by the U.S. District Court of Appeals for the Ninth Circuit regarding the number of *occurrences* of sexual abuse committed by a priest against a minor in the case of *Interstate Fire & Casualty Co. v. Archdiocese of Portland*, which included an agreement by the parties "that the archdiocese was negligent in failing to supervise the priest or to remove him from his position." 3.) a 1994 ruling by the U.S. District Court of Appeals for the Eighth Circuit regarding the number of *occurrences* of sexual abuse committed by a priest against a minor in the case of *Diocese of Winona v. Interstate Fire & Casualty Co.* 4.) a 1994 ruling by the Fifth Circuit regarding whether an archdiocese's liability carrier was obligated to defend a priest who had committed sexual abuse of a minor in the case of *Tichenor v. Roman Catholic Church of the Archdiocese of New Orleans*. In Part 5, which considers various types of insurance policies, a federal civil court opinion is described and analyzed in a 1994 ruling by the U.S. District Court of Appeals for the U.S. District Court of Appeals for the Tenth Circuit regarding an Owner's, Landlord's, and Tenant's insurance policy in the case of *Servants of the Paraclete, Inc. v. Great American Insurance Co.*, which involved the Roman Catholic entity, a priest who was sent to it "for treatment for pedophilia," and who during treatment "allegedly abused parish children" in New Mexico and Minnesota. Part 6, the conclusion, states: "Recent decisions concerning insurance coverage for sexual abuse or molestations have created more certainty on some issues, and less on others. As cases continue to be filed, and as large awards continue to be made, insurers and their counsel need to be aware of the evolving case law." 227 footnotes.

Flynn, Ed. (2016). [Bankruptcy by the Numbers] "Spotlight" on diocesan Ch. 11s. *American Bankruptcy Institute Journal*, 35(3, March):28-29, 56-57.

Flynn is coordinating editor of the journal. The publisher, American Bankruptcy Institute, is a professional association of multi-disciplinary professionals involved in bankruptcy matters. "This article will review the available data on the bankruptcy and nonbankruptcy litigation connected with" cases of "sexual abuse of minors by Roman Catholic clergy" in the U.S.A. Cites data from a study commissioned by the U.S. Conference of Catholic Bishops regarding the scope for 1950-2002 of priests who "were accused of abuse" and the number of minors who were victimized. Reports data regarding bankruptcy filings since 2004 for 10 dioceses in the U.S.A., 3 archdioceses in the U.S.A., 1 religious order in the U.S.A. and 1 in Ireland. Of the 15 cases, "11 had reached settlement by December 2015 (10 by plan confirmation and one that was settled and dismissed by the bankruptcy court)." Among the data he reports: "insurance covers about one-half of the settlement amount – but individual cases vary widely," professional fees are "around 15 percent of the amount that is paid to victims," bankruptcy cases averaged nearly 250 victims per case, and non-bankruptcy settlements "had an average of 30 victims per case, with more than one-half of the settlements having 10 or fewer victims." States: "The 11 bankruptcy settlements have resulted in an average settlement of \$253,000 for 2,720 victims." Notes the differences in settlements based on geography: "More than one-half of the money paid since 2002 has gone to victims in California. The average payment per victim in California has been about \$1.27 million – more than six times as high as the per-victim settlement in other states... After taking the California settlements into account, the bankruptcy and nonbankruptcy settlement amounts appear to be

fairly comparable...” Notes the role of professional fees in bankruptcy cases, an expense not present in non-bankruptcy cases. Concludes: “...the bankruptcy cases filed to date have generally resulted in fairly prompt and equitable settlements for all qualifying victims. If the victims had individually pursued their claims outside of bankruptcy, it is likely that a few victims would have received much larger settlements, but many others who were just as deserving would have received nothing.” 23 footnotes.

Formicola, Jo Renee. (2004). The Vatican, the American bishops, and the church-state ramifications of clerical sexual abuse. *Journal of Church and State*, 46(3, Summer):479-502.

Formicola is professor of political science, Seton Hall University, South Orange, New Jersey. In the 1-paragraph Introduction, she states the position, that the position of Pope John Paul II “that the [Roman] Catholic Church has the right to prosecute and punish its clergy from the *crime* [italics in original] of sexual abuse [of minors],” which is based on “the context of both his religious and political power [as the pope],” is a demand for dual control “that will strain American church-state relations in the future.” She uses the term “clerical sexual abuse” to include 2 broad categories: “pedophilia,” referring to a “pre-pubescent child,” and “minor sexual abuse or molestation,” referring to “young persons between the ages of 14-18.” Part 2, the body of the essay, begins by presenting a brief historical background on the status of the papacy in relation to the Vatican. States: “The pope controls the Vatican totally, and as its administrative leader is capable of carrying out both domestic and foreign affairs without external controls. He is, in effect, the geopolitical voice of the Vatican.” The next section is a chronology of the Vatican under John Paul II in relation to the bishops in the U.S.A. regarding clerical sexual abuse. She states that his actions were “done *without any erosion of papal power, or accession to civil authorities to deal with the punishment of ecclesiastical personnel.*” [italics in original] The next section addresses Vatican’s response to The United States Conference of Catholic Bishops’ documents, The Charter for the Protection of Children and Young People and The Essential Norms for Diocesan/Eparchial Polices Dealing with Allegations of Sexual Abuses of Minors by Priests, Deacons, or Other Church Personnel. She concludes: “Thus, Rome, rather than the American bishops or members of church tribunals, remained as the final arbiter in all cases regarding the removal of priests from their religious positions. There was no civil involvement allowed in the process.” Regarding the implications for Church/state relations, she comments: “...within both a constitutional and political framework, the clerical sexual abuse problem also portends the beginnings of seriously strained relations with regard to Catholic church-state relations in America. On the one hand, this scandal should serve as an alarm, a warning against potential state intrusions into religious affairs justified by the need for civil investigations and a compelling state interest to protect victims of clergy sexual abuse. And on the other, it should put hierarchy and clergy on notice that accountability to the state will be an integral part of their administrative duties in the future.” Cites civil and criminal proceedings throughout the U.S.A. to document the changing position of the legal system’s interactions with the Church. Concludes: “The church-state relationship, however, will also take a long time to return to the level of separation and neutrality that had existed between the U.S. government and the Catholic Church prior to the investigations into the clerical sexual abuse scandal.” 72 footnotes.

_____. (2007). The further legal consequences of Catholic clerical sexual abuse. *Journal of Church and State*, 49(3, Summer):445-465.

Formicola is professor of political science, Seton Hall University, South Orange, New Jersey. Discusses a variety of legal consequences of the “[Roman] Catholic clerical sexual abuse” story as revealed in the U.S.A. media since 2002. States: “To many within the Church, these aggregated unanticipated legal consequences have placed the Church’s spiritual mission in jeopardy, challenging its future moral authority, credibility, and relevance as an integral participant within the American, pluralistic, religious, and political culture.” Identifies recent investigations conducted by district attorneys throughout the U.S.A. as resulting in “the Church [being] increasingly subject to the authority of the state” as illustrated by 4 trends: 1) increased use of subpoenas for Church records; 2) extension of criminal and civil statutes of limitation for sexual abuse victims; 3) banning of Church confidentiality agreements with victims; 4) state oversight of

Church programs related to child protection. Regarding grand juries' and district attorneys' subpoenas, cites recent California and Ohio cases. Concludes: "No longer can any claim of separation of Church and state be made in matters of sexual allegations, and no longer can a religious organization, as an association or a corporation, be held to a different standard than any other legally constituted institution." Regarding attempts to extend statutes of limitations, notes a number of states that have considered legislative action since 2002. Regarding confidentiality agreements, very briefly notes recent grand jury calls in several states to end the Church's use of those agreements in settlements with victims. Regarding oversight of Church programs, cites a New Hampshire investigation by the state attorney general of the Diocese of Manchester. Also cites a number of other actions called for by grand juries. Concludes: "The protection of minors has become the critical linchpin between civil and religious authority today, as well as the civil justification for the shift in power in the traditional, separate, relationship of church and state in America." The next section discusses the civil liability consequences of sexual abuse claims against the Church, and related policy dilemmas, e.g., issues regarding bankruptcy of dioceses as a corporation. Notes contrast between the Church's point of view based on canonical authority and civil authorities' point of view based on serving compelling state interests. Predicts continuing church/state tensions in the U.S.A. 72 footnotes.

_____. (2011). Catholic clerical sexual abuse: Effects on Vatican sovereignty and Papal power. *Journal of Church and State*, 53(4, December):523-544.

States at the outset: "The church-state implications of [Roman] Catholic clerical sexual abuse took a more complex and ominous turn recently, as the effects of the molestation scandal touched the highest levels of the government of the Vatican and even the pope. Vatican confusion, papal reticence to adjudicate sexual abuse cases, and a culture of confidentiality are failures that have now resulted in aggressive, civil confrontations with the Holy See as well as an escalation of serious legal, diplomatic, and financial tensions between secular and ecclesiastical authorities in a growing number of states. These political reactions are significant for a variety of reasons, but most especially because they have bred institutional mistrust and have the potential to compromise the church's ability to advance its social, charitable, and moral leadership around the world." She examines the reactions and the Church's responses, which "raise new questions about the scope and nature of the immunity of the Vatican state and its leadership as well as its financial liability in sexual abuse cases," and which "also leads to inquiries about the ability of the church to inject the moral dimension into the public debate and the continued moral dimension into the public debate and the continued moral and political effectiveness of the papacy under Pope Benedict XVI." Begins by discussing "significant church-state rulings [in 2010] that emanated from cases dealing with Catholic clerical sexual abuse in the United States," *O'Bryan v. Holy See*, and *Doe v. Holy See*. Calls *O'Bryan* "the first time that plaintiffs in a clerical sexual abuse case had filed their complaints against the Holy See rather than against the accused priests, the legal corporation known as the 'diocese,' or its corporate head, 'the bishop.'" Discusses the role of the federal Foreign Service Immunities Act (FSIA) in both cases. She terms the rulings in *O'Bryan* and *Doe* "unprecedented in American church-state relations." She comments: "These cases then, have major legal, financial, and diplomatic implications for individuals seeking redress in sexual molestation cases against the Vatican state and its government instrumentalities, the Holy See. On the other hand, such lawsuits also have the distinct possibility of bringing the true implications of molestation and other crimes to the attention of those at the highest levels of the Catholic Church and other sovereign leaders in the future." She moves to consider cases in Germany, Belgium, and Ireland. Regarding Germany and the role of Pope Benedict XVI (who was formerly Archbishop of Munich, and then a Cardinal and head of the Vatican's Congregation of the Doctrine of Faith), she comments: "Thus, the Holy See in general, and Pope Benedict XVI in particular, appear to have followed the standard operating canonical procedures of the time as they understood them and, as a result, maintained and enforced what now appear to be inappropriate policies and clandestine practices. In the process, they also managed to essentially thwart the legal processes in the states where civil prosecutions were occurring, especially by making demands for the primacy of a confused code of canon law in a number of countries." Regarding cases in Belgium, she comments: "...the relationship between [Catholic] church and state in Belgium has been severely compromised, creating a situation in which church credibility has been damaged."

Regarding cases in Ireland, she comments: “Continued disputes [between Irish civil authorities and the Vatican] can be anticipated and are expected to bring about greater financial, educational, and social tensions between the Catholic Church and the government of Ireland in the future, thus compromising the power of each to play a significant role in the social and salvific missions of their institutions,” which include public hospitals that are Church-operated. Commenting on new Vatican guidelines regarding sexual abuse by clergy, she states: “The significance of these guideline changes, in the short term, reflect a more nuanced, *canonical* Vatican explanation of existing sexual abuse policy – an attempt to clarify earlier confusion and to provide some transparency. But, what they appear to do, in reality, is to equivocate on the criminal culpability of priests involved in sexual molestation and the authority of the state to deal with them.” In her concluding remarks, states: “An examination of the widening breach between canonical and civil responses to clerical sexual abuse shows that the days of the Catholic Church as a favored, ‘accommodated,’ or even tolerated institutional interest within many states is quickly coming to an end.” Notes that for some, “the clerical sexual abuse tragedy also represents a challenge to the Vatican’s ability to seize the moral high ground, to salvage the credibility, and to have a significant impact on creating a more transcendent politics based on its traditional social, charitable, and salvific agenda.” 65 footnotes.

Geske, Janine. (2007). [Symposium presentation] Restorative justice and the sexual abuse scandal in the Catholic Church. *Cardozo Journal of Conflict Resolution*, 8(2, Spring):651-658.

Geske, a retired judge in Wisconsin, is a professor of law, Marquette University Law School, Milwaukee, Wisconsin. A speech presented in conjunction with the journal’s 2006 symposium on restorative justice, Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York. Begins by describing her experience with restorative justice programs, including participation with the Green Bay Correctional Institution, a maximum security prison, being trained as a facilitator of victim-offender dialogue in crimes of severe violence, initiation of a program to train Marquette law students in restorative justice practices, teaching a course, and running a legal clinic. Identifies herself as a practicing Roman Catholic who has been retained as a private mediator “of the litigation-related claims by survivors of sexual abuse by priests and clergy against the Milwaukee Archdiocese.” Her interest is the “ripple effect of the harm cause by the clergy abuse scandal and how we should explore utilizing restorative justice to address the damage of this scandal on Catholics and Catholic institution.” Describes a restorative justice media project she is creating with an advocate for survivors of sexual assault who works for the Milwaukee Archdiocese. The project involves female and male survivors of priests, a mother of a victim in high school who died by suicide, priests, a woman who left the Church “over the issue,” a lay person who remains, a youth minister, and the Milwaukee archbishop. The next step is to distribute the video and “rais[e] people’s awareness of the broad problem and need for dialogue and reparation discussion and work.” Lacks references.

Gillers, Stephen. (2002). [Article] Speak no evil: Settlement agreements conditioned on noncooperation are illegal and unethical. *Hofstra Law Review*, 31(1, Fall):1-22.

Gillers is vice dean and professor of law, New York University School of Law, New York, New York. Presents “a focused argument that the [U.S.A.] federal obstruction laws criminalize a request for a contractually binding noncooperation promise, as well as the promise itself.” He “also reli[es] on [American Bar Association] Model Rule 3.4(f) for the conclusion that a lawyer’s noncooperation request is unethical in jurisdictions with this rule.” At the outset states: “The most prominent recent example of confidentiality agreements are those now coming to light in connection with allegations of [Roman Catholic Church] priest sexual abuse.” Part 2 makes preliminary distinctions among techniques for imposing secrecy obligations and among kinds of information to be kept secret. Focuses on purposes not related to establishing civil or criminal liability, e.g., trade secrets and personal privacy. Part 3 describes obstruction of justice as defined by federal code, especially Sections 1503(a), 1505, and 1512(b) of Title 18, and reviews case law. Addresses the argument that noncooperation agreements promote settlements. Part 4 specifically examines Section 1515(c) and federal case law. Part 5 is the conclusion “that noncooperation agreements are ‘corrupt’ within the meaning of the federal obstruction statutes, where the purpose

is to keep helpful information from prosecutors or others who may wish to seek relief in federal court...” Concludes: “...requiring blanket secrecy for all information about financial frauds, dangerous products, or dangerous people, where others may also have been (or will be) harmed and have claims, would seem to have only one purpose: To hinder the efforts of others to get justice, which is precisely the purpose that the obstruction statutes forbid.” 113 footnotes.

Gleeson, Kate. (2015). The money problem: Reparation and restorative justice in the Catholic Church’s *Towards Healing* program. *Current Issues in Criminal Justice*, 26(3, March):317-332.

Gleeson is a senior lecturer in law, Macquarie Law School, Macquarie University, Sydney, New South Wales, Australia. Based on the standards of restorative justice (RJ), she analyzes and critiques *Towards Healing*, “[t]he leading [Roman] Catholic [Church in Australia] scheme for addressing claims of [sexual] abuse” in the Church. Describes *Towards Healing* “as a facilitative mediation between a complainant and a senior Church official in which the complainant can tell his or her story to have it acknowledged, to receive an apology and to receive assistance in ‘helping them move forward with their lives.’” It was established by the Australian Bishops’ Conference with Catholic Religious Australia, and began operations in 1997. Begins by briefly describing RJ and its basic tenets. Notes that “the use of RJ in cases of gender-based harms remains controversial” in the literature. Briefly discusses church-based RJ initiatives in various countries beyond Australia. Describes the development and operation of *Towards Healing*, which she calls “the most significant scheme of its kind in Australia (and the most comprehensive internationally).” Notes that while it “may provide financial support to complainants,” it has “no independent panel to allocate or standardise payments.” Notes that “complainants receiving reparations are typically required to sign a deed of release indicating that they will not pursue damages.” She “highlights the experience of abuse victim John Ellis, which exposed the limitations of both the courts and the Catholic Church in providing justice for victims of clerical child abuse in Australia.” States that *Towards Healing* “operate[s] beyond the shadow of civil law in Australia, with implications not only for financial outcomes, but also for the integrity of the RJ process, which is intended to uphold the principle of voluntariness.” She “examines the role of reparations in *Towards Healing*,” and sees it as functioning more like *compensation*, which “generally suggests a civil purpose of calculating damages paid to victims.” Contrasts *compensation* with *reparation* as “a concept derived from international law,” which “should generally connote ‘a wider set of aims.’” Also notes that “*reparation* has a different meaning [than that used in *Towards Healing*] in the RJ literature.” Her analysis is that *Towards Healing*’s use of reparations “to describe payments [to victims] functions perversely to resolve liability, rather than to compensate for acknowledged harm, while invoking RJ ideals *to set the program apart from the civil law* as providing better outcomes for victims and, indeed, the community. [italics in original] This dual purpose of providing ‘pastoral care’ and resolving liability has provided for deeply unsettling experiences for victims who seek restoration and justice ‘in the shadow’ not of the law, but of financial remedies – a situation that mirrors the claim of the Church that damages are a ‘bitter pill’ for victims.” States: “Evidence of Ellis and others suggests that the operation and delivery of *Towards Healing* has exhibited the characteristics of civil law most criticized by church-based RJ advocates: the capacity to re-injure and traumatise victims while providing no sense of justice.” Concludes “that the Church’s use of reparations to resolve liability is incompatible with restorative justice ideals and best practice.” 3 footnotes; 55 references.

Gleeson, Kate, & Jones, Timothy Willem. (2015). Feminist contributions to justice for survivors of clerical child sexual abuse. *Australian Feminist Law Journal*, 41(2, December):201-205.

Gleeson is a senior lecturer, Macquarie Law School, Macquarie University, Macquarie Park, New South Wales, Australia. Jones is ARC DECRA Research Fellow in History, Department of Archaeology and History and the Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne, Victoria, Australia. They provide an introduction to a themed issue of the journal which grew out of a workshop, “Religion and Sexual Politics in Postsecular Australia,” funded by the Academy of Social Sciences of Australia in 2013. “The articles in this Special Issue are written from a range of feminist disciplinary responses, including law, criminology, anthropology and history. Together, the articles provide important historical context for the

current social and political interest in clerical sex crimes, examine political and legal avenues for redress for survivors of these crimes and critically examine the ways in which church cultures position clergy and clergy offenders in relation to victims.” They state: “The belated and piecemeal justice beginning to be delivered to survivors through national commissions and other public inquiries has been made possible only the relentless work of feminists, activist and academic, in framing the issue as one of public, not private concerns.” 16 footnotes.

Gleeson, Kate, & Zanghellini, Aleardo. (2015). Graceful remedies: Understanding grace in the Catholic Church’s treatment of clerical child sexual abuse. *Australian Feminist Law Journal*, 41(2, December):219-235.

Gleeson is a senior lecturer, Macquarie Law School, Macquarie University, Macquarie Park, New South Wales, Australia. Zanghellini is professor of law and social theory, University of Reading, Reading, England. From the abstract: “This article examines advocacy of [Roman] Catholic restorative justice for clerical child sexual abuse [CCSA] from the standpoint of feminist criminological critiques of the use of restorative mediation in sexual offence cases.” Part 1, an introduction, states: “The international crisis of revelations of enduring and systemic abuse in Catholic (and other) institutions has led some scholars, practitioners and churches to advocate restorative justice [RJ] as a remedy for historical child sexual abuse perpetrated by clergy and other church personnel. Advocacy of [RJ] in this context is based on the unique harms of CCSA, which devastate spiritual, interpersonal and communal relationships... ..we provide a theoretical discussion of the Catholic doctrine of grace to explain what it would mean to apply this doctrine in the context of [RJ] in cases of historical [CCSA].” Their analysis is “that a Catholic appeal to grace has the potential for turn into an extraordinary demand made of victims not only to rehabilitate offenders and the Church in the eyes of the community, but also to work towards the spiritual absolution of the abuser.” Part 2 is a 5-pp. outline of “the conventional understanding of [RJ], which makes redress of harm to victims its central goal.” Notes that the use of RJ “in cases of sexual violence and other gender-based harms remains the topic of ‘vigorous’ [international] debate among criminologists and practitioners... [RJ] in the context of historical, institutional child sexual abuse is particularly under-studied.” Citing the RJ component of offender remorse as providing a sense of justice, states: “However, gendered and sexual abuses tend to be characterized by power and control, the effects of which the offender is unlikely to appreciate.” States that RJ advocates rarely engage adequately with questions of how gender and social relations relate to the construction of meaning and the emotional dynamics of their processes. Part 3 described a Christian approach to RJ, “which promotes forgiveness and grace as the practice’s most compelling and *therapeutic* [italics in original] features offering a form of transcendence for both victims and offenders.” States: “While many theorists associate the movement’s key concepts with traditional indigenous cultures, Christian advocates, including judges and other legal representatives, instead promote restorative practices as offering redemption of offenders and the justice system as a whole, in terms of Judaeo-Christian biblical teachings... The uncritical promotion of Christian terminology in [RJ] scholarship has meant that increasingly such arguments have come to be applied to cases of [CCSA], and have acquired distinction connotations in the Catholic context, with its characteristic understanding of grace, mortal sin and salvation.” Part 4 is a 3-paragraph summary of the arguments of RJ proponents who advocate for the Church’s use of RJ in the context of CCSA. Comments: “[Their advocacy] is despite the lack of significant robust research determining the suitability and efficacy of restorative justice for historical, institutional child sexual abuse... It is not apparent to what extent various church-led processes abide by restorative justice standards or provide a sense of justice for survivors and offenders.” Part 5 is a 5-paragraph sketch of how Catholic advocates of RJ adapt the aim of orthodox RJ theory to restore relationships to their Catholic context of religious child sexual abuse regarding the relationships of: 1.) survivors to their Catholic faith; 2.) survivor’s relationship with the priest perpetrator, and if not, the Church as a whole; 3.) Church’s relationship with its constituency, which is a secondary victim; 4.) perpetrator’s relationship with the Church. Part 6 is a detailed discussion of Catholic teaching regarding “sanctifying grace” and its application to the perpetrator of abuse. States: “Orthodox restorative justice theory, with its loose talk of ‘grace’, ‘forgiveness’ and ‘spirituality’, has the effect of uncritically ratifying Catholic calls for restorative justice without attending to [the complexities of those terms in Catholic teaching]... ..the logic

of the Catholic doctrine of grace would require, in most cases, the pre-eminence of the aim of restoring the offender to the grace of God – a result which sits uncomfortably with orthodoxy theory’s emphasis on the need that restorative programs remain victim-centred... [sic] Any Church-run [RJ] processes emphasising *grace*, we argue, must primarily be concerned with the rehabilitation of the offender in the eyes of God: they are ‘restorative’ primarily in the sense of restoring the offender to the state of sanctifying grace... Spiritually speaking, then the offender needs more assistance than the victim... ...it is only in the subset of sexual abuse cases involving victims who have lost faith that the logic of grace would require restorative justice to be victim-centred in this way. Furthermore, considering the sinful nature of unbelief, there is a real risk that an unbelieving survivor would psychologically experience as a form of victim-blaming any Church-run processes aimed at assisting their conversion.” Part 7 discusses Catholic teaching regarding “actual grace” and its application to the perpetrator of abuse and to the person who was victimized: “In sum, the doctrine of grace suggests that Catholic restorative justice in cases of clerical sexual abuse should be directed at facilitating the process through which offenders can cooperate with the *sufficient* actual graces granted to obdurate sinners. Additionally or alternatively, the doctrine of grace makes it imperative for Catholic [RJ] to facilitate the perpetrators’ performance of acts that will merit for them *efficacious* [italics in original] actual graces infallibly leading to their recovery of sanctifying grace.” Part 8 discusses the application of the Catholic doctrine of “actual grace” to the role of the survivor, stating that the doctrine “suggests that survivors may be involved in the rather demanding capacity of rehabilitation of their abusers, through the practice of forgiveness.” Their position is that “any call for forgiveness may all too easily turn into a psychologically burdensome responsibility – an emotionally exploitative imperative, even – to forgive.” Cautions that “Church-appointed mediators must be aware of their own emotional desires for outcomes... [that] they bring with them personal spiritual and ideological ‘prejudices, beliefs and emotional reactions’, particularly those favouring grace as salvation for the offender as the foremost priority of mediation.” Part 9, the conclusion, states: “In [RJ] scholarship, ‘forgiveness’ occupies in general a confused or contested position, the emotionally exploitative risks of which feminist criminologists have highlighted in the context of gender-based offences such as sexual abuse. The trite use of complex concepts such as ‘grace’ by advocates of [RJ] lends itself to manipulation in ways that are detrimental to victims of sexual crime. These problems compounded, we have argued, by the fact that the unreflective use of these concepts in orthodox scholarship has the effect of ratifying and lending authority to religious understandings of ‘grace’ that are odds [sic] with the purportedly victim-centred [sic] ethos of [RJ]... ...Catholic advocacy of [RJ] in cases of [CCSA] warrants especially careful scrutiny in light of well-established feminist critiques of [RJ] in the context of sexual crime.” 126 footnotes.

Goldenberg, Rachel. (2013). [Student Note] Unholy clergy: Amending state child abuse reporting statutes to include clergy members as mandatory reporters in child sexual abuse cases. *Family Court Review: An Interdisciplinary Journal* [published by the Association of Family and Conciliation Courts], 51(2, April):298-315.

Goldenberg is a student, Maurice A. Deane School of Law, Hofstra University, Hempstead, New York. “This Note proposes that states [in the U.S.A.] should amend their child abuse reporting laws in two fundamental ways: (1) states must eliminate the religious exemption, which excludes members of clergy from the obligation to report instances of child sexual abuse cases that are told to them in a religious or otherwise professional capacity, and (2) states must amend their laws to specifically include clergy as mandatory reporters.” While acknowledging that child sexual abuse occurs in religious communities, “for the purposes of this Note, the discussion will focus primarily on the [Roman] Catholic and Jewish Orthodox communities. Both groups have a long and unfortunate history of child sex abuse but have dealt with the issue in different ways.” Part 1 is a very brief introduction. Part 2 is a 5-paragraph discussion of “the severity of child sexual abuse in both the Catholic and Jewish Orthodox communities.” [She includes Ultra-Orthodox Judaism as part of “Jewish Orthodox.”] In 12 paragraphs, Part 3 “examines the current state of child abuse reporting statutes and the legislative history of the clergy-penitent privilege,” provides a synopsis of definitions of *clergy*, and “describes who holds the clergy-penitent privilege, and explains how the privilege is used both in the Catholic and Jewish communities” to protect priest/penitent

confidentiality. Part 4 discusses the “privilege as a statutory exemption in reporting statutes” and “provides a brief discussion as to why states have adopted such varying approaches to the privilege.” Comments that the difference between states’ approaches to the privilege – e.g., abrogation – is based on varying interpretations and understandings. Stating that the privilege is based on a utilitarian justification, lists John Henry Wigmore’s 4 conditions that help balance benefits and detriments derived from the privilege, and focuses on the 4th, regarding injury and benefit from disclosure, “since there is a strong tension between the government’s interest in protecting children and its concern of not imposing on religious freedom.” Concludes that protecting children supersedes upholding the privilege. In 7 paragraphs, Part 5 “offers a proposed statute, which mandates that clergy report child sexual abuse and abrogates the penitent privilege in such cases.” Includes a justification. In 7 paragraphs, Part 6 considers the Free Exercise and Establishment clauses of the First Amendment of the Constitution of the U.S.A., and “explain[s] the implications with regard to the clergy-penitent privilege.” She critiques the First Amendment bases for the privilege. Part 7 is a 3-sentence conclusion, calling for “states to abrogate the clergy-penitent privilege in cases of child sexual abuse” and “to mandate clergy members as reports of known or suspected child sexual abuse.” 190 endnotes.

Gouthro, Marc L. (2004). [Note] Abusive priests and the Catholic Church’s potential liability. *Suffolk University Law Review*, 37:479ff. [Accessed 02/21/05 at LexisNexis Academic database.]

Focuses on the Roman Catholic Church and the applicability of the legal doctrine of *respondeat superior* to civil suits against Church leaders for actions in regard to priests who sexually abuse minors. “This Note [examines] when the actions of the clergy are foreseeable, making *respondeat superior* a viable theory for holding the church liable for the actions of its members. ...this Note will discuss why the First Amendment may not protect intentional torts. Furthermore, this Note will examine and critique theories of liability that the courts currently accept and reject.” Part 2 briefly reviews: the First Amendment of the U.S. Constitution and the right of government to protect “society’s right to safety and liberty” while not impinging on the Constitutional freedom of religious practice; the mixed efficacy of various attempts to hold clergy and their superiors accountable under civil laws for their actions, including the doctrine of *respondeat superior*. Among court cases briefly discussed are *Rita M. v. Roman Catholic Archbishop of L.A.* and *Doe v. Hartz*. Part 3 is a brief analysis of why the First Amendment does not protect the Church from being held “civilly responsible for the criminal actions of its clergy.” Considers claims of malpractice, emotional distress, intentional failure to supervise, and vicarious liability. Cites the examples of priests John Geoghan and Paul Shanley in Massachusetts to support the argument. Concludes: “The law not only needs to protect victims of abuse, but it also needs to establish liability for those organizations that knowingly disregard its principles.” 153 footnotes.

Gray, Anthony. (2009). Extending time limits in sexual abuse cases: A critical comparative evaluation. *Common Law World Review*, 38(4):342-384.

Gray is an associate professor of law, School of Law and Justice, University of Southern Queensland, Springfield, Queensland, Australia. Presents his analysis statutes of limitations in the context of civil cases in which survivors of child sexual abuse (CSA) come forward after the standard time limits have expired. Part 1 is a very brief introduction. Part 2 considers “some of the vast psychological literature” regarding why survivors “may not seek civil legal redress until many years” after the abuse was committed. Factors described include: post-traumatic stress disorder; secondary victimization due to the nature of legal proceedings and due to adverse reactions by adults in authority to disclosures of CSA by survivors, citing a formal government investigation into abuses in Queensland institutions, including a case involving an orphanage operated by the Roman Catholic Church; “personal barriers, including lack of cognitive awareness, relational barriers, or fear of the response from others, and sociocultural barriers, including fears that it was not acceptable to society to be a victim of abuse, or fears (in the cases of male victims) of being labelled gay.” Comments: “The legal system must be slow to judge the reasonableness of the survivor’s actions in coming forward years later, until it full digests and under the psychological literature in this area. This comment is made in light of the fact that in many of these cases, decisions appear to be being made without express reference to such

materials.” Part 3 reviews “the rationale for statutes of limitation, and specifically how discoverability has been applied as a concept in this area in jurisdictions such as Australia, England, the United States, Canada and New Zealand.” Examining how concepts have been applied, he cites material from cases involving churches: Church of Jesus Christ of Latter-day Saints (Australia), Anglican Church (Australia), Roman Catholic (United Kingdom and U.S.A.), and The United Methodist Church (U.S.A.). Part 4 is “a critique of aspects of the current [legal] orthodoxy, before proposing the ‘best way’ forward in terms of law reform in this area.” The section cites cases of CSA in the Roman Catholic Church (U.S.A.) and the Church of Jesus Christ of Latter-day Saints (Australia). His “preferred approach is the model adopted by various Canadian provinces, which is to abolish limitation periods in civil cases involving [CSA] (and in some jurisdictions, other cases as well),” while preserving courts’ current discretion “to decline to hear cases where such a trial would likely be ‘oppressive’ to the defendant...” Part 5 is a 1-paragraph conclusion which summarizes the article. 138 footnotes.

Graziano, Sue Ganske. (1991). Clergy malpractice. *Whittier Law Review*, 12:349-355.

By an assistant professor, department of legal studies, Bowling Green State University, Bowling Green, Ohio. “This article analyzes the [U.S.] case law on the tort of clergy malpractice, examines the difficulty of extending malpractice coverage to the clergy, and recommends and predicts future action.” Briefly describes basic components of professional malpractice in the U.S. legal tort system. Notes the problems that “arise in applying precedents from established areas of malpractice to clergy malpractice. First, there are no uniform educational or testing and licensing standards for the clergy. Second, there are great variations in schools of thought among the clergy, and this diversity creates great difficulty in establishing a standard of care. Third, the first amendment’s freedom of religion and establishment clauses may afford the clergy protection.” Very briefly reviews clergy malpractice case law. Cites several cases that involve clergy sexual misconduct in which malpractice claims were raised by plaintiffs and rejected by courts: *Milla v. Tamayo* in California, *Strock v. Pressnell* in Ohio, and *Destefano v. Grabrian* in Colorado. Concludes: “Courts are reluctant to extend the tort of malpractice to the clergy. First, while the first amendment is deemed not to protect the clergy from intentional torts, freedom of religion concerns remain. Second, it is difficult to establish the duty to be imposed on the clergy due to varying denominational beliefs. Third, unlike other professionals there are no licensing or uniform educational requirements for the clergy. Finally, most of the actions for which clergymen have been sued thus far are covered by existing tort law. Thus, while the claim of clergy malpractice continues to be raised, along with other torts against the clergy, the tort is not yet established as precedent.” 40 footnotes.

Grimes, Diana L. (2006). [Notes] Practice what you preach: How restorative justice could solve the judicial problems in clergy sexual abuse cases. *Washington and Lee Law Review*, 63(4, Fall):1693ff.

By a student, School of Law, Washington and Lee University, Lexington, Virginia. Recommends that “victims [of sexual abuse by Roman Catholic clergy] and the Church should consider the benefits of applying a restorative justice approach to the particular problems of clergy sexual abuse.” Part 2 is a “history of the crisis in the Catholic Church [in the U.S.A.], including the cover-up perpetrated by Church officials.” States: “With victims feeling forced to file lawsuits against the Church and the Church protesting litigation in every creative way possible, a new set of challenges has arisen. The result has divided the courts in the various states and has led victims to demand a non-judicial remedy to address their concerns.” Part 3 presents restorative justice theory “and its varying applications in both individual and institutional contexts.” Part 4 identifies drawbacks of current judicial remedies in litigation between victims and the Church, including intrinsic psychological harms of the litigation process to victims, statutes of limitations, and First Amendment barriers. Part 5 advocates for application of restorative justice as an extra-judicial means in situations of sexual abuse and examines potential complications, including lack of compelled cooperation, issues related to privacy, lack of resolving a power imbalance, lack of procedural safeguards, and lack of enforcement measures. Part 6 concludes restorative justice “could serve the needs of all parties involved including the Church, the priests, the victims, and the community...” 246 footnotes.

Groome, Dermot. (2011). The Church abuse scandal: Were crimes against humanity committed? *Chicago Journal of International Law*, 11(2Winter):439-503.

Groome is a Senior Prosecuting Trial Attorney, Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia (ICTY), an *ad hoc* court of the United Nations, located in The Hague, The Netherlands. "This article considers the question of whether international crimes were committed by applying the definitional requirements of crimes against humanity to the factual findings of a quasi-judicial commission established by the Irish government that for over ten years investigated allegations of systematic and physical and sexual abuse in Ireland's childcare institutions. The report of the Ryan Commission [as it is popularly known; formally, Commission to Inquire into Child Abuse] was chosen for this exercise because of the thoroughness of its work, the similarity of its methods to the judicial adjudication of disputed facts, and its detailed analysis of the evidence it heard." The focus "is confined to... findings with respect to the Christian Brothers religious congregation, managers of the largest number of child care institutions during period examined by the Commission." The Commission was established by Ireland's national parliament; its 2,600+ page report was published in 2009, "describing in detail the evidence it considered and its findings supported by the evidence." Part 2 briefly describes the Commission's mandate, powers, process, investigation phases, and factors affecting its reliability. Part 3 very briefly summarizes the Commission's findings, beginning with a 3-paragraph history of the Irish Christian Brothers Congregation, including its establishment of industrial schools in the 19th century, operated as residential schools that were funded by the Irish government. Related to physical abuse: "...the Commission found that the Christian Brothers 'used frequent and severe corporal punishment to impose and enforce a regime of militaristic discipline.' It was the primary means of control. It 'became physical abuse because of the excessive violence used and its general application and acceptance.'" Related to sexual abuse: "...the Commission found that sexual abuse of boys was a chronic problem in some of the institutions... In some cases, senior leadership acknowledged before the commission that such abuse constituted 'criminal or indecent assault.' The Congregation's response to sexual abuse was primarily to protect the Congregation and its members from the consequences of public awareness. Brothers known to be serial abusers and considered a continuing danger were still permitted uninterrupted, unrestricted, and unsupervised access to children." Part 4 addresses the topic, "Were crimes against humanity committed?", by examining numerous definitional elements from sources like International Criminal Court law. Part 5 very briefly introduces the topic of individual responsibility for international crimes, and Part 6 examines the individual criminal responsibility of principals, including commission through positive acts and through culpable omissions. Describes the origin of the Christian Brothers' legal duty to the children in their care, and its management manifest failure to discharge that duty. Part 7 briefly addresses the criminal responsibility of those who aided and abetted crimes through positive acts and through culpable omissions. Part 8 considers the individual criminal responsibility of superiors in relation to subordinates. Part 9 is a 3-paragraph conclusion. States: "The Ryan Commission found that the excessive corporal punishment, in violation of applicable Irish law, was used to maintain control in the industrial schools operated by the Christian Brothers. To the extent that physical violence was used as part of a widespread or systematic attack directed at children placed in the care of Christian Brothers, such acts of violence constitute crimes against humanity. With respect to sexual crimes, the answer is less clear, as unlike physical violence, the Ryan Commission did not find that sexual crimes were the product of a policy or were tolerated in all cases. Instead, the Ryan Commission found that such crimes were systematically covered up and perpetrators who were also permanently professed members of the Congregation were recklessly allowed continued access to children in order to protect the Congregation from scandal and those permanent members from criminal prosecution. While such conduct does not establish the intent of senior managers to perpetrate crimes of sexual violence against children, it does manifest criminally reckless and wanton disregard for the crimes committed against the children and as such should form the basis of a crime against humanity. Although the Christian Brothers Congregation, a large multi-national organization, is not a state, it had a similar capacity to perpetrate widespread and systematic crimes against a civilian population, and as such its senior members should be accountable for any crimes against humanity they may have committed." 313 footnotes.

Gross-Schaefer, Arthur. (1994). Combating clergy sexual misconduct. *Risk Management*, 41(5, May):32, 34, 36-37. [Accessed 03/30/03 at LexisNexis Academic database.]

Gross-Schaeffer teaches law and ethics, Loyola Marymount University, Los Angeles, California, and is a Reform Judaism rabbi. Feature article. Thoughtfully discusses education and response procedures as best way to curb the problem and reduce legal liabilities. Addresses the role of insurers. Emphasis is on prevention. Lacks references.

Gross-Schaefer, Arthur, & Levi, Peter S. (1996). Resolving the conflict between the ethical values of confidentiality and saving a life: A Jewish view. *Loyola of Los Angeles Law Review*, 29(4, June):1761-1770.

Gross-Schaefer, a rabbi, is a professor of business law, Marymount University, Los Angeles, California. [Originally published under the name of Arthur Gross Schaefer; he is listed here as Gross-Schaefer, which honors his preference, per personal correspondence, 01/08/08.] Levi is a doctoral student in philosophy, University of California, Santa Barbara, Santa Barbara, California, and a rabbinic student, Hebrew Union College, Los Angeles, California. The essay is from a section of the issue, "Symposium: The Religious Voice in the Public Square and Executing the Wrong Person: The Professionals' Ethical Dilemmas." The authors responded to a hypothetical case, pp. 1543-1546: [Symposium Problem] The wrong man is about to be executed for a crime he did not commit. The question posed is a rabbi's obligation to preserve the confidentiality of a confession versus an obligation to prevent the death of an innocent person. States in Part 1, the Introduction: "While this Essay will include the manifestation of a number of concepts, the goal is to look for an understanding of the hierarchical ethical system embodied in the Jewish tradition." Rather than applying a utilitarian approach, which is a way to resolve conflicts and "presupposes two commensurate and competing sides which must have a victor and a vanquished," they describe the Jewish ethical tradition as "occup[ying] a different vantage point based upon a clear principle that spiritual values will trump socially based values." They draw upon Hebrew scripture and the *Talmud*. Part 2 discusses the preservation of life as "one of the highest values in the Jewish tradition," a tradition which "confers both positive and negative duties upon individuals." States: "While confidentiality is important [as an obligation in Judaism], it clearly is not ranked as a fundamental spiritual value." Part 3 examines the place of confidentiality as a highly respected Jewish value, including a discussion of the various harms to be considered if confidentiality is breached. Part 4, which explores both the spiritual values of saving a life and confidentiality, notes that "Jewish tradition does not include a sacramental, confessional tradition" in the sense of Roman Catholic priest and sacrament of confession. Also notes that confessing their sins, Jews are not bound to confess to a rabbi: "As a result, the confidence between a rabbi and a congregant is not any more privileged than the confidence between any two individuals." Examines Leviticus 19:6 regarding its injunction to not pass along information about another, a prohibition which is modified by a succeeding injunction to prevent harm or protect life: "The absolute spiritual value of life ranks higher in the hierarchy, thus precluding any possible need for a calculation weighing disparate values." Part 5 briefly considers the implications of choices before a rabbi in the hypothetical case. "If the rabbi keeps silent [regarding the information in the confession], the rabbi effectively becomes an accomplice to the sin by committing the sin of aiding sinners..." States that at the least, "the rabbi is bound to convince the confessor to tell the truth. If the confessor refuses, then it is a sin for the rabbi to keep silent and refrain from telling the truth to the proper authorities." The rabbi's silence would allow the state to kill an innocent person, and would allow the guilty person to go free, potentially placing others at risk of harm. Part 6, a 1-paragraph conclusion, states: "The letter of the law does not serve itself; it serves the spiritual value embedded within it." 28 footnotes. [While the article does not address sexual boundary violations in the context of a faith community, the article is relevant to the topic of the bibliography.]

Gross-Schaefer, Arthur, & Levine, Darren. (1996). No sanctuary from the law: Legal issues facing clergy. *Loyola of Los Angeles Law Review*, 30(1, November):177-214.

Gross-Schaefer is a rabbi and professor of business administration, Loyola Marymount University, Los Angeles, California. [At points in his career, he has published under the name of Arthur

Gross Schaefer. He prefers to be cited as Gross-Schaefer, per personal correspondence, 01/08/08.] Levine is a research associate. A practical overview of several legal topics involving clergy: clergy-congregant privilege; child molestation and mandatory reporting requirements; employment law, including screening and supervision; wrongful termination of an employee; sexual harassment in the workplace; individual clergy tort liability; board of directors duties, liabilities, and insurance. Calls for clergy to establish effective relationships with legal advisers, concluding that “an ounce of preventive law is often worth a whole bushel of defense lawyers.” 240 footnotes.

Gunnerson, Spencer H. (2002). [Case Note] *Franco v. The Church of Jesus Christ of Latter-day Saints*: The constitutionality of clergy malpractice claims. *Journal of Family Law Studies*, 4:175ff. [Accessed 10/10/04 at LexisNexis Academic database.]

By a junior staff member of the journal. Part 1 provides the background of a legal case that was tried in Utah’s civil court system. In 1986, Lynette Earl Franco, 7-years-old, was a member of The Church of Jesus Christ of Latter-day Saints when she was sexually abused by Jason Strong, 14-years-old, who was also a Church member and attended her ward. In 1992, Franco reported the incident to her mother and a school counselor. Franco and her parents also reported the incident to their Church bishop, Dennis Casady, and stake president, David Christensen. “Casady assured Franco and her parents that ‘he would act according to church protocol and resolve the situation.’” Casady and Christensen advised them to “‘forgive, forget, and seek Atonement’ and urged her not to go to the police.” Franco later asked Casady and Christensen to refer her to a licensed mental health professional, but they sent her to a non-licensed counselor who “‘echoed the same words’ as those counseled by Casady and Christensen.” Franco “decided the advice to ‘forgive’ and not inform the police was unsatisfactory and sought advice from a licensed counselor.” After hearing Franco’s story, the counselor, also a Church member, made a report to the police. The statute of limitations had elapsed, and the police were unable to pursue an investigation. Casady chastised the counselor for making the report. In 1998, Franco filed a civil complaint against Casady, Christensen, and the Church that alleged claims of “(1) clerical malpractice; (2) gross negligence; (3) negligent infliction of emotional distress; (4) breach of fiduciary duty; (5) intentional infliction of emotional distress; and (6) fraud.” In 1998, a Utah trial court dismissed the tort claims against the defendants. Franco appealed, “arguing that the trial court erred in finding her tort claims barred by the First Amendment.” The state’s Supreme Court in 2001 upheld the defendants’ claims of protection under the U.S. Constitution. Part 2 presents the Court’s analysis of the First Amendment and its application in this case. Part 3 briefly offers varying reactions by religious leaders and lawyers to the decision, including its potential affect on Utah’s mandatory reporting statute that requires “clerics to report child sexual abuse unless only revealed by the perpetrator.” The very brief conclusion notes the unresolved questions: “This ruling... is only a small chapter in the ongoing battle to determine where the courts will draw the line between church and state.” 58 footnotes.

Hagglund, Clarence E, & Weimer, Britton D. (2000). Clergy malpractice: Protecting consumers or unconstitutional secular intrusion? *Federation of Insurance and Corporate Counsel Quarterly*, 50(2, Winter):201-212. [Accessed 12/13/08 from WilsonWeb academic database.]

Both authors are attorneys with Hagglund, Weimer & Speidel, Minneapolis, Minnesota. Brief overview of the status of civil lawsuits in the U.S. against clergy, tracing a trend in which “not all clergy misconduct is immune from judicial scrutiny.” Part 2 discusses claims against clergy for counseling malpractice, which, to date, no courts have recognized for a variety of reasons. Part 3 very briefly discusses claims of breach of fiduciary duty against clergy for actions including “improper sexual contact during counseling sessions.” Reports that various courts have reached different conclusions about issues related to the First Amendment of the U.S. Constitution and such claims. Part 4 very briefly describes how some courts have handled claims related to “ecclesiastical disciplinary acts [by churches] against its members.” Part 5 very briefly describes how some courts have handled claims related to expulsion or religious shunning of lay members. Part 6 very briefly discusses cases by clergy and laity involving defamation claims. Part 7 is a 2-paragraph description of cases involving claims of invasion of family privacy. Part 8 is a 3-

paragraph discussion of emotional distress claims. Part 9 is a brief conclusion. Cites numerous court decisions. 46 footnotes.

Hall, Margaret. (2000). The liability of public authorities for the abuse of children in institutional care: Common law developments in Canada and the United Kingdom. *International Journal of Law, Policy and the Family*, 14(3, December):281-301.

Hall is with the British Columbia Law Institute, University of British Columbia, Vancouver, British Columbia, Canada. Discusses the implications of 2 recent events: publication of the Report of the Waterhouse Inquiry (Lost in Care) in February, 2000, in London, England, and decisions in cases in the United Kingdom and by the European Court of Human Rights regarding the duty of care as related to negligence in civil actions by adults, who were formerly in institutional care as children, against public authorities in the United Kingdom. Part 1 states that new "English case law has begun to lay a framework "in the area of negligence in the context of the abuse of children in institutional care." Very briefly describes the 3-year Waterhouse Inquiry regarding physical, emotional, and sexual abuse of children in North as taking evidence from 575 witnesses. States that the Report described finding "a cult of silence" among those authorities who were not perpetrators, but were "de facto facilitators of abuse through a conscious strategy of wilful blindness undertaken to protect institutional interests." Also cites the Law Commission of Canada's final report, Restoring Dignity: Responding to Child Abuse in Canadian Institutions, issued in March, 2000. Notes: "Looming large behind any discussion of institutional abuse in [Canada] is the fallout from the residential school system for aboriginal children, run jointly by the federal government and the mainstream churches (both Catholic and Protestant) between 1879 and 1986." States: "The basic common law principles applicable – fiduciary duty (via equity), vicarious liability, negligence, and the special rules limited the liability of public authorities – obtain in both [Canada and the United Kingdom] to set the general legal framework." Part 2 traces case decisions regarding negligence, noting distinctions between English and Canadian courts. Among the Canadian cases is *F S M v Clarke*, the decision in which "found (for the first time) the Federal Government directly liable in negligence to a former child resident of an aboriginal residential school (the case involved sexual assaults committed by a dormitory supervisor...)." The Canadian government was the guardian of F. S. M., a minor, "while he attended St George's [the school]," a residential boarding school for First Nations children in British Columbia that was operated by the Anglican Church of Canada. The decision also found that the Anglican Church defendants breached their fiduciary duty to F. S. M. "... 'both [the Crown and the Church] were in a position to have acted to prevent the misbehaviour'." Part 3 discusses cases regarding vicarious liability, including cases involving child sexual abuse, and cites the influence of the *F S M v Clarke* decision in Canada. Part 4 considers fiduciary duty. Part 5 examines alternatives to legal liability, including redress or compensation schemes. Part 6 is a 1-paragraph conclusion. 80 endnotes; 17 references.

Hamilton, Marci. (2002). Sacrificial lambs?: Child abuse, religious exemptions, and the separation of church and state. *Writ* [digitally published by FindLaw], (March 28):Unpaginated. [Accessed 07/06/13 at the World Wide Web site of FindLaw: <http://writ.news.findlaw.com/hamilton/20020328.html>]

By a professor, Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York. Prompted by media reports in 2002 regarding the sexual abuse of minors by Roman Catholic priests in the U.S.A. and the response of Church hierarchy upon discovery. "Far from cleaning its mansion, the Church spent the 80's and the 90's shuttering its windows. It 'solved' its priest's sexual problems by transferring predatory priests – merely shifting them to prey upon a crop of fresh victims, trapped by faith and fear. When one of the victims or their families complained, they were intimidated and/or paid off." Rejects the position that "the social response to this scandal [is] an either-or proposition – in which the government either virtually takes over the Catholic Church, or refuses to touch it." States: "Religious liberty [under the Constitution] does not require the government to back off in the face of irrefutable, weighty, and sickening evidence of a concerted enterprise to further criminal activity – especially when that activity is child abuse, perpetrated upon innocent, vulnerable victims without the power to protest or the ability to defend themselves." Asks: "Why is it, in this society, that we have been so willing to accommodate

religious institutions at the risk of children's welfare? ...For example, the clergy – the ones who should be serving the highest good – have been granted exemptions from state statutes that require caretakers of children to report child abuse. The cost of this exemption is not just that child abuse may go unreported; the exemption also tends to destroy the chance it will be punished if it is later reported due to the unrealistic statutes of limitations in so many states.” Calls for legislative action “to eradicate the statutory exemptions to reporting requirements that have left the government and the public ignorant of this costly social issue. [Legislatures] should also lengthen or repeal the statute of limitations in such cases.)” Lacks references.

_____. (2004). Shockingly, only 2% of the Catholic clergy sexual abusers were ever jailed: A demonstration that the self-policing of criminal behavior will never work. *FindLaw's Legal Commentary*, March 11. [Accessed 02/05/2016 at the World Wide Web site of FindLaw: <http://writ.news.findlaw.com/hamilton/20040311.html>]

Column format. Comments on a finding in “the John Jay College Report on sexual abuse by the [Roman] Catholic Church’s clergy [in the U.S.A.] over the last 50 years.” The report was released in the previous month. States: “...the shocking and most telling of all was the statistic as to the percentage of abusers who were ever incarcerated – only 2% (3% were prosecuted and convicted but apparently, of those, a third either will not serve [prison] time, or have to yet to serve time)... It is the statistic reflecting that while Dioceses and bishops knew about these criminal within their midst – as the [U.S. Conference of Catholic Bishops] Lay Review Board’s Report, issued the same day, made clear – only a measly 2% were brought to justice... ...in light of the Report is the clarity of the lesson of the Church’s mistakes: self-policing criminal conduct simply does not work... ...there will have to a wholesale rejection, within the Church, of the Church’s apparent belief that it operates above and beyond the sphere of the criminal and civil laws that prohibit harming fellow citizens.” In addition to citing the Church’s role in the 2% incarceration rate, also cites the failure of law enforcement and the media: “They permitted the Church to operate undercover.” Cites the current case of Bishop Thomas Dupre, who, until recently, was the head of the Catholic diocese in Springfield, Massachusetts. He resigned abruptly after he was accused by 2 adults with sexually abusing them. Notes that the diocese had a lay review board, which was controlled by the bishop. States: “In Springfield, in the wake of the Dupre scandal, local prosecutors have been forced to investigate and seriously consider charges from childhood sexual abuse to obstruction of justice. Even the federal prosecutor has offered assistance.” Critiques the Church’s lay review board model as not independent and lacking “the built-in accountability to the public good inherent in a democracy... ...allegations of abuse need to be vetted by law enforcement professionals who have no conflict of interest.” Very briefly discusses risk management implications of the Church’s current policies. Concludes: “The era of self-policing is over.” Lacks references.

_____. (2004). [Article] Religious institutions, the no-harm doctrine, and the public good. *Brigham Young University Law Review*, 2004(4):1099ff. [Accessed 03/20/06 at LexisNexis Academic database.]

From a paper presented at the Church Autonomy Conference, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, February 6-7, 2004. Context is the “current revelations of worldwide sexual abuse of children by clergy, when combined with the concomitant secret knowledge of their individual religious institutions...” From Part 1, the introduction: “The question this Article addresses is how to incorporate religious liberty [in the U.S.A.] into a system that is aimed at the public good. ...two principles define the parameters of religious liberty: (1) religious belief must be absolutely protected, and (2) religious conduct that harms others must be capable of being regulated.” Part 2 “makes the case through history, philosophy, and theology that church autonomy is deeply at odds with ordered liberty and long-entrenched [U.S.] constitutional principles.” Briefly traces the legal abandonment of the historical religious privileges of sanctuary, benefit of clergy, and charitable immunity. Part 3 “explores possible philosophical and theological theories in the religious institution context and demonstrates their inconsistency with [the legal claim of] church autonomy and their consonance with the no-harm rule.” Her position is stated clearly: “Church autonomy reduces both deterrence and punishment

for religious institutions and, as a result, increases the potential and likely harm to others... There must be both internal and external checks on the natural inclination to abuse power.” Part 4 “describes the [U.S.] Supreme Court’s Religion Clause jurisprudence as it relates to religious institutions... ..and further defines the no-harm principle.” Part 5 “employs the clergy abuse era in the United States Catholic Church as a case study to illustrate the necessity of a no-harm rule to deter abuses of power that undermine the public good.” Concludes: “It is painfully apparent that self-policing has not worked to protect thousands of children from severe childhood sexual abuse.” Part 6 is a brief conclusion. 486 footnotes.

_____. (2007). [Article] The Waterloo for the so-called church autonomy theory: Widespread clergy abuse and institutional cover-up. *Cardozo Law Review*, 29(October):225ff. [Retrieved 12/03/07 at LexisNexis Academic database.]

In the context of clergy sexual abuse of minors, critiques the U.S. legal theory of autonomy for religious organizations based on the First Amendment: “The question here is how the law has failed to alter the course of clergy abuse.” This theory is 1 factor cited in the Introduction regarding religious institutions’ “pattern of covering up child abuse, which includes (1) not going to authorities when abuse is reported to the institution; (2) imposing secrecy requirements on clergy and victims; (3) shifting perpetrators throughout the religious organization, both geographically and by specific house of worship; (4) asking law enforcement and newspapers to look the other way when they learn of individual cases; and, most important for this essay, (5) insisting on autonomy from the tort and criminal law for the organization’s role in the furtherance of abuse.” In Part 1A, she “detail[s] and critique[s] the ‘church autonomy’ theory, especially as articulated by Professor Douglas Laycock and more recently, Mark Chopko, General Counsel to the United States Conference of Catholic Bishops...” Part 1B analyzes the legal “theory that the [First Amendment] Free Exercise Clause mandates strict scrutiny for any law that burdens religious conduct, whether or not it is neutral or generally applicable, and how such free exercise rights can disable the tort laws that would otherwise protect children.” Her position is “that the Supreme Court’s current articulation of free exercise principles, which does not create such an expansive sphere of autonomy for religious entities, is the far preferable approach if the cycle of clergy abuse is ever to end.” Concludes: “The reality is that if the law does not push chures to be accountable for the child abuse within their organizations, there will be more child abuse. Nor has the theory of autonomy within the internal dynamics of a church yielded positive results. There is no evidence that leaving religious entities to their own devices results in a safer world for the children in their care. Indeed, there is contrary evidence. None of the reforms embraced to date by the Catholic Church were taken as a result of autonomous actions. Rather, they were triggered by scandal and litigation...” 78 footnotes.

_____. (2009). The rules against scandal and what they mean for the First Amendment’s religion clauses. *Maryland Law Review*, 69(1):115-131. [Retrieved 02/17/12 from the World Wide Web site of the journal: http://www.law.umaryland.edu/academics/journals/mdlr/print/articles/69_1-115.pdf]

The essay describes what she terms the “scandal rule,” “the principle of internal secrecy that runs across religious entities... [that] operates primarily to block the flow of information from moving from inside to outside of the religious entity... [and] can block information flow between believers within the organization... It is also an important means by which clergy maintain power over their flocks and in the larger community.” States: “Religious institutions often hold and foster beliefs that forbid believers from telling outsiders about internal bad behavior. In other words, religious institutions act to suppress negative information in ways that then further falsify reality to outsiders. If outsiders do not know about the bad actions of religious groups, they can easily underestimate the need to apply the law to them... More troubling, such rules ensure that the vulnerable, such as children and disabled adults, within or served by the organizations may not receive the protection they need.” A particular focus is on the sexual abuse of minors. Cites cases in the Roman Catholic Church, Fundamentalist Latter-Day Saints, Jehovah’s Witnesses, and Orthodox and ultra-Orthodox Jewish communities. Identifies 2 “contemporary developments in the field of religious liberty [that] threaten to intensify the negative externalities generated by the scandal rule.” Part 2 discusses the first, the theory of religious autonomy for institutions, “a

benign label that papers over the peril of church autonomy for children and disabled adults.” States when the scandal rule is ineffective, the doctrine of “legal autonomy is needed to avoid accountability, legal punishment, and penalties... The primary problem with ‘autonomy’ in general is that it entails unaccountability and therefore operates to perpetuate illegal or immoral behavior.” Part 3 briefly discusses the second, the federal Religious Freedom Restoration Act (RFRA) and variations at the U.S.A. state level: “One of the most serious problems with RFRA was its enormous scope and the near impossibility of comprehending the impact while it was being enacted. The rules against scandal compounded the difficulties posed by RFRA by suppressing information about the religious entities’ harmful behavior. ...in the absence of facts, the balance often tips in favor of the religious lobbyists who control information that might well reverse public policy decisions.” Part 4 is a 1-paragraph conclusion. States: “Without acknowledging [the scandal rule’s] powerful presence and operation, it is far too easy to presume that the protection of religious practice is a necessary good.” 70 footnotes.

_____. (2010). The “licentiousness” in religious organizations and why it is not protected under religious liberty constitutional provisions. *William & Mary Bill of Rights Journal*, 18(May):953-990.

“In this Article, I will briefly examine the beliefs and practices of the fundamentalist polygamists, primarily but not exclusively the Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS), which have led to a cycle of severe and entrenched child sex abuse. The point of focusing upon the fundamentalist polygamists is that their sexual abuse of children is grounded in their religious scriptures and beliefs. Therefore, if there is any religious liberty defense [based on the U.S.A. Constitution] to furthering child sex abuse, they arguably would have the most powerful arguments. Second, I will survey the rich history that establishes that ‘licentious,’ or illicit, sexual behavior was never intended to be protected by free exercise protections in the history of the United States (or Canada), even if religiously motivated... Third, I will extend this reasoning to contemporary cases and explain why carving out licentiousness from religious liberty’s reach can keep these cases from negatively affecting other aspects of the doctrine.” Part 1 discusses fundamentalist polygamists and their religious beliefs and practices that contribute to cycles of child sex abuse. Begins with an historical background. Notes that the “mandatory layers of secrecy” in the FLDS and its “claim that the enforcement of the laws against statutory rape and child bigamy and polygamy violate their free exercise rights.” Also cites relevant principles from the “mainstream Mormon Church” which “have situated the Church and its leaders as barriers between victims, perpetrators and legal authorities... The [Mormon] Church thus has created an opaque system when it comes to child sex abuse.” Identifies specific practices by the FLDS that result in “entrenched and widespread child sex abuse, statutory rape, and child bigamy...” Notes that the courts in a few U.S.A. states had decided cases that concluded “that religious liberty guarantees apply as defenses to child sex abuse claims, most notably Missouri, Utah, and Wisconsin.” Part 2 argues that the legal history of religious liberty, with its limitation on liberty “by incorporating the concept of ‘licentiousness,’” categorically excludes licentious behavior, especially that involving children, from religious liberty guarantees. Notes that the principle of excluding licentious behavior “is also reflected in free speech doctrine, where child pornography is an unprotected category of speech because of its link to child sex abuse.” States: “The child protection rationale for divorcing pornographic speech from free speech rights applies just as powerfully, if not more so, to excluding child sex abuse perpetrated by religious organizations and clergy from free exercise rights.” Part 3 argues that contemporary religious liberty guarantees do not protect conduct that contributes to licentiousness, especially child sex abuse. Concludes: “It is immanently sensible to exclude cases involving child sex abuse from the reach of free exercise jurisprudence.” Includes an appendix of statutes in 16 states. 121 footnotes.

_____. (2012). [McElroy Lecture] Child sex abuse in institutional settings: What is next. *University of Detroit Mercy Law Review*, 89(4, Summer):421-439.

Text of the lecture she delivered at the School of Law, University of Detroit Mercy, Detroit, Michigan, as the presenter in 2011 in its annual McElroy Lecture on Law and Religion. Part 1 briefly identifies 1st of 2 [r]einforcing taboos [that] have kept the topic of child sex abuse [CSA]

in institutions from public discussion in the United States until recently.” The 1st is that the topic of CSA “has been a forbidden topic of discourse.” The results are that children are developmentally unprepared to talk about sexual abuse, victims face “formidable psychological barriers to disclosing [CSA],” and society, including the media, “has held misconceptions about the prevalence or facts of abuse, and has participated in keeping the information from public view.” Also cites the media’s “sanitizing reports of [CSA] through the use of euphemisms, as well as selective coverage...” Part 2 describes the next taboo, speaking negatively about esteemed social institutions, including religious institutions. Cites specific cases of CSA within Roman Catholic, The Church of Jesus Christ of Latter-day Saints, and Orthodox and Hasidic Jewish entities. Part 3 states that since the taboos are receding, the present “is an opportune time to move the public discourse to a factual base.” Very briefly describes the evidence-base regarding CSA as what should be the basis for the discourse: prevalence of CSA, underreporting of acts of CSA, delayed reporting of acts of CSA, and rarity of false claims. Part 4 briefly discusses 4 legal reforms of the legal system “to protect children more effectively. 1.) Reforming criminal and civil statutes of limitations to allow victims who come forward later in life. 2.) Expanding mandatory reporting laws. Her position is that U.S.A. “states should mandate that every adult with information about a child victim who has been – or is being – sexually abused report that information to a state hotline. Those with professional associations and contact with children, however, should have a heightened obligation to report and should be subject to higher penalties in terms of fines and potential jail time.” Her position is that institutions should have an obligation to report, citing the lesson of the Roman Catholic Church that “containing information about sexual abuse is harmful to everyone.” Regarding priest/penitent confidentiality as a privilege under the law, states: “Preventing [CSA] is such an important interest, that there should be no privilege when the information can be used to protect children from a potential child abuser. Even with a privilege in place, though, there is no barrier to religious institutions engaging in an independent extra-confessional investigation and taking action to protect children outside the confessional. Using the privilege as an excuse for ignoring the problem is a recipe for more abuse.” 3.) Enacting whistleblower-protection laws: “Any person or organization that punishes someone for reporting CSA should be subject to criminal penalties.” Cites several examples of Roman Catholic whistleblowers who were punished for their actions. 4.) Expanding the U.S.A. federal Racketeer Influenced and Corrupt Organizations Act (RICO). States: “RICO as it now stands, however, is inadequate, because no predicate act fits neatly with the underlying crime of covering up [CSA] or [CSA] itself. Thus, RICO needs to be amended to include as a predicate act the cover-up of abuse and/or [CSA].” 97 footnotes.

_____. (2013). Who is afraid of justice for child sex abuse victims, and who is fighting for it? *Verdict: Legal Analysis and Commentary from Justia*. [Retrieved 05/02/13 from the World Wide Web site of *Verdict*: <http://verdict.justia.com/2013/05/02/who-is-afraid-of-justice-for-child-sex-abuse-victims-and-who-is-fighting-for-it>]

Verdict is a resource of Justia Inc., a company in Mountainview, California, which is “especially focused on making primary legal materials and community resources free and easy to find on the Internet.” Very briefly describes progress in “[t]he movement [in states in the U.S.A.] to eliminate the child-sex-abuse statutes of limitations (“SOLS”) so that victims can obtain justice.” States: “Never before has there been so much activity in so many states at once... This year, windows, the extension, or elimination of SOLs are pending in many states, including Minnesota, Illinois, New York, Massachusetts, California, Pennsylvania, New Jersey. Plus Arkansas already eliminated its criminal SOL.” Also notes efforts by some state legislators to hold Roman Catholic bishops accountable for failures to prevent priests known to have sexually abused minors from further access to minors. States that those most fearful of removing SOLs “are the Catholic bishops, who are spending thousands, if not millions, in every state, in an attempt to stave off reform... In fact, the leading opponent to child sex abuse legislation in most states has been the Catholic Conference, which is the state lobbying arm for the bishops... Suffice it to say that the groups in opposition to legislative reform regarding child sex abuse appear to be concerned about reputation and money.”

Hamm, John Patrick. (1995). [Note] In defense of the church. *University of Louisville Journal of Family Law*, 33(Summer):705-721.

Written “to show that the [Roman Catholic] Church does not receive preferential treatment [from U.S. courts] in comparison to other religious organizations and civil employers.” Part 2 briefly cites several cases to “illustrate that child abuse is not occurring exclusively in the [Roman Catholic] Church; it is also occurring in Protestant churches and with employees of civil employers as well.” Part 3 reviews legal theories used by plaintiffs in civil suits against the Roman Catholic Church, including *respondeat superior*, negligent hiring and supervision, and clergy malpractice. Cites decisions from non-Roman Catholic cases of sexual misconduct by religious leaders and from non-religious cases to illustrate the courts’ non-preferential administration of the law. Part 4 briefly reviews legal defenses used by the Roman Catholic Church, focusing on the First Amendment of the U.S. Constitution. Concludes by citing the recent policy of the Archdiocese of Chicago, Illinois, as an example of how “[m]ost archdioceses are reevaluating their positions by implementing plans to react more effectively to accusations of child molestation.” 166 footnotes.

Hammar, Richard R. (1989). Sexual seduction of church members by clergy. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 3(3, May/June):5-7.

Hammar edits *Church Law & Tax Report*, and is an attorney and CPA. Reports the Colorado Supreme Court ruling in *DeStefano v. Grabian*, 763 P.2d 275 (Colo. 1988). The civil case involved a Roman Catholic couple “who were experiencing marital problems [and] sought marriage counseling from their [Roman Catholic] parish priest... During the course of counseling, the priest developed an intimate relationship with the wife that contributed directly to the dissolution of her marriage.” The court ruled that Colorado law “did not prevent clergy and psychotherapists who became sexually involved with a counselee from being sued on the basis of negligent counseling, outrageous conduct, and similar theories of [civil] liability.” The court ruled that the priest could not invoke the U.S. Constitution First Amendment right of religious freedom to defend himself from liability since “‘sexual activity by a priest is fundamentally antithetical to Catholic doctrine,’ and ‘by definition is not an expression of a sincerely held religious belief.’” Reports the Court’s conclusions regarding 5 theories of civil liability alleged by the wife, including “that the priest violated his fiduciary duty toward the wife if the allegations in her complaint were true,” and “that the diocese could be legally accountable for the priest’s actions if it was aware of previous occasions of similar misconduct involving the same priest, and it failed to institute any means of supervising him.” Concludes: “The essential point is this – church denominations can no longer assume that they can avoid problems of clergy misconduct simply by transferring a problem minister to another community.”

_____. (1989). Sexual molestation of children by church workers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 3(4, July/August):1-7. [Reprinted in *Ministry* [International Journal of the Seventh-day Adventist Ministerial Association], 64(1, January):12-17 (1991).]

“This article will (1) summarize the legal theories that victims use when suing churches as a result of an incident of [sexual] molestation [of a minor by a church worker], (2) review some of the more significant reported [U.S.A.] court rulings, and (3) provide churches with forms that can be used to screen those church workers (both compensated and volunteer) who will have custody over minors.” Comments that his recommended procedures “are of even greater relevance” in light of church insurance carriers’ decisions to decline to cover such incidents or to reduce significantly coverage limits. States that the article will help reduce the chances of incidents in churches. Identifies the most common legal theories of church liability for such incidents: “(1) the church was negligent in hiring the molester without adequate screening or evaluation; (2) the church was negligent in its supervision of the molester.” Focuses on negligent hiring, and does not address negligent supervision. Briefly reviews liability case decisions, including: a 1988 Virginia Supreme Court decision that a Baptist church could be sued under state law on the theory of negligent hiring; a 1988 California state appeals court decision that a Baptist church was not legally responsible for acts of sexual molestation of a minor by a Sunday school teacher; a 1987

Washington state appeals court decision “that a church-operated school was not legally responsible for damages resulting from an alleged sexual relationship between a teacher and a student.” Cites 1988 court decisions in Florida and California regarding liability of Scouting programs, and states: “Churches and denominational agencies that operate Scouting programs must continue to exercise extreme care in selecting and supervising workers...” Briefly discusses screening forms for “every applicant for youth work (volunteer or compensated),” includes sample forms, and lists concrete steps for screening procedures accompanied by rationales. States: “The highest risks involve male workers in programs that involve overnight or unsupervised activities. Persons in this category should be carefully screened.” Concludes: “Churches must take an aggressive stance in protecting children and youth from molestation, and in reducing the risk of legal liability to the church and its leaders.” [1 of 2 articles; see following entry.]

_____. (1989). Sexual molestation of children by church workers – Part II. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 3(5, September/October):7-8.

Continuation of the prior entry. “This article will discuss a few additional factors that church leaders should consider in implementing such a [screening] procedure.” Lists 6 specific actions with accompanying brief rationales. Number 3 suggests considering a provision that “mandates all church employees and workers (compensated and volunteer) to immediately report known or reasonably suspected cases of child abuse.” Number 6 advises: “Consult with your church insurance company regarding all known or reasonably suspected cases of child molestation occurring on church property or during church activities.”

_____. (1996). A legal profile of American churches. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 10(4, July/August):30.

Hammar is an attorney and CPA. Uses format of ‘bullet’ items within a box. Reports a series of findings based on responses from 900+ churches to “our” (unidentified) 1996 questionnaire; does not describe the sample pool of churches, methodology, response rate, etc. 1 finding reports: “Within the past five years 4% of churches responded to an allegation of child molestation that allegedly occurred within a church program; 17% of the time multiple victims were present. Once an allegation occurred, 18% of the time the church ended up in litigation. Slightly over half of the perpetrators were volunteer workers. Children were the perpetrators 16% of the time. The rest of the perpetrators were paid staff members.” [Does not specify what years are covered by the ‘past five years;’ presumably, it is the early 1990s.]

_____. (1997). 1997 survey findings. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 11(5, September/October):9.

Uses format of ‘bullet’ items within a box. Reports a series of findings based on responses from 973 churches to an unidentified 1997 survey; does not describe the sample pool of churches, methodology, response rate, etc. 1 finding reports: “1% [of the churches] had responded to an allegation that a child had been molested in a church sponsored program.” Does not specify the time period relative to this item.

_____. (2000). Application of child abuse reporting laws to ministers and lay church employees. *Church Law & Tax Report: A Review of Legal & Tax Developments Affecting Ministers and Churches*, 14(3, May/June):1-9.

Summarizes child abuse reporting laws in 25 U.S. states, Alabama – Missouri, and applies them to ministers and lay employees. Categories include: definition of abuse; statute; identification of who is a mandatory reporter; where to report; whether there is clergy privilege.

_____. (2000). Application of child abuse reporting laws to ministers and lay church employees – Part 2. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 14(4, July/August):10-13.

Continuation of the article cited immediately above. Covers 25 U.S. states, Montana – Wyoming.

_____. (2001). Application of child abuse reporting laws to ministers and lay church employees – The 2001 survey of state laws. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 15(3, May/June):9-19.

Replicates the previous year's survey; includes the most recent provisions; includes all 50 states.

_____. (2004). Application of child abuse reporting laws to ministers and lay church employees – The 2004 survey of state laws. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 18(3, May/June):1-19.

A survey "article summarizing the application of [U.S.A.] state child abuse reporting laws to ministers and lay church employees." Includes the most recent provisions, noting that: "Several states amended their child abuse reporting law over the past year, many in response to highly publicized cases of child molestation by clergy." The primary component of the article is a table format display of each state that lists its applicable statute(s), what is reportable as abuse, mandatory reporters, immunity from liability, how to report, criminal liability for failing to report, and civil liability based on statute and court rulings.

_____. (2010). 2010 child abuse reporting laws for churches. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(3, May/June):1, 3-16, 17-29.

Presents the results of his annual survey of the U.S.A. states and the Washington, D. C. child abuse reporting laws. States at the outset that ministers, in situations in which a minor is being abused, often "want to resolve such matters internally through counseling with the victim or the alleged offender, without contacting civil authorities. Such a response can have serious legal consequences, including the following: (1) Ministers who are mandatory reporters under state law face possible criminal prosecution for failing to comply with their state's child abuse reporting laws; (2) some state legislatures have enacted laws permitting child abuse victims to sue ministers for failing to report child abuse; and (3) some courts have permitted child abuse victims to sue ministers for failing to report child abuse." Organizes the survey results around 4 questions: "(1) What is the definition of reportable 'child abuse' under my state child abuse reporting law? (2) Am I a mandatory reporter of child abuse? (3) What if I learn of child abuse in the course of a conversation that is protected by the clergy-penitent privilege? Am I still required to report? (4) How do I report child abuse?" Topics discussed include: reporters' immunity from liability; how to report; criminal liability for failing to report; civil liability based on statute; civil liability based on court rulings; disclosure of reporters' identities; liability of churches for a minister's failure to report child abuse. Cites numerous state court rulings as examples. The survey is found at pp. 10-16 & 17-29. Includes a citation for the applicable statute.

_____. (2010). Sex offenders in church: How to safely integrate high-risk individuals. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(5, September/October):1, 3-12. [Available for purchase, 07/30/14, from the World Wide Web site of Church Law & Tax Group: <http://store.churchlawtodaystore.com/sexofinchfer.html>

Part 1 states: "Church leaders are increasingly confronted with a challenging and novel question: How do we respond to the presence of registered sex offenders at church? It is a difficult question because it pits two competing biblical principles against each other – showing mercy to the offender, and protecting children from harm." Cites factors for why the "issue has taken on greater significance, if not urgency, in recent years due to two developments" -- media focus on cases of child abuse in churches, and the number of registered sex offenders, "a staggering 550,000 and rising." States: "A church's response to the presence of a sex offender is critical, since a decision to allow such persons to attend church without restriction ('erring on the side of mercy') may expose a church to liability for any incidents of molestation that may occur." Part 2 briefly describes the legal term, *registered sex offender*, based on federal and state laws. Part 3 discusses legal risks for churches in cases of "the molestation of a child by a registered sex offender who the church selected for its children's or youth ministry... Tragically, several churches have been sued because a minor was sexually molested on church property or during an

off-site church activity by a person whose background and fitness for working with minors was not thoroughly examined.” Cites 5 state and federal cases from California, Florida, New York, Rhode Island, and Virginia, which involved United Methodist, Roman Catholic, and Baptist churches. Part 4 briefly discusses legal risks for church board members. States: “In summary, the limited immunity from personal liability that is available to uncompensated church board members under both state law and the federal Volunteer Protection Act may not protect them from being sued personally by persons who are molested by known sex offenders who were allowed to attend church services and activities without restriction if their failure to implement reasonable safeguards is deemed to amount to gross negligence or willful or wanton contact by a jury.” Part 5 begins by identifying 7 risks “associated with the unrestricted access by known sex offenders to church services and activities.” Identifies 7 “factors for church leaders to consider in reaching an informed decision,” which include: 1.) pedophilia; 2.) sexual offenses that occurred long ago; 3.) prior sex offenses involving “‘superficial’ contact”; 4.) criminal records check; 5.) probation and parole agreements; 6.) 3 options “in dealing with a registered sex offender” – doing nothing, adopting a policy of total exclusion, or “condition the sex offender’s church attendance on signing a ‘conditional attendance agreement’ that imposes several conditions...”; 7.) whether to inform the congregation, and options for doing so. Part 6, the conclusion, very briefly addresses biblical principles to consider in responding to the presence of a registered sex offender. [The wording suggests Hammar favors a position that “safeguard[s] and protect[s] the innocent and defenseless” as a “duty [that] transcends any duty of ‘mercy’ owed to a convicted child molester.”] Part 5’s discussion of #6, the conditional attendance agreement option, identifies 7 examples of conditions to impose. Notes that the circumstances of the specific case determine a church’s decision.

_____. (2010). Computer privacy for church staff: A recent Supreme Court case addresses employers’ right to search electronic media. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(5, September/October):18-26, 29.

Prompted by a unanimous decision of the U.S.A. Supreme Court in a case involving a California city’s review of a governmental employee’s city-issued wireless communication device for work-related purposes. The decision upheld the legality of the city’s search of the plaintiff’s device based on its interpretation of the Constitutional prohibition of unreasonable searches and seizures, the federal Stored Communications Act, and California law. In the Application section, the article states: “The [Supreme Court] case provides church leaders with valuable guidance on the propriety of inspections of church-provider pagers, cell phones, and computers that are used by employees. According to the Supreme Court, such inspections may be legally justifiable if based on a ‘legitimate work-related purpose’ and the search is not ‘excessively intrusive in light of that justification.’” Cites 8 cases from other courts’ decisions regarding “workplace privacy in the context of nongovernmental employers,” including 2 cases involving a Presbyterian church in North Carolina and a Lutheran church in Wisconsin. The article emphasizes the importance of a church adopting a computer policy, and identifies “important issues that should be addressed...,” including the following:

- The policy should only cover employer-owned and provided computers.
- The policy should clearly describe authorized and unauthorized use of church-provided computers, and give examples of both.
- The computer policy should describe the possible consequences of inappropriate use of church-provided computers.
- The policy should clearly authorize the employer to access, monitor, analyze, and inspect its computers at time, with or without permission or advance notice. The policy should specify which officers or employees are authorized to inspect church-owned computers...
- The policy should state that employees have no ‘expectation of privacy’ in their church-provided computer, or its contents.
- The policy should advise employees that the church will cooperate fully with law enforcement officers in the detection of criminal activity involving church-provided computers.
- All church-provided computers should have a start screen that reminds employees of the terms of the employer’s computer policy.
- The policy should explain the work-related justifications for the employer’s right to access computers...
- Explain the policy to all new employees at the time of hiring.
- Have all new employees sign a statement acknowledging that they understand and agree to the policy ‘in consideration of their employment.’ Alternatively, they can sign a statement agreeing to be bound by the church’s employee policy manual, if it contains the church’s computer policy.
- It is not clear whether a church’s computer policy can apply to current employees unless the church

provides them with something of value in return for their consent to the policy... • The computer policy should state that the church retains ownership of both its computers and the data stored on them.” Very briefly discusses federal and state laws “that may expose employers to liability for nonconsensual searches of employer-provided computers.”

_____. (2010). Assessing sex offenders’ risk of reoffending: How diagnostic tools can help measure the danger. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(6, November/December):12-15.

Prompted by a “recent ruling by a federal district court in Massachusetts [that] provides church and denominational leaders with information that may be helpful in formulating an appropriate response” in cases in which a current or previously registered sex offender continues to pose a risk of harm to others. Utilizes testimony of 4 expert witnesses, 1 psychiatrist and 3 psychologists, that “may be helpful in evaluating the danger that current or previously registered sex offenders pose to others.” The bases for the testimony included the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (4th edition Text Revision) (DSM-IV-TR). [The 5th edition is now the most current.] Also briefly describes 4 actuarial instruments used in the clinical assessments “to assess a sex offender’s risk of recidivism.” Concludes by stating that the relevance of the existence of tests is that information is available “to church and denominational leaders in deciding how to respond to known sex offenders (whether registered or not) who want to become ministers, retain ministerial status, attend church services or become involved in church programs and activities.” Notes that “[i]n many states, the tests described in this article (and other sex offender recidivism assessments) can be administered only by a psychologist or psychiatrist.”

_____. (2011). Should your church conduct criminal record checks? *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(3, May/June):14-15, 17.

Hammar is the senior editor of the journal. Very briefly discusses 11 factors “for church leaders to consider in deciding whether or not to conduct criminal records checks on persons who potentially could have unsupervised access to minors on church property, in church vehicles, or in the course of church activities.” #1. states: “No court has found a church liable for a youth worker’s sexual misconduct on the ground that it failed to conduct a criminal records check.” #3. states: “Criminal record checks will reduce a church’s risk of being found liable for the negligent selection of youth workers.” #4. states: “The minimum acceptable standard of care in the selection of youth workers appears to be changing. It is possible, if not likely, that the courts someday will find churches liable on the basis of negligent selection for the sexual misconduct of a volunteer or employee having unsupervised access to minors if no criminal records to check was performed before the individual was hired.” #6. notes that different kinds of criminal record checks are available. #7. addresses the importance of consistently following a church’s policies related to the screening and supervision of youth workers. Also identifies other forms of background checks. Cautions against the practice of church leaders who “‘err on the side of mercy’ when making employment decisions. This attitude can contribute to a negligent selection claim – if a church gives an applicant a ‘second chance’ despite knowledge of prior sexual misconduct, and the conduct is repeated. What the church views as mercy may be viewed as negligence by a jury.” Concludes: “Churches that place a known child molester in a position involving access to children are taking an enormous risk.”

_____. (2012). New best practices for protecting children: Penn State’s Freeh report emphasizes building a culture of risk management. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 26(6, November/December):1, 3-8.

Comments on the Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky (2012, July 12), popularly known as the Freeh Report, after Louis Freeh, the Special Investigative Counsel. Hammar states that the recommendations of the Report “offer [churches] a unique opportunity to learn and to review and update their own policies and strategies.” Presents a

table of 17 recommendations accompanied by their application to churches. Cites provisions from a policy on background check procedure, and a policy that is “closely aligned with the nationally accepted American Camping Association Standards.”

_____. (2013). Diagnostic criteria for pedophilia redefined: Why churches must understand the severe nature of a pedophile’s offenses. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 27(2, March/April):28.

States that “the term *pedophile* is widely used but poorly understood... ..it is important for church leaders to understand the [clinical] definition of pedophilia since this condition is associated with several characteristics, including (1) promiscuity; (2) predatory behavior; (3) incurability; and (4) high recidivism rates.” Briefly describes the term using several sources: American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (4th edition Text Revision) (DSM-IV-TR); Kenneth Lanning, a former Federal Bureau of Investigation agent; Association for the Treatment of Sexual Abusers. Notes that the forthcoming 5th edition of Diagnostic and Statistical Manual includes revised diagnostic criteria for *pedophilia*.

_____. (2013). Clergy, counseling, and criminal liability. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 27(3, May/June):1, 3-14, 17-18.

Following a recent case in Minnesota, he “address[es] the potential criminal liability of ministers for sexual contact with adults.” Begins by reviewing the case and the state appeals court’s ruling. The defendant, a Roman Catholic priest, sexualized a relationship with a woman after hearing her confession and agreeing to serve as her regular confessor. He was convicted of criminal sexual conduct in the third degree under the applicable statute, and appealed, “claim[ing] that the clergy sexual misconduct statute violated the First Amendment’s ban on the establishment of religion.” Regarding the ruling: “The court concluded that ‘the religious evidence was excessive,’ and that ‘the evidence shaped the verdict, thus creating an act of the state – the conviction – that was excessively entangled with religion. The defendant’s conviction was therefore obtained in violation of the Establishment Clause of the U.S. Constitution.’ As a result, the clergy sexual conduct statute did not violate the Establishment Clause of the U.S. Constitution on its face. But as applied in this case, the statute ‘resulted in an Establishment Clause violation because the defendant’s conviction was based on excessive religious evidence.’” He then provides the texts of laws in 12 states “that specifically make sexual contact between a minister and a counselee a crime.” The states are: Arkansas, Connecticut, Delaware, Iowa, Minnesota, Mississippi, New Mexico, North Dakota, South Dakota, Texas, Utah, and Wisconsin. Gives examples of some states’ statutes “that make sexual contact between a ‘psychotherapist’ and a counselee a crime” when the wording is broad enough to include a member of the clergy. Presents 7 brief studies of cases from state and federal cases in which “courts have addressed the criminal liability of clergy for sexual contacts with adults.” In a North Carolina case, a minister was sentenced to 2 consecutive life sentences for acts “perpetrated on four women. Concludes by discussing matters regarding of clergy who engage in sexual harassment with church employees, as defined by Title VII of the Civil Rights of 1964 and Equal Employment Opportunity Commission regulations.

_____. (2013). The top five reasons churches go to court: Analysis of 12,000 cases reveals the leading legal risks for ministries. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 27(3, May/June):19-21.

Describes the “top five reasons that churches went to court in 2011,” based on his review of “12,000 published and unpublished rulings by state appellate and federal courts pertaining to religious organizations.” He “includes an explanation of potential disputes and what churches might do in advance to mitigate their risk.” The most frequent reason is “sexual molestation of minors,” which “has been the number one reason that churches have been in court” for 6 of the past 7 years. States: “Victims generally allege a church holds responsibility for their injuries on the basis of negligent selection, retention, or supervision of the perpetrator. Churches have lost many of these cases due to their failure to implement appropriate safeguards in the selection and supervision of employees and volunteers who work with minors... The good news is that

churches can significantly reduce the risk of such incidents by taking a few simple precautions,” which include: require a written application for youth work (volunteer or compensated), including work experience in a youth-serving organization, full explanation of any prior criminal convictions, and names of at least 2 references; contact references, preferably institutional as opposed to personal, and request a written endorsement; restrict volunteer positions involving custody or supervision of minors to a person who has been in good standing in the church for a minimum time, e.g., 6 months; conduct a criminal records check, including searching the sex offender registry of the federal government; an attitude that “‘err[s] on the side of mercy’” in a hiring decision “can contribute to a negligent selection claim;” consider adopting a “‘two-adult’ policy which prohibits a minor from being alone with an adult during any church activity. This rule reduces both the risk of child molestation, and of false accusations of molestation.”

_____. (2013). 2013 child abuse reporting laws for churches. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 27(4, July/August):1, 3-14, 17-31.

Begins by noting: “Often, ministers want to resolve [matters of abuse of minors] internally through counseling with the victim or the alleged offender, without contacting civil authorities.” Notes potential “serious legal consequences” to that approach: “• ministers who are mandatory reporters under state law face possible criminal prosecution for failing to comply with their state’s child abuse reporting law; • some state legislatures have enacted laws permitting child abuse victims to sue ministers for failing to report child abuse; and • some courts have permitted child sexual abuse victims to sue ministers for failing to report child abuse.” States that as a result of those consequences: “...it is imperative for ministers to be able to answer the following questions: (1) What is the definition of reportable ‘child abuse’ under my state child abuse reporting law? (2) Am I a mandatory reporter of child abuse? (3) What if I learn of child abuse in the course of a conversation that is protected by the clergy-penitent privilege? Am I still required to report? (4) How do I report child abuse?” The article is accompanied by a table organized in relation to those 4 questions “based on the current child abuse reporting laws in all 50 [U.S.A.] states and the District of Columbia.” The table cites the applicable state code. Discusses various topics and gives examples of case law from both state and federal courts. Also includes a table entitled, Application of Child Abuse Reporting Laws to Ministers and Lay Church Workers – A Summary, that organizes states by 6 topical categories. Also includes a table entitled, Civil Liability for Failing to Report Child Abuse, based on court rulings in states that “have refused to permit victims of child abuse to sue mandatory reporters who failed to report the abuse, and cites a case(s) for each of those states.

_____. (2014). Defending youth ministries from 8 critical risks. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 28(3, May/June):1-2, 4-14, 16, 18.

Reviews responses to a national survey that 8 vulnerabilities in church programs with middle- and high school students, and identifies “ways churches can respond to potential problems in their youth ministries.” The survey, Youth Ministry in America, was conducted in 2013. Risks involving potential for sexual boundary violations included: lacking policies for communicating with youth, particularly social media and text messages; overnight events or trips; improper screening and selection of youth ministry staff and volunteers. The discussion includes citation of court cases from both religious and secular contexts.

_____. (2015). Mastering reference checks for churches: Addressing 15 common questions to reduce ministry vulnerabilities. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(2, March/April):1-2, 4-14.

“This article will respond to 15 common questions that arise when a church either solicits, or responds to, a reference.” Focuses “on youth and children’s ministry.” States at the outset: “Perhaps the most common reason that churches use references is to minimize the risk of liability for the sexual molestation of minors by church workers [whether a compensated staff member or

volunteer]. If used correctly, reference checks can reduce the risk of child abuse, and a church's liability for incidents of abuse that occur." Cites material from state and federal court decisions.

_____. (2015). Child abuse reporting and the clergy privilege. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(3, May/June):1, 3-12.

States that it is "imperative that ministers understand their child abuse reporting obligations under state law, and in the case of mandatory reporters, report abuse unless they are certain that a valid exception, such as the clergy-penitent privilege, applies." Notes that clergy's failure to "report child abuse, either because they assume the clergy-penitent privilege applies and exempt them from reporting, or they want to resolve the matter internally through counseling with the victim or the offender without contacting civil authorities," may "have serious legal consequences," civil and/or criminal, for clergy. Reviews the privilege, in general; summarizes states' child abuse reporting laws pertaining to ministers and lay church workers; discusses civil and criminal liability issues. Cites material from state and federal court decisions.

_____. (2016). Liability for positive references: Churches can face liability for recommending former employees known for misconduct. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 30(1, January/February):9-15-17-20.

Discusses the relevance of an Illinois county district court decision for churches: "This case is instructive for clarifying two issues of fundamental importance to church leaders: (1) civil liability of mandatory child abuse reporters for failing to report abuse; and (2) liability for providing positive references on former employees who were guilty of misconduct." Discusses the issue of mandatory reporter's failure to report child abuse, noting specific provisions in states' laws, noting differences. Cites specific state and federal court cases in which persons who were victims of child sexual abuse "sue[d] ministers on the basis of a failure to comply with a child abuse reporting law." Regarding liability for providing false references, he summarizes rulings by the Texas Supreme Court and the California Supreme Court, stating that "is likely [the rulings] will be followed in other states," and thus "[i]t is essential for church leaders to be familiar with both of these rulings." The cases involved circumstances in which leaders knew of an individual's prior sexual acts or rumors of prior sexual acts against minors and nevertheless provided a positive reference to a youth-serving organization, which resulted in the individuals violating minors. Gives 4 examples from church settings of how the rulings would apply. Part 3 discusses liability for a failure to warn, and cites cases involving churches. Part 4 discusses liability for providing a negative reference and court-recognized defenses, which include truth, qualified privilege, and release. Part 5 discusses interference with contract.

_____. (2016). Child sexual abuse: Far too many churches are legally vulnerable. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 30(2, March/April):15, 17.

Noting "the growing number of lawsuits directed at churches today," he briefly describes factors that can "make a church susceptible to incidents of child sexual abuse" and expose it to "legal risk and liability." Factors include: media attention on cases of child molestation, especially those involving churches; extensions of statutes of limitations for civil suits; innovative theories of liability introduced by plaintiffs' attorneys; greater appreciation of the "extent of the psychological and emotional injury experienced by victims of sexual molestation..."; the significant percentage of the population who were sexually molested or abused as minors; U.S.A. states' reporting requirements; litigation "as a means to secure justice and promote personal healing." States that most civil suits "filed against churches for acts of sexual abuse have alleged that the church was legally accountable on the basis of *negligent hiring*, *negligent supervision*, or *negligent retention*," and very briefly describes each. A sidebar notes that some insurers are reducing or eliminating coverage for acts of child abuse related to churches. Another sidebar calls for continually educating church boards "on the risks and liabilities of child sexual abuse," suggesting this be a "standardized part of a new board member's job orientation." Lacks references.

Hammersley, Faye M. (1998). Reconciling *L.L.N. v. Clauder* and *Pritzlaff v. Archdiocese of Milwaukee*: Does this mean blanket immunity for religious organizations? *Marquette Law Review*, 81(2, Winter):611-653. [Retrieved 05/08/03 at LexisNexis Academic database.]

Commentary on a Wisconsin state supreme court ruling in a civil case involving clergy sexual misconduct. Part 2 briefly discusses basic principles courts use to review claims against religious organizations and levels of review at federal and state levels. Principles in relation to the First Amendment's Free Exercise Clause include: compelling interest/least restrictive means; law of general applicability test; the inapplicability of the Religious Freedom Restoration Act of 1993 to state laws; secular versus ministerial or ecclesiastical conduct. Principles in relation to the First Amendment's Establishment Clause include: specific prohibitions against government action and excessive entanglement as per the U.S. Supreme Court's decisions in *Everson v. Board of Education* and *Lemon v. Kurtzman*; neutral principles of law. Part 3 gives a brief overview of theories of recovery from a religious entity in cases involving acts of its clergy: clergy malpractice; *respondeat superior* and vicarious liability; breach of fiduciary duty; negligent hiring and retention; negligent supervision. Concludes that under Wisconsin law, the theory of negligent supervision best meets a heightened standard of review under the Free Exercise Clause and a neutral principles of law test under the Establishment Clause. It also serves a compelling state interest, i.e., protecting children and adults from sexual misconduct. Part 4 examines Wisconsin case law that led to the constitutional review, particularly *Pritzlaff v. Archdiocese of Milwaukee*, and discusses the Wisconsin Supreme Court's decision in *L.L.N. v. Clauder*. L.N.N., the plaintiff, met Fr. Clauder, a Roman Catholic priest, in 1988 when she was a patient at a hospital where he was a chaplain. In 1990, he sexualized their relationship. She sued the Archdiocese for negligent supervision, a claim the Court disallowed in a divided opinion. Part 5 critiques the decision, and proposes a way to handle claims in Wisconsin against religious organizations so as to not violate federal and state constitutions. Concludes: "The claim of negligent supervision satisfies the problem [of avoiding government entanglement in religious doctrines or limitations on free exercise], is least intrusive to religious doctrine, can be decided on neutral principles of law, yet still allows an injured plaintiff recourse for recovery." 224 footnotes.

Herman, Mark. (2009). [Note] The liability of clergy for the acts of their congregants. *The Georgetown Law Journal*, 98(1, November):153-184 [Retrieved 01/27/12 from the World Wide Web site of the *Journal*: <http://georgetownlawjournal.org/files/pdf/98-1/Herman.PDF>.]

Herman graduated in 2009 from Georgetown University Law Center, Washington, D.C. "This Note argues that when clergy engage in relationships directly analogous to special relationships in tort law, they, too have a duty to protect third parties... This Note suggests a limited set of duties apply to clergy who form counseling relationships with their congregants... The special relationship inquiry at issue here does not raise the same constitutional or public policy concerns. It depends not on the inherently ecclesiastical functions that clergy undertake, but rather on the special knowledge or control that clergy possess with respect to the actions of dangerous congregants. These secular factors, not religious obligation, place clergy in a position to prevent foreseeable harm to members of the larger community." Part 1 "argues that tort law generally treats clergy as secular actors and that the First Amendment [of the Constitution of the U.S.A.] not only permits, but also requires, such parallel treatment." Begins with the demise of the doctrine of charitable immunity that protected religious entities from tort suits, and the emergence "of a model of corrective justice designed to compensate victims." Also notes "expansions of tort law, which now covers more theories of indirect liability and more causes of action related to sexual misconduct, both of which have become relevant in the context of the church." Examines and 3 possible First Amendment obstacles to suits by third parties against clergy, neutrality and non-entanglement. Argues that "neutrality and non-entanglement limits thus leave a broad space in which courts may use tort law to regulate the external action of churches and clergy based on neutral principles." Draws upon *Fortin v. Roman Catholic Bishop of Portland*, a Maine case in which "a boy who was sexually abused by a priest, sued the local Catholic diocese for damages... The court held that, because there was a special relationship between the church and the child congregant, the church had a duty to protect the child when it become (or should have become) aware of the risk of sexual abuse." Part 2 argues that clergy who engage in counseling form a

special relationship with their congregants. Discusses “the different relationship theories that courts have used to hold (or failed to hold) clergy liable based on analogies to their secular counterparts. It then turns to an analogy between religious counseling and secular counseling to demonstrate that a special relationship arises at least in the common circumstance of religious counseling.” States: “The special relationship conception provides a framework for legally characterizing the clergy-congregant relationship in a manner that consequently requires clergy to discharge duties to third parties.” Draws upon the “leading modern case on special relationships,” *Tarasoff v. Regents of the University of California*. Differentiates the duty to warn a third party from malpractice and a religious standard of care for clergy. Part 3 “defines a limited but important set of duties to warn that are required when clergy know that the congregants they counsel foreseeably threaten third persons.” States: “First, clergy must warn the foreseeable victim of the harm. Second, clergy must advise the congregant of the harmful nature of his intended course of action.” Defends these duties as not violating First Amendment principles. Regarding concerns about privileged communication, notes the variations in U.S.A. state laws, and take the position that “[t]o the extent that there is a conflict between privileged matter and the duty to warn, the prevailing public policy favors disclosure.” The brief Conclusion is a summary. Takes the position that to date, “courts have been reluctant to say that clergy have a duty to protect third parties from the actions of their congregants. This Note has argued that such reluctance is misguided.” 186 endnotes.

Hettich, Daniel John, & Dinger, Erica Lee. (2003). [Note] They answer to a higher standard: The ethical obligations of church attorneys in sexual abuse cases. *The Georgetown Journal of Legal Ethics*, 16(4, Summer):635-653.

By 2 students, Georgetown University Law Center, Washington, D.C. “This Note examines the moral and ethical obligations of [Roman Catholic] Church attorneys in dealing with allegations of sexual misconduct in the Church.” Begins with the hypothetical case of Attorney X, described as Roman Catholic, and who, as he defends a priest accused of sexual molestation, “...must be a zealous advocate for his client and act in the best interest of his client”, per the profession’s Model Rules of Professional Conduct (2001). Briefly examines Model Rule 1.7 on conflict of interest, the Church’s teachings on the relationship between work and faith, Model Rule 2.1 and the separation of work and faith, the Church’s teachings and how Attorney X can consult his personal moral conscience, and the interests of Attorney X and the Church. Part 3 explores if “an attorney representing the Church should be held to a higher standard than the Model Rules that govern the average attorney.” Considers 2 Church sources: Code of Professional Responsibility adopted by the Canon Law Society of America and the Church’s Code of Canon Law (1983). Uses principles derived from those sources “to examine specific examples of the Church attorneys’ behavior”, specifically: use of deliberate delays, zealous advocacy that amounts to tactics of intimidation, pleading the statute of limitations to avoid accountability, and the use of secret settlements in circumstances that put children at risk and protect offenders from secular authorities. Concludes that Church attorneys can be faulted “for using questions to intimidate or embarrass victims, for employing delay tactics, using the statute of limitations as a sword, and for brokering secret deals if they reasonably knew that the public would be harmed.” Also concludes: “Secrecy, use of the statute of limitations, actively defending the accused, and delving for the truth, even if painful, are all sanctioned by the Code [of Canon Law]. What the [Code] hinges on, as does much of Catholic moral teaching, is the much more amorphous role of intent.” Thus, a Catholic attorney “must carefully scrutinize his motivation” regarding particular behaviors in relation to legitimate and illicit ends. 161 footnotes.

Hill, Alexander D., & Li, Chi-Doo. (1990). A current church-state battleground: Requiring clergy to report child abuse. *Journal of Church and State*, 32(4, Autumn):795-811.

Hill is assistant professor of law and management, School of Business and Economics, Seattle Pacific University, Seattle, Washington. Li is a partner, Ellis an Li, Seattle, Washington. His law firm “handled the trial and appeal of the Hartley case,” the legal event which sets the context for the article: *State of Washington v. Scott Hartley*, King County Superior Court of the State of Washington No. 87-1-02114-5 and State Court of Appeals No. 21470-5-1. The article considers

statutory law in 17 U.S.A. states requiring clergy to report information of suspected abuse or neglect of minors to public agencies which “is now coming face to face with the critical question of whether cleric-counselee communication until now solely protected by statutory law – is entitled to First Amendment protection. If so, do the mandatory reporting laws pass constitutional muster?” The case involved Rev. Hartley, a minister on the staff of Community Chapel, “an independent pentecostal [sic] church” in Seattle, Washington. In his role as a designated counselor, he worked with a family in the church in which the wife’s husband, a stepfather to her daughter, was convicted of sexual abuse of the daughter. A year later, “the State brought criminal charges against Rev. Hartley for failure to report the suspected abuse in a timely manner” as required by Washington law. In the 1990, the State Supreme Court reversed the conviction on a technical basis without addressing issues related to the First Amendment of the U.S.A. constitution. The majority of the article applies the Free Exercise Clause of the First Amendment to Hartley, relying on the U.S.A. Supreme Court’s decision in *Sherbert v. Verner*, 374 U.S. 398 (1963). Using hypothetical examples, they argue that the practical implications of clergy functioning as legally mandated reporters of child abuse will be to violate the Free Exercise clause. They also assert that the 1990 Supreme Court decision in *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 gives “greater latitude to impinge on religious practice.” A shorter section discusses ways in which “[c]hild abuse reporting statutes may violate” the Establishment Clause of the First Amendment. Closes with brief suggestions for statutory changes by which “state legislatures might better accommodate religious practice and still meet their goal of protecting children” by listing options based on a utilitarian analysis. 66 footnotes.

Hogan, Jr., Edward A. (1951). [Article] A modern problem on the privilege of the confessional. *Loyola Law Review*, 6(1):1-14.

Hogan is not identified; possibly this was the Hogan who was dean, School of Law, University of San Francisco, San Francisco, California, and was a Roman Catholic. He advocates for “obtain[ing] a fuller measure of religious freedom through a repeal of non-sectarian laws of evidence regarding privileged communications of penitents to their confessors.” Cites the California Code of Civil Procedure as perhaps a typical statute, stating: “Unfortunately it does not conform to the rules of the Catholic Church, and other faiths, such as the High Episcopal Church, which have private personal confession of sins as a part of regular religious practice. It seems reasonable that the confessor-penitent privilege ought to conform to the requirements of these churches... Consequently the priest is not given the protection of the secular law that he needs in order to meet the requirements of the seal of confession under canon law.” Bases the meaning of “sacramental confessions” on the Church’s Code of Canon Law, citing canons 889 and 2369. Provides a history of “the subject of the privilege of the confessor and the confessant” in English history and common law. Given the lack of definitive evidence, he infers: “It is unreasonable to believe that a common law system existed which was contrary to or inconsistent with the law of the influential Church [of England].” Calls for “a clear exposition to courts of law that originally there must have been such a privilege known to the common law... It is our duty as scholars, and as Catholics, to make the truth known.” 47 footnotes.

Horner, Chad. (1997). [Note] Beyond the confines of the confessional: The priest-penitent privilege in a diverse society. *Drake Law Review*, 45(3):697-732.

Part 1 briefly describes the current status of the priest-penitent privilege in U.S.A. jurisprudence, noting that “expansion of what was originally a privilege of penitents in the Roman Catholic Church” has obscured “the original policies and concerns regarding infringements on constitutional rights” and results in the need to re-evaluate “the current policies justifying the privilege.” Part 2 is a brief history of the origins and development of the privilege, focusing on U.S.A. case and statutory law. Part 3 “examine[s] how different courts and state legislatures apply the priest-penitent privilege outside the confines of the traditional confessional setting.” Cites a sexual abuse case in Utah involving an unidentified church. Notes a lack of clarity about how the “privilege would apply to non-Western religions, such as Islam, Buddhism, and Hinduism.” Parts 4 and 5 consider “the problem the privilege poses in situations in which it forces courts to

determine the religious nature of a sect, including an examination of the difficult problem of defining a church and a religion.” States: “Many statutes today appear to protect conversations made only between members of Western religious groups.” Part 6 “evaluate[s] the constitutionality of the priest-penitent privilege under the traditional Establishment Clause test and current tests that are contenders to replace it.” Examines the *Lemon*, *endorsement*, and *coercion* tests. Part 7 “examine[s] the [public] policies that support the current privilege in today’s pluralistic and secular society.” Part 8 is a very brief conclusion and calls for equal application of the privilege by extending it to “non-Western religious faiths... to better reflect the increased religious diversity of American society.” Also questions “whether such a privilege is necessary, or even beneficial.” Concludes: “Therefore, the United States should join other nations, including England, which have long abandoned this exemption, and allow clergy to testify, thereby promoting the important [public policy] goal of ensuring a trial based on the most accurate evidence available.” 265 footnotes.

Hoyano, Laura. (2010). [Comment] Ecclesiastical responsibility for clerical wrongdoing. *Tort Law Review*, 18(3, November):154-164.

Hoyano is a Hackney Fellow and Tutor in Law, Wadham College, University of Oxford, Oxford, England. Analyzes, discusses, and critiques the English Court of Appeals decision in *Maga (by his Litigation Friend, the Official Solicitor) v Trustees of the Birmingham Archdiocese of the Roman Catholic Church* [2010] EWCA Civ 256. The case concerns a male, pseudonym Maga, “aged 12 or 13” in 1976, who was “systematically abused [sexually] by Father [Christopher] Clonan in 1976.” Maga “had been brain-damaged in early infancy, suffered from epilepsy,” had learning difficulties, and limited intelligence. Clonan was assigned 1972 to Christ the King church in Coventry, England. Maga, who was not Catholic, met Clonan through Clonan’s work with youth in the community, including non-Catholics. Maga complained about the abuse in 2006 after learning that another male had obtained compensation from the Archdiocese for his sexual abuse by Clonan. (The parents of another male minor had complained in 1974 to the parish’s supervising priest that Clonan had sexually abused their son, an altar server.) In the original *Maga* case against the Archdiocese, the trial judge “found that Father Clonan had ‘cultivated’ the claimant for the purpose of sexual abuse...” Given that Maga was not Catholic, the issue before the appellate court was original judge’s ruling that there was insufficient connection between the context of Clonan’s abuse of Maga, the priest who supervised him, and the Archdiocese to establish a primary liability for negligence. The appellate court relied on the position of the Supreme Court of Canada regarding vicarious liability. Hoyano states: “...the key to Canadian vicarious liability doctrine is to be found in the economic concept of ‘enterprise risk’: vicarious liability is generally appropriate where there is a significant connection between *the creation or enhancement of a risk* and the wrong that accrues therefrom, even if it is unrelated to the employer’s purpose and desires. [italics in original]” Comments that this position “will serve the [public] policy considerations [of a liability law] providing an adequate and just remedy, and deterrence. The in the context of child abuse, special attention should be paid to the existence of a power or dependency relationship which on its own often creates a considerable risk of wrongdoing. The power/vulnerability analysis is tied directly to the enterprise risk...” Identifies 5 factors in the Canadian decision that provide guidance to answer whether “the tort is sufficiently connected to the tortfeasor’s assigned tasks that the tort can be regarded as a materialisation of the risks created by the enterprise? ...At the heart of the inquiry lies the question of power and control by the employer: both that exercised *over* and that *granted to* the employee. [italics in original]” Offers 4 critiques of the reasoning in the appellate court’s decision regarding a standard of care in relation to the priest who was Clonan’s supervisor. The conclusion states: “The concept of enterprise risk as it was developed by the Canadian Supreme Court has the merit of signaling both *when* and *why* vicarious liability should be imposed for intentional torts, and so has greater explanatory power than ‘sufficient connection’ per se. [italics in original]” 51 footnotes. [A transcript of the Maga decision, retrieved 11/14/15, is available at: [http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWCA/Civ/2010/256.html&query=MAGA+and+\(BY+and+HIS+and+LITIGATION+and+FRIEND+and+THE+and+OFFICIAL+and+SOLICITOR\)+and+v+and+TRUSTEES+and+OF+and+THE+and+BIRMINGHAM+and+ARCHDIOCESE+and+OF+and+THE+and+ROMA](http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWCA/Civ/2010/256.html&query=MAGA+and+(BY+and+HIS+and+LITIGATION+and+FRIEND+and+THE+and+OFFICIAL+and+SOLICITOR)+and+v+and+TRUSTEES+and+OF+and+THE+and+BIRMINGHAM+and+ARCHDIOCESE+and+OF+and+THE+and+ROMA)]

Hudson, Barbara. (1998). Restorative justice: The challenge of sexual and racial justice. *Journal of Law and Society*, 25(2, June):237-256.

Hudson is a professor of Criminology and Penology, Division of Sociology, University of Northumbria at Newcastle, Newcastle upon Tyne, England. States at the outset: "This paper focuses on one major theory, and reflects on one important controversy about its application, which has appeared in the writings of critical/abolitionist criminologists during the last few years. A significant development during the late 1980s and the 1990s has been the elaboration of the idea of *restorative justice* [RJ], as an alternative to retributive justice; an urgent, and as yet unresolved, controversy has been whether an abolitionist/restorative perspective is appropriate with regard to crimes against women, children, and minority ethnic citizens." Traces the rise in the literature of calls for abolition and/or reform of the retributive penal system, and a parallel emergence of RJ as a positive alternative to retributive criminal justice. Summarizes the goal of RJ as restoring victims and offenders who have resolved their conflicts into safe communities, i.e., a refocus from rule-oriented violations, which focus on offenders, to a focus on restoration of relationships. Notes potential problems with RJ: "Difficulties arise with regard to reactions to persons who pose clear danger to others; to persons who will not agree to offer redress or to refrain from similar behaviour in future [sic]; to behaviour where the perspectives of the perpetrator and victim are so opposed as to be non-negotiable, and to the impact of restorative procedures on the acceptability of behaviour in the community. These problems are posed most acutely if one imagines replacing punitive justice by [RJ] when the behaviour is violence against women, children, or minority ethnic citizens." States that her "purpose is to consider these dilemmas, and to ask whether the most recent formulations of the restorative paradigm propose viable and appropriate remedies for these most serious kinds of harms." Gives an overview of the failure of the traditional criminal justice system "to provide remedies for violence against women, children, and minority ethnic victims," including sexualized violence against women and children. Analyzes the potential of RJ "to provide an adequate response to racial and sexual violence," stating that for RJ to so, "its processes and remedies will have to address both the expressive and instrumental functions of traditional retributive criminal justice." Regarding sexualized violence, notes challenges for RJ: "...formulat[ing] strategies that can deal with large numbers of victims and offenders; that can provide protection and redress for victims; that can change social attitudes from tolerance to disapproval; that can inculcate remorse and a desire for change in perpetrators, and that can bring about a rebalancing of power within the crime relationship." Identifies problems in the RJ conferencing model in the context of sexualized violence, which include: "...lack of common understanding, some agreed perspective," between the person who was victimized and the person who offended; "...huge imbalances of power between victim and perpetrator," especially when the victim is a child and the perpetrator is an adult; community involvement to deliver adequate protection would need extensive resources, given the prevalence of sexualized violence. Noting that while various RJ proposals "envisage some sort of 'community' representation – to arbitrate, to mobilize resources, to express disapproval, to readmit," they lack a clear definition of *community* which identifies who would and would not be involved. States: "To serve the expressive functions of punishment, restorative processes will have to devise ways of clearly separating condemnation of the act from the negotiation of measures appropriate to the relationships between the particular victim, the offender, and the community." States that the reforms of RJ will need to be accompanied by "vigorous social education to make sure that domestic, sexual, and racial violence is behaviour which is strongly and generally disapproved, and about which perpetrators feel a strong sense of shame." While affirming the core principles of abolitionism, calls for "more abolitionist thinking about the problems posed by behaviour that is seriously harmful and widespread; that has not been subject to vigorous condemnation and penalization by the state, and which involves the exercise of power by offenders over victims. In particular, the problem of identifying the relevant 'community' and securing its participation, representation, and co-operation, and the problem of the last-resort sanction for recalcitrant offenders, need to be addressed." Concludes by describing as "the most intractable problem in the path of [RJ]" is the loss "of a culture of social inclusion [in Britain and the U.S.A.] which would underpin and support the development of processes whose outcome is shaming that was reintegrative rather than eliminative, and where the ultimate goal is the enhancement of social

justice.” 56 footnotes. [While the context of sexual boundary violations in faith communities is not addressed, the article is included in this bibliography because COSA and *restorative justice* models have appealed to a number of faith communities who seek to integrate people who have offended sexually.]

Hurley, Christopher T., & McKenna, Mark R. (2012). Child sexual abuse by clergy: Statute of limitations and repose challenges. *Illinois Bar Journal*, 100(November):2-5, 10.

Hurley and McKenna are partners in the law firm, Hurley McKenna & Mertz, Chicago, Illinois. The “article reviews the bases for the institutional liability of religious organizations for the actions of their clergy, the limitations and repose defenses available to church defendants under Illinois law, and the impact of [the 2011 decision by the Illinois Appellate Court in *Wisniewski v. Diocese of Belleville*] on practitioners handling sexual abuse claims against church organizations.” The decision affirmed a lower court’s finding “that the Roman Catholic Archdiocese of Belleville held a position of trust and confidence over the plaintiff, a former altar boy who was sexually abused by a diocesan priest between 1973 and 1978. Because of this position of trust and confidence, the appellate court recognized that the archdiocese had a special relationship with the plaintiff, and therefor owed him a duty of care.” The court also “found that when such a special relationship exists, the defendant diocese has an affirmative duty to reveal to the plaintiff facts that would enable him to discover his cause of action against the archdiocese because of sexual abuse. The diocese’s silence in spite of knowing its priest’s long history of abusing minors amounted to fraudulent concealment...” States that prior to this ruling, “the Illinois statutes of limitations and repose were overwhelming obstacles to victims of childhood sexual abuse at the hands of clergy members because victims could not discover that their injury was wrongfully caused by the actions of religious institutions until well after the limitations and repose periods had expired.” Illinois law allows a statute of response to “be tolled if a plaintiff does not discover his claim due to fraudulent concealment on the part of the defendant.” The consequence is that “the defendant is estopped from raising the statute of limitations as a defense because through the defendant’s own actions, the plaintiff’s complaint was untimely.” States that trial showed the Diocese of Belleville “was aware of multiple instances of sexual abuse by the priest,” continued to assign him to positions “with unmonitored access to children,” and “aware that the priest used coercive methods to keep his victims quiet,” including “positive coercion, such as representations that the abuse was a ‘good thing.’” Concludes: “Only pressure from plaintiffs pursuing the discovery of the voluminous – and up to now undisclosed – files maintained by religious organizations will shed light on the injuries suffered by the victims, and how such injustice can be prevented in the future.” 29 references.

Hwang, Juwon, Nasar, Omar, Siddiqui, Saad, Tallarico, Shanna, & Yuen, Jennifer. (2007). Limited justice: A call for the New York State Legislature to implement exceptions to the statute of limitations in civil cases involving childhood sexual abuse. *Westchester Bar Journal*, 34(Spring/Summer):69ff. [Retrieved 06/02/09 at LexisNexis Academic database.]

The authors are students at Pace Law School, White Plains, New York. States: “Clearly, the once private tragedy and relatively obscured subject of childhood sexual abuse has now become an important public concern. ...we will discuss why the recent changes [regarding] the statute of limitations in the New York State Civil Practice Law and Rules [CPLR] by the New York State legislature do not properly redress the seriousness of these crimes nor allow victims of sexual abuse any real opportunity to recover from their abusers, and we will suggest which statutory changes, if enacted by the legislature, would allow victims of child sexual abuse appropriate means for recovery.” Notes that claims against Roman Catholic archdioceses in New York and throughout the U.S. have helped garner public attention “while raising important considerations of law that have racked the legal community.” Critiques New York Senate Bill 8441, effective June 23, 2006, which amended the CPLR and New York Criminal Procedure Law. Calls the “most significant change” that in the Criminal Procedure Law which “abrogates any limitations period with respect to criminal prosecutions for the crimes of rape in the first degree..., criminal sexual act in the first degree..., and aggravated sexual abuse in the first degree..., and course of sexual conduct against a child in the first degree...” The CPLR was amended to replace a 1-year civil

limitations period with a 5-year “statute of limitations for commencement of a civil action based upon commission of these specifically enumerated offenses.” The new laws’ “significant limitations in scope and applicability” are identified as: 1.) Lack of retrospective application before the effective date. 2.) Application is limited to the abuser only which appears to block recovery “against an organization or employer under a theory of vicarious liability, negligence, fraudulent concealment, or other theories of civil liability... This limitation is particularly important in light of recent cases involving clergy members and the Catholic Archdiocese...” 3.) Application excludes acts of sexual abuse other than the 4 specific offenses as defined in the Penal Law. 4.) “Finally, the enactments do not directly address the problems of delayed disclosure of abuse and delayed discovery of injury by childhood sexual abuse victims.” “These changes fail to address the real problems confronting victims of child sexual abuse, namely the nature and resulting injuries of abuse that cause both the delayed disclosure of the abuse and the delayed discovery of the injustice. Consequently, the Legislature’s new enactments fail to provide victims with meaningful relief and justice...” Discusses the factors of awareness and ability that “must exist before a person can bring legal action against his or her abuse” and discusses how these related to experiences of trauma, e.g., when the person’s trust in an authority figure like a priest “was completely shattered.” Cites precedents of the Legislature’s adoption of a delayed discovery rule, based on principles of fundamental fairness, “to avoid the harsh results produced by commencing the running of the statute of limitations before a claimant was aware of any basis for an action.” Also cites other states’ law provisions “that have abandoned a strict accrual rule and provide for delayed discovery in cases involving childhood sexual abuse.” Supports California’s approach as “the best example of balancing the inequities of child sexual abuse and the policy rationales for statutes of limitation.” Concludes with a call for the New York Legislature to adopt “a fair and equitable rule of discovery.” 41 footnotes.

Idleman, Scott C. (2000). Tort liability, religious entities, and the decline of constitutional protection. *Indiana University Law Journal*, 75(Winter):219ff. [Retrieved 03/30/03 at LexisNexis Academic database.]

By an assistant professor, Marquette University Law School, Milwaukee, Wisconsin. Prompted by an increase in tort litigation against religious entities and clergy, which are often related to the latter’s alleged misconduct towards congregants or children. Concludes that the historical practice of U.S. courts to not adjudicate tort claims against religious defendants will likely, if not very likely, be functionally eroded, and will probably occur incrementally. Part 1 reviews the First Amendment’s general prohibition on adjudicating questions involving religious truth and doctrine, including not reviewing the internal decisionmaking or governance of religious entities, i.e., the rule of judicial deference. Notes in particular cases in which a tort of clergy malpractice is alleged, a tort that courts have refused to recognize. Part 2 considers multiple factors – cultural, judicial system as an institution, legal doctrine or theory – that “point towards the eventual erosion or abrogation of the constitutional prohibition on subjecting religious entities to standard forms of tort adjudication.” Part 3 uses case law to demonstrate 3 exceptions and partial abrogations of First Amendment obstacles to adjudicating tort claims against religious defendants. Part 4 briefly discusses other factors that suggest either the retention or the demise of the prohibition against adjudicating religious questions, including the legal system, societal attitudes, and religious entities’ responses to clergy sexual misconduct. Numerous references to civil cases involving religious defendants. 147 footnotes.

Inclendon, Caroline. (2016). [Note] The constitutionality of broadening clergy penitent privilege statutes. *American Criminal Law Review*, 53(2, Spring):515-547.

Inclendon is a student, Georgetown University Law Center, Washington, D. C. From Part 1, an introduction: “Given the varying and conflicting clergy-penitent statutes [it the U.S.A. states] and lack of case law on the issue, this paper will attempt to formulate a vision of a privilege statute that adequately respects the compelling and sometimes religiously-mandated need for spiritual advice, and that does not violate the constitutional safeguards of the Free Exercise Clause and Establishment Clause.” Part 2 very briefly sketches the origins of what she terms the *confessional* – or *clergy-penitent* or *priest-penitent* – privilege. States: “...following the Reformation, the

privilege ceased to be part of English common law largely due to antagonism towards the [Roman] Catholic Church.” Regarding federal courts, states: “The Supreme Court has never ruled on how the Free Exercise and Establishment Clauses impact the contours of confessional privilege statutes.” Part 3 discusses the Free Exercise and Establishment clauses of the U.S.A. Constitution, “arguing that the privilege is likely constitutionally mandated and, at a minimum, is constitutionally sound.” Notes that “confessional privilege statutes, as a statute that aims to protect religious communications, may be seen as governmental support for religion.” Cites federal case law rulings. Part 4 “critique[s] New Hampshire’s confessional privilege statute as an example of a current statute that violates both the Free Exercise Clause and the Establishment Clause by granting the privilege solely to the penitent and applying to too few religions.” States that New Hampshire’s statute “is representative of many modern statutes.” Calls for amending the statute so that it is “dual privilege,” either the clergy or the penitent can invoke or waive the privilege. Calls for the statute to be changed so it “adopt[s] a more encompassing definition of ‘clergy member.’” Part 5 very briefly “formulate[s] a broad uniform model code on confessional privilege that is consistent with the Constitution and the underlying purposes of criminal law.” [Presents the utilitarian argument of “social benefits arising from unencumbered communication and confession with spiritual advisors” to support her remedies. [While she concludes with the argument, “Just as individuals must be able to speak freely with their doctors and attorneys to better themselves legally and physically, they should be free to talk with clergy members to improve themselves morally and spiritually,” she does not acknowledge that the privilege for these professionals is not unqualified. She also ignores the social consequences that the priest-penitent privilege without qualification protects offenders who are currently committing sexual abuse of minors, exposes others at risk to being harmed, and denies justice by failing to hold admitted offenders accountable. Her perspective is offender-centered, and fails to consider the circumstances or needs of victims of sexual crimes.] 241 footnotes.

Ivers, William N. (1987). [Note] When must a priest report under a child abuse reporting statute? – Resolution to the priests’ conflicting duties. *Valparaiso University Law Review*, 21(2, Winter):431-465.

Ivers is an associate note editor of the journal, which is published by Valparaiso University Law School, Valparaiso, Indiana. States in Part 1, the introduction: “The unclear effect of the overlap between the [priest-penitent] privilege statutes [of the U.S.A. states] and the [child sexual abuse mandatory] reporting statutes [of the U.S.A. states] causes a legal dilemma for the priest.” The note is an “attempt to present courts with a means to avoid the potential problems, and to resolve the dilemma presented by the conflict between the priest-penitent privilege statutes and the child abuse reporting statutes.” Part 2 reviews the history, scope, and purpose of the priest-penitent privilege, which is a testimonial privilege, and Part 3 reviews the history, scope, and purpose of the mandatory child abuse reporting statutes. Part 4 defines “the various overlaps and conflicts between these statutes... to clarify the problem for each state.” Part 5 presents his 2 resolutions of the dilemma: an analysis of the statutory construction of the conflicting statutes, and an analysis of common law. The former resolves the conflict “by examining the purpose of both statutes.” When the conflict is irreconcilable, he would choose the specific act to prevail over the general act, “unless it appears the legislature intended a contrary interpretation.” He considers a number of nuances of the statutes, nuances which arise from the variations in states’ laws. He describes the common law analysis as based on comparing the priest-penitent relationship to the relationship of professionals, specifically psychotherapist-patient and attorney-client. He cites the Constitutional right to free exercise of religion as adding to the right to privacy factor in psychotherapists’ and attorneys’ professional relationships, leading him to protect priest-penitent privilege. He differentiates between *reporting* and *testifying* in attempt to identify “the least restrictive means” by which the states could obtain relevant information while not interfering with the privilege. Part 6 is a 3-paragraph summary. [Adverse consequences are posted almost exclusively as they affect a clergyperson in contrast to those affecting a minor. Most references to clergy and clergy-penitent relationships reflect a context aligned with that of the Roman Catholic Church.] 216 footnotes.

Jackson, Ashley. (2006). [Note] The collision of mandatory reporting statutes and the priest-penitent privilege. *UMKC Law Review*, 74(4, Summer):1057-1073.

By a student, University of Missouri-Kansas City School of Law, Kansas City, Missouri. “This note will present the competing duties [of lay ministers and clergy maintaining confidentiality and also disclosing child sexual abuse to authorities], the underlying social interests in protecting confidential conversations and demanding disclosure, and will propose a model statute aimed at remedying the problem.” Citing “an increase in the number of lay ministers in American religious organizations,” states that those employed in other professions which require mandated reporting will face dual role conflicts when functioning as a minister. Part 2 very briefly presents the history and a utilitarian legal definition of priest-penitent privilege, and a brief background of mandated reporting statutes. Part 3 states the author’s position: “While the protection of children [i.e., the policy reason for mandated reporting] is an extremely important consideration, the evidentiary privilege of the priest-penitent privilege should control when one is serving in a dual capacity because of the Free Exercise Clause concerns and public policy considerations.” Briefly presents reasons to support the position, and proposes a 4-part model statute as a remedy. “The aim of the model statute is twofold: protecting confidential communications, while simultaneously, through the statute, preventing children from sustaining on-going abuse. By allowing an individual serving in a dual capacity to assert the privilege, confessors will not be discouraged from confiding in their lay ministers, thereby allowing the clergy member the opportunity to encourage the confessor to seek professional help or to report him or herself to the appropriate authorities.” Part 4 is a conclusion. 157 endnotes.

Jaziri, Ryan W. (2011). [Note] Fixing a crack in the wall of separation: Why the religion clauses preclude adjudication of sexual harassment claims brought by ministers. *New England Law Review*, 45(3, Spring):719-752.

Jaziri is a student, New England School of Law, Boston, Massachusetts. “This Note argues that sexual harassment claims brought by ‘ministers’ against religious organizations under Title VII [of the Civil Rights Act of 1964] should be barred under the ministerial exception because of the governmental intrusion on the establishment and free exercise of religion that would otherwise result.” States: “In 1972, courts began recognizing a ‘ministerial exception’ to Title VII, which holds that religious organizations have the constitutional right – based on the religion clauses of the First Amendment – to choose their clergy.” Cites federal district court cases involving sexual harassment of a female associate pastor in an Evangelical Lutheran Church of America congregation, of a Roman Catholic seminarian preparing to become a Jesuit priest, and of a female associate pastor in a Presbyterian Church (U.S.A.) congregation. Part 1 “provides an overview of the statutory and case law that has led to the creation of the ministerial exception” and “examines the problem that has arisen in sexual harassment claims brought by ministers against churches.” Discusses the First Amendment justification for the exception, and the different approaches in U.S.A. federal circuit courts to the application of the exception, i.e., “the traditional approach, which bars all claims made by those in ministerial positions, and the minority approach, which allows ministers to bring claims against churches when the claims are unrelated to religious doctrine.” Part 2 “analyzes sexual harassment claims in the context of ministerial employment and argues that civil courts should not adjudicate these claims.” Part 3 “discusses the policy concerns and limitations of the ministerial exception.” Asserts that a proper interpretation of the law would not preclude ministers who were sexually harassed from seeking compensation from the individuals who harassed them. The conclusion is a 1-paragraph summary. 268 footnotes.

Johnson, Julie. (1997). [Comment] The sanctuary crumbles: The future of clergy malpractice in Michigan. *University of Detroit Mercy Law Review*, 74(Spring):493ff. [Retrieved 05/26/03 at LexisNexis Academic database.]

Commentary on a New Jersey appellate court decision that recognized clergy malpractice as a valid means of pressing a civil claim of breach of duty and negligence in a case involving a clergy’s sexualizing a counseling relationship with a parishioner, *F.G. v. MacDonell*. [Note: the proper spelling of the defendant’s name is MacDonell; upon appeal after this article was written, the New Jersey Supreme Court dismissed the claim of clergy malpractice.] Section II. examines

clergy malpractice as a cause of action: briefly reviews several civil cases, other legal theories for redress, and defenses. Section III. considers several clergy malpractice cases in Michigan in the context of professional malpractice and Michigan statutes regarding clergy. Concludes with a call for the Michigan legislature to act to protect citizens from the consequences of clergy malpractice by developing a professional standard of care for clergy. 191 footnotes.

Jones, Ruth. (2005). The extrajudicial resolution of sexual abuse cases: Can the Church be a resource for survivors? [Beyond Prosecution: Sexual Assault Victim's Rights in Theory and Practice Symposium] *Suffolk University Law Review*, 38:351ff. [Retrieved 03/13/06 at LexisNexis Academic database.]

By a professor of law, McGeorge School of Law, University of the Pacific, Sacramento, California. An essay. Part 1, a brief introduction, identifies a culture of secrecy regarding sexual abuse, in general, and the sexual abuse of minors in the Roman Catholic Church, in particular. States: "Unfortunately, the Church failed victims by choosing to support offenders rather than abused children. As the Church and legislators enact changes designed to reshape the role of the Church in processing abuse allegations, it is important to consider whether those changes will make the Church a more effective extrajudicial resource for victims." Part 2 briefly presents an overview of widespread sexual abuse of minors by Catholic priests and the responses of the hierarchy upon discovery. Focuses on survey statistics regarding disclosure of abuse by victims, parents, and victims' attorneys. Notes: "...the Church was primarily asked to be a resource for adult survivors and adults acting on behalf of children rather than a reporting source for children." Part 3 addresses why adult survivors and parents turn to the Church rather than forms of secular intervention like child welfare agencies or the judicial system and civil litigation in order to resolve abuse allegations. Identifies various tradeoffs associated with various options. Part 4 briefly describes what survivors and parents who approached the Church wanted from it and the hierarchy, and how the hierarchy failed in its "role as an extrajudicial resources for resources." Part 5 reports on recent changes in U.S. laws and Church procedures for dealing with abuse allegations. Comments: "Although the current proposed changes to secular laws will provide more opportunities for some survivors to pursue claims in the judicial system and might deter some parents from reporting to the Church, they do not fundamentally alter the strengths and limitations of the secular systems. It is therefore unlikely that these changes will alter the desire and need of many survivors and parents to turn to the Church rather than secular institutions." Regarding changes in Church policies, comments: "From the victims' perspective, the most relevant changes made to Church policies by the adoption of [The Charter for the Protection of Children and Young People] and [The Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons] are reconciliation activities, removal of priests from the ministry for even a single act of abuse, and the policy of reporting allegations to civil authorities." Identifies major impediments to implementation. States: "The changes within the Church have the potential to strengthen the spiritual response to survivors and parents, however they do not address the inherent limitations of the Church to act alone against abusers in a way that will keep children safe and preserve the privacy and autonomy of survivors." Part 6 is a very brief conclusion. 73 footnotes. [Based on a paper presented at 2004 annual meeting of the Law & Society Association, Chicago, Illinois.]

Jones, Timothy Willem. (2015). Sin, silence and states of denial: Canon law and the 'discovery' of child sexual abuse. *Australian Feminist Law Journal*, 41(2, December):237-252.

Jones "is ARC DECRA Research Fellow in History and the Australian Research Centre in Sex, Health and Society at La Trobe University, and Lecturer in History at the University of South Wales. He has worked as an historical consultant for the Australian Royal Commission into Institutional Responses to Child Sexual Abuse." Begins by describing an analysis of what prompted social "recognition of the harms of adult sex with minors" since the late 1970s and 1980s when "a new 'discovery' of the phenomenon" occurred. "This discovery initially was located in feminist critiques of male violence within the family, but quickly spread to other sites: homosexual, paedophile rings, satanic ritual abuse and, most recently, clerical sexual abuse." States that church authorities in Australia have recently "lament[ed] the past failures of their institutions, but go on to explain it as a failure of interpretation. In the past, they understood child

sexual abuse primarily as sin (to be resolved through forgiveness), and later as pathological behavior (to be resolved through therapy). Only in recent times, they say, was it understood as a crime (requiring a criminal justice response).” He calls as unsettling the “concurrence between historians of sexuality, feminists and church authorities regarding an historic insensitivity to child sexual assault prior to the 1970s” because the period “correspond[s] with what appears to be the historic period in which CSA [child sexual abuse] in [Roman Catholic] religious institutions [in Australia and the U.S.A.] was at its worst.” To consider how the criminality of CSA was silenced, he briefly reviews literature on moral panics and Stanley Cohen’s sociology of denial, which includes *literal denial*, *interpretative denial* – admitting the facts “but ascribing to them different meanings.” And *implicatory denial* – refusing neither facts nor conventional interpretation, but “the psychological, political, or moral implications that conventionally follow.” The article challenges the notion that major Christian churches were unaware of CSA. He “examine[s] two historical case studies to explore how attention to the law, in relation to theology and medicine, might complicate narratives of a late discovery of clerical child sexual abuse.” Begins by considering Roman Catholic canon law, 1917-2001, regarding CSA. Cites 2 canons in the 1917 and 1983 editions where CSA “is clearly characterised as a crime for which a priests can be punished, including by being deposed from the clerical state, or laicized.” Notes, however, that canon law’s standard of proof for a determination of guilt is *moral certainty*, similar to that of “beyond reasonable doubt” in criminal law, and manifestly higher than the standards of probability used in civil law.” Also notes that punishment is a last resort in canon law, and that its primary purpose is remedial, principles to be implemented by a bishop who, prior to 2001, was solely responsible for deciding to initiate a priest’s penal trial or respond pastorally. Identifies this as a conflict of interest. States that until September 30, 2013, “it appears no Australian bishop has ever initiated a trial in a canonical court for sexual offences against a minor.” Offers perspectives on why canon law “was rarely used to impose substantive penalties on offending clergy.” Concludes: “This history demonstrates that for the Roman Catholic Church, failures to respond appropriately to allegations of the sexual assault of children by clergy are not due to silences in canon law.” Continues by tracing governance records in the Church of England, 1870-1970, through the use of archival material. Notes regular, secret meetings of bishops in which a “caution list” of priests was maintained and discussed. States: “In reports published in 1929, 1945 and 1955, the bishops developed a strict attitude to clerical sex offenders... The archives show that, like Roman Catholic bishops, Anglican bishops frequently resorted to medical advice and treatment for sex offenders... In addition to referring men to secular psychological and psychiatric services, the Church treated men under discipline for sexual and other offences directly through a number of in-house channels,” including its Church Army, “an evangelistic and social work organisation within the Church.” Notes: “While age [of the victim] is not a significant analytic category in the bishops’ discussions of clerical offenders, this archival silence does not equate to an absence of evidence of offences against children. From handwritten annotations on a draft revision of the cautionary list from 1903, it is evident that at least 13% of annotated offenders had offended against children. Similarly, a closer reading of their discussions of homosexual offences reveals that offences against boys – possibly the most numerous of child sex offences – were submerged in this category.” Cites archival material to demonstrate that “homosexual misconduct” was used to categorize even the “very obvious case of child sex abuse.” Suggests that “[t]he silence of age in Anglican bishops’ governance of sex offenders through euphemism and the categorisation of offences through sex and sexuality, might thus equate to what Cohen termed ‘interpretive denial’: not a denial that offences took place, but that they involved children.” States that “there is little evidence of clergy subject to allegations of the sexual assault of children being tried through [the Anglican Church’s] ecclesiastical courts.” Concludes “that prior to the feminist articulation of sexual politics and sexual violence as a wider social and political issue, there were frameworks [in churches] for the recognition of the gravity and harm of these offences... Common to both case studies... are techniques of interpretative and implicatory denial that limited and contained responses to clerical CSA to the rehabilitation of the offender, neglecting pastoral care and justice for survivors.” 79 footnotes.

Junge, Ember Reichgott. (2003). Atty. Jeffrey R. Anderson: Fighting for the rights of sex-abuse victims. *The Minnesota Lawyer*, (January 27). [Retrieved 07/14/03 at LexisNexis Academic database.]

Newspaper-style article that briefly profiles attorney Jeffrey R. Anderson, St. Paul, Minnesota, founding partner of Reinhardt & Anderson. Anderson has represented nearly 500 sexual abuse victims of Roman Catholic priests since the mid-1980s. Reports that Anderson “says he spends 50 percent of his time working with survivors to empower and help them, 25 percent bringing cases to the court of public opinion, and 25 percent trying cases in the courtroom.” Half his work is non-fee related. Briefly describes an important settlement with the Abbot of St. John’s Abbey, Collegeville, Minnesota, in 2002 that resolved 13 pending claims of sex abuse and established a framework to address abuse by priests, a model that Anderson is using in mediated negotiations with Roman Catholic dioceses. The settlement included public apology, acknowledgement of the abuse, and creation of an independent review board with investigative powers, among others.

Kearns, Lauren. (2003). [Note] Incorporating tolling provisions into sex crimes statutes of limitations. *Temple Political and Civil Rights Law Review*, 13(Fall):325ff.

In the introduction, notes the “notable increase [in the past decade] in public awareness about sexual abuse and rape” which includes “a new understanding about the prevalence of these crimes and the devastating effects they can have on victims [as well as] the knowledge that statutes of limitations often bar the prosecution of these types of crimes.” To support this, cites a 2002 decision by a Bronx, New York, district attorney not to proceed in a criminal proceeding against a Roman Catholic priest due to expiration of the statute of limitations. Takes the position “that the gravity of sex offenses combined with many victims’ inability to report them, along with developments in DNA technology call for alterations to existing statutes of limitations on sex crimes.” Part 1 is “an overview of the rationales behind statutes of limitations in general.” Notes the wide variations between U.S. states. Describes very briefly “five basic theories upon which states rely when altering and applying tolling provisions to their statutes of limitations on sex crimes. They are: 1) the ‘continuing crime’ theory; 2) the ‘concealment/secret manner’ theory; 3) the ‘discovery of the crime’ theory; 4) the use of state residency provisions; and 5) the use of DNA warrants.” Part 2 discusses each theory and “highlight[s] pertinent cases in which they have been applied.” Regarding state residency provisions, cites criminal cases in Michigan and Massachusetts in which prosecutors “recently charged five [Roman Catholic] priests with crimes including sexual assault and child rape using their respective state’s residency provisions [to overcome the statute of limitations].” Part 3 describes benefits and detriments of provisions under of the 5 theories, and “give[s] some recommendations about how each provision might be incorporated into a [single] statute [of limitations]” Includes a very brief discussion of safeguarding innocent defendants. The conclusion calls for a balanced approach that protects defendants’ rights and allows for the administration of justice by including the 5 provisions into a state’s statute of limitations. 308 footnotes.

Keegan, Kathryn. (1986). [Comment] The clergy-penitent privilege and the child abuse reporting statute: Is the secret sacred? *The John Marshall Law Review*, 19(4, Summer):1031-1051. [Retrieved 06/09/14 from: [http://library.jmls.edu/pdf/ir/lr/jmlr19/57_19JMarshallLRev1031\(1985-1986\).pdf](http://library.jmls.edu/pdf/ir/lr/jmlr19/57_19JMarshallLRev1031(1985-1986).pdf)]

“This comment traces the development of the clergy-penitent privilege. The traditional policies for the privilege and the inherent conflict with the statutory requirement of reporting child abuse are discussed. The clergy-penitent privilege is analogized to the psychotherapist-patient privilege because privacy is an essential element in both relationships. The constitutionality of child abuse reporting statutes is also discussed, particularly as they infringe upon the right of a person to freely exercise his religion. Finally, this comment proposes that although a clergyman should be allowed and even encouraged to report known and suspected cases of child abuse, he should not be compelled to do so.” A catalyst is the 1985 opinion of the Attorney General of Texas who issued an opinion that “construed the Texas child abuse reporting statute, requiring anyone with knowledge of child abuse to report it to the authorities, to include clergymen. Furthermore the Attorney General ruled that clergymen would also be required to testify at child abuse proceedings.” Observes that state statutes “are not identical and often vary in their treatment of the privilege.” Very briefly notes the extension of the privilege to the context of counseling by clergy. Her position is based on the Free Exercise Clause of the First Amendment of the U.S.A. Constitution, Fourth Amendment privacy protection, and a utilitarian argument. 125 footnotes.

Keel, J. Michael. (1997). [Comment] Law and religion collide again: The priest-penitent privilege. *Cumberland Law Review*, 28:681ff. [Retrieved 05/15/04 at LexisNexis Academic database.]

Keel is not identified. Written to address “the constitutionality of the priest-penitent privilege, commonly referred to as the clergy privilege, as applied in several [U.S.] states.” Part 1 outlines the origins of the priest-penitent privilege in the U.S.A., 3 rationales for the privilege, and the privilege’s nature and scope. Part 2 “addresses several modern trends that broaden the scope of the clergy privilege and that raise constitutional issues... because these trends appear to have the effect of favoring religious communication over nonreligious disclosures.” He identifies possible Establishment Clause violations as a result of this trend. Part 3 analyzes the constitutionality of the priest-penitent privilege as applied in connection with child abuse reporting statutes. Concludes “that child abuse reporting statutes that abrogate all privileges, including the priest-penitent privilege, would violate the Free Exercise Clause of the United States Constitution if analyzed under the compelling government interest test.” Notes, however, that a recent U.S. Supreme Court decision “would uphold such statutes on the theory that they are neutral and generally applicable to all persons.” Also concludes “that state statutes that have broadened the scope of the clergy privilege, without similarly expanding the scope of other communications privileges, do not conflict with the Establishment Clause.” 209 footnotes.

Kelty, Lisa J. (2009). [Note] *Malicki v. Doe*: The constitutionality of negligent hiring and supervision claims. *Brooklyn Law Review*, 69(3, Spring):1121-1158.

Kelty is a student, Brooklyn Law School, Brooklyn, New York. In Part 1, the introduction, she states: “In recent years, clerical sexual abuse has been exposed as a problem of startling proportions in the United States, touching impacting nearly every American diocese [of the Roman Catholic Church]... This Comment will examine the constitutionality of negligent hiring and supervision claims brought against religious institutions. It will focus on one case in particular, *Malicki v. Doe*, in which the Florida Supreme Court allowed a negligent hiring and supervision claim to proceed against St. David Catholic Church and the Archdiocese of Miami (collectively, the ‘Church Defendants’). *Malicki* involved the molestation and sexual abuse of an adult and child parishioner by a priest [Fr. Jan Malicki, an associate pastor] of the St. David Catholic Church in Miami... The minor and adult parishioner worked at the church in exchange for tuition and worked under the direct supervision and control of Father Malicki and the Church Defendants.” Part 2 describes the case’s facts and the Florida courts’ decisions, including the Florida Supreme Court’s decision to allow the plaintiffs’ suit “for negligently hiring, supervising, and retaining” Malicki. Part 3 is “a general discussion of the [U.S.] Supreme Court’s current interpretation of the First Amendment’s Free Exercise and Establishment Clauses,” an exploration of “the flaws in the Florida Supreme Court’s decision,” and her rationale for her critique of the Court’s reasoning in its decision. Part 4 is introduced as: “The shortcomings of *Malicki* aside, there are very important social reasons for imposing liability upon the Roman Catholic Church and other religious institutions for the blatant disregard of the welfare of individuals put in the care of its clergy. The remainder of this Comment will discuss these policy concerns, namely, the impact of sexual abuse by clerics on its victims and the failure of religious institutions to tackle the problem themselves. This Comment will also pose possible alternate remedial schemes, including the utilization of some intentional torts and criminal charges... ...considering the traumatic effects cleric sexual abuse has on its victims, it is imperative to propose possible solutions to curb the epidemic. The failure of religious institutions to confront and remedy the problem themselves accentuates the need for outside solutions... Some possible responses include the utilization of intentional torts, vicarious liability, and criminal charges... The most easily applicable of these [criminal] laws is endangering the welfare of a child. ...institutional leaders may also fall under the umbrella of criminal facilitation statutes.” Part 5 is a 1-paragraph conclusion. 218 endnotes.

Kochansky, Gerald E., & Herrmann, Frank. (2004). Shame and scandal: Clinical and Canon Law perspectives on the crisis in the priesthood. *International Journal of Law and Psychiatry*, 27(4, July/August):299-319.

Kochansky is assistant clinical professor of psychology, Massachusetts Mental Health Center, Harvard Medical School, Boston, Massachusetts. Herrmann is associate professor of law, Boston College Law School, Newton, Massachusetts, and a Roman Catholic priest in the Jesuit order. "This paper describes and synthesizes formulations and hypotheses derived from the authors' clinical and canon law analyses of some of the factors that may have contributed to what has been widely perceived as a longstanding failure of Roman Catholic Church authorities to effectively address evidence of sexual abuse committed by a relatively small number of Catholic priests. ...[the paper] offers hypotheses about some of the factors that may have contributed to a culture of secrecy and silence, with subsequent disastrous effects." They propose narcissism as a general term and as a psychological construct as a conceptual framework for understanding a long-standing tendency of Church authorities to conceal the misconduct. Regarding individuals, "...we propose that narcissism can play a critical role in the psychological development, character organization, and psychopathology" of priests and seminarians. Regarding Church hierarchy, they identify institutional narcissism as a focus on self-protection that is associated with secrecy and the failure to contain offender priests. Briefly presents several cases from Kochansky's clinical practice to illustrate. The first is a diocesan seminarian who "used his new role to sexually exploit adult women who were drawn to him because of his extraordinary good looks, the mystery of the ostensibly unavailable celibate, and his pseudoattentiveness to their pain and needs." Discusses shame and guilt in relation to religious confession. Draws from clinical studies for comparison and to further apply the narcissism concept. Herrmann in Section 3 examines prominent ecclesiastical values as embodied in the 1983 Code of Canon Law as 1 factor that guided the Church hierarchy's institutional decisions. Canonical topics include: the ecclesiastical culture's expectations of its clerics, avoiding scandals and responding to harm, and the pastoral nature of canon law and Church processes. They conclude: "...the primacy of the goal of avoiding scandal at all costs was multidetermined, resulting from factors associated with the character organizations and psychodynamics of individuals as well as institutional values emphasized in the canon law." They offer brief recommendations regarding psychological screening and evaluation of applicants, treatment for seminarians and priests, and education. 10 footnotes; 42 references.

Kropp, Sarah J. (2014). [Comment] Solving the Penn State problem: Holding the institution accountable for its conspiracy of silence. *Capital University Law Review*, 42(1, Winter):167-214.

Kropp is a student, Capital University Law School, Columbus, Ohio. Part 1 is introductory. States: "This Comment discusses the sexual abuse scandals involving two [Roman] Catholic dioceses: one in Philadelphia, Pennsylvania and the other in Kansas City, Missouri. While the action of pedophiles are reprehensible, the conduct of those individuals is not the epicenter of the discussion. Rather, this Comment focuses on the culpability of the institutions that foster and acquiesce to the crimes of the sexual offenders they harbor.... These institutions systematically enabled such crimes to occur and actively concealed crimes in order to keep businesses and reputations intact..." Part 2, entitled "Cover-ups within the Catholic Church," describes the criminal convictions of Bishop Robert Finn of the Kansas City Diocese "for his failure to act in the face of confirmed child abuse" by a priest, and of Monsignor William Lynch of the Archdiocese of Philadelphia who was convicted on charges of child endangerment, "which stemmed from his lax oversight" of a priest. Notes that Lynch's conviction was overturned on appeal "on the basis of disputed interpretation of child welfare law. While there was sufficient evidence to show Lynn 'prioritized the archdiocese's reputation over the safety of [child] victims,' the court did not find child welfare law could be used to prosecute Lynn as a mere supervisor." She analyzes the legal theories of criminal liability used by prosecutor against dioceses and diocesan officials, and concludes: "...it is apparent that current law is not equipped to prosecute crimes of this nature." She infers that prosecutors' "ability to convict Bishop Finn and Monsignor Lynn" indicates "that the institutions could be subject to suit if there was a statutory provision under which officials could properly prosecute them." Part 3 examines 2 ineffective attempts to hold accountable Catholic entities through the Racketeer Influenced and Corrupt Organizations Act (RICO) as "cause of action for imposing liability on institutions for sex crimes committed by an employee." States in Part 4: "As it is now, the law does not send a message to institutional perpetrators that their conduct is deplorable because there is not a regulatory scheme under which their conduct clearly violates the law." She "reviews theories of liability and culpability, including

a look at the history surrounding institutional accountability, and examines the legal and philosophical theories under which institutions like the Catholic Church or [The Pennsylvania State University] can be held accountable.” Theories include vicarious liability or *respondeat superior*, direct liability or self-identity approach, and strict liability. Concludes: “Strict liability is the most attractive theory under which officials could prosecute [an institution] and its various officials.” Part 5 “examines the background and legal proceedings involving Jerry Sandusky and other employees of Penn State to determine the adequacy of the legal charges against those involved.” Sandusky was found guilty in 2012 of 45 counts of sexual abuse; civil cases are underway against top University officials; criminal cases are pending against 2 top officials “for their failure to report allegations of child abuse against Sandusky to law enforcement or child protection authorities in 2002 and for committing perjury” in their grand jury testimony in 2011. [In 2017, both pled guilty to child endangerment charges.] States that the “Jerry Sandusky child abuse scandal” serves “to illuminate the failures of the law itself in the legal system’s inability to adequately prosecute crimes of this magnitude.” Presents a table listing Pennsylvania criminal and civil laws applied by authorities and plaintiffs against Penn State and its officials. Concludes that the institutionalized crime – “*deliberate decisions* to conceal crimes against children to save [the institution’s] reputation and serve its economic interests” [italics in original] – “requires its own cause of action tailored to the unique challenges presented by an institutional defendant like Penn State or the Catholic Church.” Part 6 proposes a John Doe Statute” which would impose “strict liability on institutions when their employees commit a sexual crime against a minor,” and “includes specific civil and criminal penalties that offer a more certain means of accountability for the institution and justice for the victims.” Presents her rationale and describes the Statutes components of institutional accountability, criminal liability, civil liability, mandated reporting, tolling of statute of limitations, and civil remedies. Part 8 applies the proposal’s components to the facts of the Penn State circumstances. Part 8 is a 3-paragraph conclusion. Among her sources is a Pennsylvania grand jury report concerning the Catholic Church’s Archdiocese of Philadelphia, civil suits against Catholic entities filed by survivors of clergy sexual abuse, and Report of the Special Investigative Counsel Regarding the Actions of the Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky. 338 footnotes.

Kuhlmann, Fred L. (1968). Communications to clergymen – When are they privileged? *Valparaiso University Law Review*, 2(2, Spring):265-295.

Kuhlman, a lawyer, is general counsel, Anheuser-Busch, Inc.; he formerly was chief counsel, The Lutheran Church–Missouri Synod. States at the outset: “Although 44 [U.S.A.] states and the District of Columbia have statutes recognizing the privilege nature of communications to the clergy, the wording of these statutes and the cases construing them leave the clergyman vulnerable in many situations... An analysis of the law in the 50 states and the District of Columbia is therefore essential to an understanding of the clergyman-privilege.” Begins by very briefly discussing 6 states in which there is no privilege. Discusses 23 states in which the privilege is limited and questionable, based on a review of case law in which different conclusions have been reached and different rationales for the conclusions. Includes a 1926 Arkansas case involving “a man [who] was accused of the rape of his own daughter. He had written a letter to his preacher requesting prayer on his behalf. The letter contained certain statements which had ‘some tendency towards an indirect confession of the charge.’ The court was obviously not sympathetic toward the defendant, and permitted the preacher to testify. The court held that the mere fact that a confession is made to a minister of the gospel to obtain his help is not sufficient to exclude the confession. The confession, it was held, must be pursuant to a duty enjoined by the rules of practice of the particular church – and the court could find no evidence that there was any rule of practice of the defendant’s church (unnamed in the case) which enjoined upon its members the duty to make confessions of sins.” Discusses 21 states and the District of Columbia which have broadened the privilege. Noting the absence of federal statute regarding the privilege for clergy, he very briefly cites 2 federal District Court cases from 1953 and 1958. Very briefly identifies the basic principles in conflict as developing the truth to attain a just result and preserving a confidentiality as a means to maintain trust in a religious figure. States his position: “In balance, the advantages of granting the privilege seem to outweigh the disadvantages.” Proposes a model form of statute granting the privilege. Concludes with 8 practical suggestions for clergy

“concerning their legal rights and duties in this sensitive area.” 136 footnotes. [While the article refers to only 1 case involving the context of a sexual boundary violations in a faith community, it is included in this bibliography because of its historical relevance.]

Kuo, Alexandria, & Lund, Emily. (2018). Employing ex-offenders: What churches should know: Offering employment to those leaving prison while striving to avoid accusations of negligent hiring. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 32(3, May/June):10-11.

Kuo is the journal’s former editorial intern. Lund is the journal’s assistant editor. They discuss practical steps for churches to take and practices to avoid when considering whether to hire a person a person with a criminal background. Regarding the risks of negligent hiring and selection, states: “The church administrator’s responsibility is to ensure the safety of the congregation and staff. If a crime were to occur, the church may be sued for risk of negligent hiring – thus, every church (like any other organization) should have knowledge of the backgrounds of their staff members prior to the start of any employment.” Quotes Midgett Parker, an attorney and editorial advisor for the journal: “‘Don’t hire someone who has been convicted of sexual child abuse to lead a youth ministry, because it is related to the job... You wouldn’t hire someone who has been convicted of financial fraud to be your bookkeeper.’” [See also: Hammar, Richard. (2018). What is Negligent Selection, p. 11. In this sidebar, Hammar, the journal’s senior editor, provides a general definition of *negligent selection*, calling it “[o]ne of the most significant legal risks facing churches...”]

LaBarbera, Samantha Kluxen. (2005). [Note] Secrecy and settlements: Is the New Jersey Charitable Immunity Act justified in light of the clergy sexual abuse crisis? *Villanova Law Review*, 50:261ff. [Retrieved 10/25/05 at LexisNexis Academic database.]

LaBarbera is not identified. “This Note discusses the New Jersey Charitable Immunity Act in light of the [Roman] Catholic clergy sexual abuse scandal.” Part 1 is a brief introduction and introduces the problem: In New Jersey, victims of clergy sexual abuse are barred from seeking civil damages for negligence because the state’s “Charitable Immunity Act shields the church from tort liability in order to ensure its assets are not depleted.” States: “Because of a bevy of new allegations nationwide recently renewed questions about church liability, the time has come to reevaluate the statute and its place in an environment where clergy sexual abuse of minors is an unfortunate reality.” Focuses on the Catholic Church because of its large institutional status. Part 2 very briefly traces the Act’s history in New Jersey, beginning with the adoption of common law doctrine by the State Supreme Court in a 1925 case. Notes that the Act, adopted in 1959, “represents a minority position among United States jurisdictions.” Part 3 very briefly presents the various justifications for the doctrine of charitable immunity, and offers applicable counterarguments. Notes that the New Jersey legislature emphasized economic justifications for the Act, particularly the possible depletion of charitable funds if the doctrine was abolished. Notes a State Supreme Court decision which identified the assumption of risk rationale as another of the legislature’s intents. Part 4 considers whether the Act is appropriate and effective in light of clergy sexual misconduct in the Catholic Church. Argues that the widespread nature of the problem negates the Act’s valuing of the benefit to society of charitable works over the ‘occasional’ victim. Also argues that “the Church has played a direct role in enabling clergy sexual abuse to reach epidemic proportions.” Suggests that recent “institutional changes do not negate the need to reexamine charitable immunity.” Also suggests that large diocesan monetary settlement agreements with victims “may undermine the legislative intent” of the Act. Part 5 concludes that New Jersey should amend the Act to reduce impediments to victims of clergy sexual abuse in tort actions related to negligent hiring and supervision cases. Draws from arguments in Part 4 to support the conclusion. Proposes an exception to the Act “where negligence has resulted in the sexual abuse of a minor.” 243 footnotes.

Landry, Benjamin David. (2011). The Church abuse scandal: Prosecuting the Pope before the International Criminal Court. *Chicago Journal of International Law*, 12(1, Summer):341-373.

Landry is a student, The University of Chicago Law School, Chicago, Illinois. Following the suggestion by United Nations Judge Geoffrey Robinson in 2010 that Pope Benedict XVI, formerly Cardinal Joseph Ratzinger, be prosecuted before the International Criminal Court (ICC) for “crimes against humanity” for his role in what has been described as the Roman Catholic Church’s “pattern of concealing [sexual] abuse [of minors by priests] from civil authorities and allowing offenders to remain members of the clergy [which] enable more abuse.” Prior to being elected Pope, Ratzinger was the head of the Church’s Congregation for the Doctrine of Faith (CDF), “in which capacity he was responsible for addressing accusations of sexual abuse by Catholic priests worldwide.” Landry’s “Comment will provide a legal analysis of the viability of prosecuting the Pope in the ICC for crimes against humanity for his conscious disregard of the sexual abuse of children by Catholic priests under the power of the Catholic Church.” Part 1 is an introduction. Part 2 is a lengthy consideration of the Pope’s culpability in relation to the ICC Statute regarding crimes against humanity. Concludes that prosecution is plausible under: “Article 28’s respondeat superior individual criminal liability covers the Pope’s position in the CDF and his actions...” Although there are some obstacles in terms of legal definitions and evidentiary showings, a potential prosecutor has colorable arguments for culpability.” Part 3 examines whether the Pope has viable defenses, and concludes: “The primary, and likely only, substantive defense will be that the Pope is due head of state immunity.” Noting that the ICC Statute does not recognize head of state immunity, states: “While this presents a potential barrier to invoking jurisdiction, it (a) has no bearing on whether the ICC recognizes the immunity as a defense in trial...” Part 4 considers how the ICC could obtain jurisdiction to try the Pope, and explores jurisdictional issues that present “serious challenges for a prosecutor.” Part 5 is a 1-paragraph comment on the possible outcomes of a successful prosecution. He recommends creation of a trust fund under Article 79 that would benefit victims, which “will encourage more abuse to come to light and will allow the Church to take an affirmative step in redressing its omissions. Part 6 is a 1-paragraph conclusion. 172 footnotes.

Lear, Mark C. (1997). [Note] Just perfect for pedophiles? Charitable organizations that work with children and their duty to screen volunteers. *Texas Law Review*, 76(1, November):143-182.

By an associate editor of the publication. Addresses a broad issue raised by the ruling in a recent Texas civil case involving molestation of a Boy Scout by the scoutmaster: “What legal duties, if any, are imposed on nonprofit organizations to protect their child beneficiaries from sexual abuse by volunteers working within the organization?” Part 1 reviews the possibility of imposing the doctrine of vicarious liability on nonprofit organizations “by which the tort of the servant is charged to the master as a result of the relationship between them.” Notes courts’ historical reluctance to expand respondeat superior doctrine, and calls this “justified under sound public policy rationales as well.” Calls vicarious liability “a crude, overbroad method of accomplishing the goal of careful selection of volunteers.” Concludes that the common law doctrine of negligent hiring “would much more effectively accomplish the goal of encouraging care in volunteer selection without overdetering beneficial activities.” Part 2 examines applying negligent hiring as a cause of action for a nonprofit’s engagement of volunteers to work with children. Noting contradictory decisions by high courts in U.S. states, concludes that the doctrine “does (and should) apply to the engagement of unpaid volunteers acting under the auspices of a volunteer organization.” Notes a decline in the charitable immunity doctrine. Part 3 “explores methods of screening that may constitute a ‘reasonable’ background investigation” by a nonprofit fulfilling a legal duty to utilize due care in selection of volunteers, particularly the role of criminal background checks. Considers practical implications of access to, and costs of, screening. Part 4 is a brief conclusion. Among cases cited are those involving Roman Catholic, Baptist, United Methodist, and Assembly of God churches. 193 footnotes.

Learn, Lindsey, & Liautaud, Marian V. (2009). Sexual abuse in faith communities: What one group of experts has to say about protecting kids. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 23(1, January/February):27.

Learn is editorial coordinator, and Liautaud is editor, Your Church Media Group. Very briefly reports comments by 5 respondents identified as experts in counseling, risk management, litigation, and insurance claims during a roundtable discussion “on how to help faith communities protect children and their ministries from any occurrences of child sexual abuse.” Organizes responses around 4 questions: “How can leaders identify sex offenders before inadvertently recruiting them to serve in their ministry? Why is the Church vulnerable to sex offenders? How can you tell if a child is being abused? What can churches do to ward off predators?”

Leibowitz, Jodi. (2003). [Note] Criminal statutes of limitations: An obstacle to the prosecution and punishment of child sexual abuse. *Cardozo Law Review*, 25(December):907ff. [Retrieved 08/21/09 at LexisNexis Academic database.]

Leibowitz is Notes editor of the journal, and a law student, Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York. Prompted in part by “the [Roman Catholic] church scandals [regarding clergy sexual abuse of minors] that have swept the nation over the past several years...” Proposes that state legislatures “should enact legislation abolishing the statute of limitations in criminal cases of felony child sexual abuse.” Part 1 is an extremely brief overview of statutes of limitations in the context of criminal cases. Part 2 is an extremely brief overview of the psychological defense mechanism of repressed memories in the context of psychological trauma, in general, and childhood sexual abuse, in particular. Notes that states’ laws “differ in their approaches to the admissibility of repressed memories” and calls for adoption of the *Daubert* standard, a federal court standard for the admissibility of scientific evidence. Notes the controversy over False Memory Syndrome. Part 3 is an extremely brief description of various ways U.S. states apply statutes of limitations to the crime of child sexual abuse, and notes the lack of uniform protection for victims. Part 4 is an extremely brief review of legal theories of criminal punishment, including utilitarian, consequentialist, and retributivist, for their purpose and function. Argues that the by all the theories, “it becomes evident that the goals of punishment with respect to child sexual offenses can be better accomplished by eliminating the statute of limitations for child sexual abuse.” Among the cases cited in the references for this section is that of Rudolph Kos, a former Roman Catholic priest who was “sentence[d] to life imprisonment for the sexual assault of 4 boys from 1981 to 1992 [which] illustrates why even ‘old crimes’ of sexual abuse need to be prosecuted.” Part 5 very briefly proposes that state legislatures abolish statutes of limitations for the crime of child sexual abuse which would allow “a greater number of sexual abuse cases to be brought to trial [and so] better serve the ends of justice.” 153 footnotes.

Lewis, Christine W., & Kiser, Sara B. (2005/2006). When shepherds ravage the sheep: The liability of religious organizations for sexual misconduct by clergy. *Journal of Individual Employment Rights*, 12(1):45-66.

Lewis is a professor, School of Business, Auburn University of Montgomery, Montgomery, Alabama. Kiser is affiliated with Judson College, Marion, Alabama. “This article explores the breadth of the problem [of clergy sexual misconduct], the variety of lawsuits that have not been brought due to clerical sexual misconduct, discusses the application of the First Amendment, and displays human resource management policies that will help prevent liability for churches.” Citing reports for a variety of religious entities, calls the scope of the problem “very significant” and notes that churches “have, in the past, been remiss in their treatment of offenders.” Lists causes of action that have been brought, other than clergy malpractice: negligent hiring by the employer church, negligent supervision and retention, breach of fiduciary duty, hostile work environment sexual harassment, retaliatory discharge, whistle blower violations, and intentional infliction of emotional distress. Briefly summarizes civil case decisions from New Jersey, Colorado, and a federal district court involving clergy sexual misconduct and claims of breach of fiduciary duty, and offers a very brief analysis. Identifies transference phenomenon and mandatory reporting laws for child abuse as other reasons as to “why clerics should be held to a professional standard of care.” Briefly discusses negligent supervision and retention claims against churches. Concludes: “Using the neutral secular standard should be applicable in situations involving churches and clerical sexual misconduct.” Summarizes a case involving claims of retaliatory discharge, intentional infliction, and other state tort claims in a sexual

harassment case involving a church. The largest section discusses civil cases involving clergy, First Amendment issues, and sexual misconduct. Calls upon churches “to look to the modern workplace for possible solutions” that acknowledge the reality of sexual misconduct by acting to: define the problem; pledge to protect; establish grievance procedures; investigate complaints; take effective post-offense actions; and, implement preventive, educational, training practices. Cites positive examples. Concludes: “Due to the especially traumatic and long-lasting impact sexual impact has proven to have on a victim when the cleric serves as the victim’s counselor, stronger laws are needed to hold clergy to the same standards applied to other professionals when counseling is involved.” 64 footnotes.

Lipson, Jonathan C. (2006). When churches fail: The diocesan debtor dilemmas. *Southern California Law Review*, 79(2, January):363-454.

Lipson is associate professor of law, Beasley School of Law, Temple University, Philadelphia, Pennsylvania. Prompted by recent bankruptcy failings by Roman Catholic Church dioceses in Tucson, Arizona, Spokane, Washington, and Portland, Oregon related to “hundred of millions of dollars in liability for priests’ sexual misconduct.” States: “As with most mass tort bankruptcies, these cases present a struggle between two sets of comparatively innocent parties: tort claimants (the victims of the sexual abuse) and other creditors, on the one hand, versus the parishioners, or church members, on the other. Unlike most bankruptcies, however, these cases present two dilemmas: one doctrinal and the other constitutional.” Part 2 presents the background of the diocesan cases and highlights religious liberty disputes based on First Amendment principles. Part 3 “surveys some of the major bankruptcy issues in these cases and distinguishes the potential results under bankruptcy and canon law.” Part 4 “considers limitations on bankruptcy law that might be imposed by principles of religious liberty. It also develops the constitutional dilemma that would appear to flow from following either of the options presented by the doctrinal dilemma.” Discusses the Free Exercise Clause of the First Amendment, “the ‘hybrid rights’ exception” which involves liberty interests other than religion, and the Religious Freedom Restoration Act. Part 5 offers alternatives to the proceduralist and pragmatist positions discussed previously, and “argues that courts facing these types of cases can make settlement more attractive by using conflict-of-laws and equitable doctrines.” Part 5 is a very brief conclusion. States that his recommended approaches in Part 4 “should give judges more and better ways to encourage the parties to resolve, rather than litigate, these difficult disputes.” 455 footnotes.

Llewellyn, Jennifer J. (2002). Dealing with the legacy of Native residential school abuse in Canada: Litigation, ADR, and restorative justice. *The University of Toronto Law Journal*, 52(3, Summer):253-300.

Llewellyn is an assistant professor, Schulich School of Law, Dalhousie University, Halifax, Nova Scotia, Canada. Part 1, the brief introduction, notes the “recent flood civil litigation suits filed against the federal government [of Canada] and four major Christian churches [in Canada] by former students of Canadian Native residential schools,” and cites the involved parties’ widespread dissatisfaction with the civil litigation process, which “has led those involved to look to the mechanisms collected under the umbrella term ‘alternative dispute resolution’ (ADR) in order to find an alternative to litigation.” States her position that “the ADR mechanisms” are inadequate to achieving an appropriate resolution, and that “restorative justice provides a new lens through which to envision meaningful alternatives for dealing with the residential school situation in Canada.” Part 2 is “a short history of Native residential schools in Canada and offers an overview of the current legal crisis over the abuse caused in and through these institutions.” From the late 19th century until the 1980s, Canada “provided education to Aboriginal children through a system of residential schools,” which were administered primarily by 4 churches: “three Protestant denominations – Methodist (now The United Church of Canada), Presbyterian, and Anglican – in addition to several Roman Catholic Orders (most notably the [Missionary] Oblates [of Mary Immaculate]).” The 88 schools, which received 100,00+ children, “were the primary tool used by the government in pursuance of their policy of assimilation with respect to Aboriginal peoples.” States that the schools “imposed conditions of disconnection, degradation, and powerlessness on the students. The nature of these institutions permitted and even encouraged the abuse that commonly marked children’s experiences. Sexual abuse by caregivers and

administrators was rampant... So, too were forms of physical abuse, sometimes rising to life-threatening levels.” Systemic abuse was manifested in children’s “removal from their families, isolation from their communities, and the destruction of their culture, language, and spirituality. Additionally, chronic underfunding left children perpetually hungry, malnourished, inadequately clothed, and forced into manual labour to support the daily costs of running the institutions.” States: “It was not until 1990 and the appointment of the Royal Commission on Aboriginal Peoples that Canadian society began to hear stories about the abuse...” States that the federal government “has largely ignored the Commission’s report and recommendations.” Part 3 notes that as of October, 2001, 8,500+ former students had filed lawsuits, and that at least 4,500, including 2 class action suits, are currently active. She very briefly notes the adverse experiences of the litigation system, including: claimants subjected to rigorous cross-examination at trial, long waits for awarded compensation, high legal fees based on contingency, and the exclusion of individuals’ families and communities as eligible claimants. Defendants have complained of high costs. Part 4 “surveys the advantages and disadvantages of the litigation process for residential school victims... to understand the alternatives to this process that are currently being utilized and advocated.” Advantages identified include: 1.) “...the legitimacy and authority of the mainstream judicial system in Canadian society.” 2.) “...courts may provide more satisfaction for those... who seek vindication on a matter of principle. A damage award from a court is an explicit acknowledgment that the victim has rights and that these rights were violated.” 3.) A sense that “the court process and formal structures involved in civil litigation will provide protection for less powerful parties.” 4.) The trial process and record are open to the public, generally. 5.) A court ruling has the capacity to establish precedent. 6.) It is a familiar and known process. Disadvantages identified include: 1.) “...extremely high cost to those involved.” 2.) “...an arduous and protracted process.” 3.) “...the bipartisan and adversarial nature of tort litigation does not adequately accommodate or comprehend the nature of the harms at stake in native residential school cases... ..it does not account for the complex relationships between and among the multiple parties involved... The harm at issue is restricted to that suffered by the individual plaintiff.” 4.) “...its assumption that parties have adverse interests.” 5.) “...the theory of justice underlying the system is unable to provide an adequate remedy for the harms caused by the schools. Tort law is informed by a concept of corrective justice... ..it fails to address the other, intangible, harms that corrective justice itself recognizes as caused by the wrongdoing.” Part 5 is a critique of “traditional mainstream” ADRs as “currently being used and advocated to settle residential school claims,” focusing on their procedural nature as antithetical to the relational nature of the harms experienced by children who attended the residential schools, which extend to their children and grandchildren, and secondarily by their families and communities. Concludes: “The system of tort law, then, appears ill equipped in both its structure and its underlying conception of justice to respond to the intangible harms at issue in residential school cases.” Her analysis is that mainstream ADRs “are drawn from the mainstream tort litigation system,” citing negotiation and mediation as examples. Notes that settlement as an end is not relevant to “whether the interests of justice were served.” Part 6 is a conceptual argument that restorative justice (RJ) “is a process that can comprehend and address the true nature of the harms resulting from residential schools – one that comprehends that these are, at their root, harms to the relationships between and among individuals, communities, and institutions. States: “The sexual and physical abuse suffered by Aboriginal children in residential schools cannot be understood in isolation from the cultural and spiritual abuse that was the *raison d’être* of the system.” States that RJ as a “conception of justice is similar to that which underlies traditional Aboriginal understandings of, and approaches to, justice.” Identifies elements for discussing how an RJ process would be implemented in the context of the residential schools: 1.) It includes all involved and affected parties. 2.) It addresses all harms. 3.) It is voluntary. 4.) It is “premised on, and centered around, truth-telling.” 5.) It is evaluated by the result of whether it restores or not. Part 7 cites as a helpful model of RJ for this this context that of the South African Truth and Reconciliation Commission. Identifies constructive features and features to avoid. 124 footnotes.

Logan, Wayne A. (2003). Criminal law sanctuaries. *Harvard Civil Rights - Civil Liberties Law Review*, 38(2, Summer):321-391.

Logan is associate professor of law, William Mitchell College of Law, St. Paul, Minnesota. An article that “explores the manner in which Anglo-American law has, and has not, addressed criminal activity within churches, families, and corporations. Each institution has afforded a measure of immunity from prosecution, in effect establishing criminal law sanctuaries that, under ideal circumstances, self-regulate effectively without intrusion by government, but in less benign circumstances serve as criminogenic refuges.” Identifies factors that have eroded governmental exceptions to these institutions as feminism, the victim’s rights movement, and populism which have “been augmented by the historical governmental predisposition to increase its punitive reach, which in modern times has been galvanized by aggressive and increasingly omnipresent media reportage.” Part 2 is an overview of the historic role of sanctuary in churches, families, and corporations, and “the social, political, and jurisprudential reasons for their existence.” Traces the concept and application of sanctuary and asylum in churches from the Hebrew scriptures to the Constantinian, medieval European, Middle Ages, and Tudor England periods. His analysis is that “the modern [Roman] Catholic Church’s response to allegations of sexual abuse by its clergy reveals perceptible traces of medieval sanctuary. Then, as now, churches served as ‘the great intermediaries between criminals and those who desired vengeance, and acted as ambassadors of mercy before the throne of justice.’” Regardless of the Church’s motives, he writes, “there is no mistaking vestiges of abuse by its priests, euphemistically referred to as being ‘in between assignments.’” Commenting on the U.S. Conference of Catholic Bishops’ position in Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Dec. 17, 2002), he concludes: “In sum, five hundred years after its heyday in medieval England, sanctuary has again infiltrated the public consciousness. And as during the time of King James I, the state – after a long acquiescence – has recoiled and taken action to end it. Observes: “In more contemporary times, sanctuary has been reserved for clergy, who benefit from the Church’s same insularity and intimidating influence, today buttressed by the protective sheath of the First Amendment.” Regarding the evolving governmental aversion to sanctuaries, he cites typical government intolerance of self-regulating domains beyond its reach as a factor in “governmental crackdowns on Church sanctuary and benefit of clergy.” Part 3 “examines the several decades-long efforts to detect, deter, and punish harms committed within families and corporations, and offers some thoughts on how the law might best be brought to bear on criminal sexual abuse within the Church.” Makes brief suggestions that include “proactive measures that draw upon and reinforce the indigenous capacity of the Church to self-police” and means that achieve institutional reform. 433 footnotes.

Lupu, Ira C., & Tuttle, Robert W. (2004). Sexual misconduct and ecclesiastical immunity. *Brigham Young University Law Review*, 2004(5):1789-1896.

By 2 professors of law, George Washington University, Washington, D.C. Presented as part of a conference on church autonomy, February 6-7, 2004, at J. Reuben Clark Law School, Brigham Young University, Provo, Utah. For critiques, see this bibliography, this section: Marshall, William P. (2004), and , Mark E. (2004). “This paper will critically analyze the possibility and structure of [U.S. Constitution] First Amendment defenses to actions, both civil and criminal, arising out of sexual misconduct by members of the clergy.” Part 1 is an introduction. Part 2 “trace[s] the expansion of relevant theories of tort and criminal liability, and the waning of immunities – constitutional and statutory – that once applied to such actions.” Notes as contributing factors the decline of the doctrine of charitable immunity, “a significant expansion in theories of tort liability,” and the law’s “responsiveness to sexual violence, abuse, and exploitation.” Also notes the trend in constitutional law from a conception of religious distinctiveness: “At the bottom of the slide, religious entities and their officers will have neither fewer nor greater defenses than those available to comparable secular organizations and their agents.” Part 3 “suggests a normative theory of the constitutional distinctiveness of religion and ties that theory to an Establishment Clause conception of ecclesiastical immunity.” Their argument “proceeds from a vision of jurisdictional limits on civil government.” Part 4 applies the lessons of Part 3 to “the particular problems of sexual abuse by clergy, and the criminal and civil liability of secondary actors for such misconduct.” Presents 3 themes: those who commit sexual harm against those who lack capacity to consent have no claim of ecclesiastical immunity; “the religious status of persons and the religious character of institutions should not give rise to

fiduciary duties as a matter of law.”; “adjudication of wrongful [civil or criminal] acts in the hiring and supervision of clergy must be conducted with sensitivity to constitutional concerns of both substance and process.” Their primary concern is with institutional fiduciary duties to victims of sexual misconduct: “Fiduciary liabilities are growing the quickest and pose the greatest risk of unconstitutionally singling out religious institutions for disfavored treatment.” Critiques a number of U.S.A. state court decisions as part of their analysis. Also discusses recent investigations and resolutions in cases involving U.S.A. states attorney generals and Roman Catholic dioceses. Part 5 is a brief conclusion. 403 footnotes.

Lyons, Ashling A. (2004). [Note] Thou shalt not make this plaintiff whole: First Amendment implications and possible solutions to the New Jersey Supreme Court’s *McKelvey* decision in the wake of the sexual abuse scandal. *Rutgers Law Journal*, 35, (Spring):1217ff. [Retrieved 02/21/05 at LexisNexis Academic database.]

Lyons is a law student, Rutgers University School of Law, Camden, New Jersey. Argues that just as New Jersey has extended the statute of limitations in sexual abuse cases, so should it “extended the statute of limitations for plaintiffs seeking retroactive civil liability for sexual abuse and sexual harassment suffered at the hands of the clergy...” Examines the legal case of Christopher McKelvey, “a seminarian in the Diocese of Camden [New Jersey] who sued the [Roman] Catholic Church and several priests for alleged sexual harassment.” Parts 2 and 3 very briefly present the case and discuss its procedural history. Part 4 discusses the New Jersey Supreme Court’s reversal of 2 lower court decisions which dismissed McKelvey’s complaint, and describes its reasoning. Part 5 “analyzes the First Amendment implications of McKelvey’s claim and whether this plaintiff will ever be made whole without being able to introduce canon law into evidence for a limited purpose.” Also “explores the possibility of extending the statute of limitations in New Jersey... to allow a one-year window of opportunity for plaintiffs to bring civil suits against the likes of the Catholic Church.” Begins with a brief discussion of the history of the religion clauses – Free Exercise and Establishment – of the First Amendment of the U.S. Constitution. Proposes that in *McKelvey*, he should have been able to introduce the Church’s Code of Canon Law as evidence without violating the Establishment clause. Also proposes that extending New Jersey’s statute of limitations for abuse cases such as *McKelvey* would not unfairly discriminate against the Roman Catholic Church, and instead would “rather demand accountability and provide a means of justice to plaintiffs otherwise barred from seeking recovery.” 139 footnotes.

Lytton, Timothy D. (2007). [Article] Clergy sexual litigation: The policymaking role of tort law. *Connecticut Law Review*, 39(3, February):809-895.

By a professor of law, Albany Law School, Albany, New York. From the Introduction: “By all accounts, the prevalence of [Roman Catholic] clergy sexual abuse [of minors] and its cover-up by Church officials represents a massive institutional failure. Obscured by all of this attention to the Church’s failure is the largely untold story of the tort system’s remarkable success in bringing the scandal to light, focusing attention on the need for institutional reform, and spurring Church leaders and public officials into action. Tort litigation framed the problem of clergy sexual abuse as institutional failure, and it placed that problem on the policy agendas of the Catholic Church, law enforcement, and state governments. This Article examines these framing and agenda-setting effects of clergy sexual abuse litigation. It argues that private lawsuits can have a powerful and beneficial effect on policymaking.” Builds on recent findings in tort scholarship on tobacco and gun litigation regarding the process rather than the outcomes. Part 2 presents his analysis of plaintiffs’ framing of the Church’s institutional failure as the dominant frame in media coverage. Draws from the prominent cases of Fathers Bilgert Gauthe, James Porter, and John Geoghan to “highlight the relationship between litigation, press coverage, and policymaking.” His position is that tort litigation “provides ready-made news frames” and that plaintiffs’ frames in clergy sexual abuse litigation dominated media coverage because they “more closely matched the demands of the news production process.” Note the “close correspondence between the doctrinal, rhetorical, and strategic considerations that shape the framing of tort claims on one hand and the criteria of newsworthiness upon which journalists rely in constructing the news on the other hand.” Relies on extensive citations from media sources and litigation documents to support his position, as well

as interviews with reporters and plaintiff attorneys. Part 3 presents his analysis “that [tort] litigation placed clergy sexual abuse on the policy agendas of the Catholic Church, law enforcement, and state legislatures, and shaped policy responses to the problem.” Uses public policy scholars’ differentiation of public and institutional agendas. Notes that as litigation framed the issues in the media, news coverage of cases “facilitated the mobilization of victims, lawyers, and activities seeking policy change.” Using John W. Kingdon’s public policy concepts, “suggest[s] that the Gauthé, Porter, and Geoghan cases served as focusing events that opened up policy windows which policy entrepreneurs – victims’ advocates, plaintiffs’ attorneys, and reformers within the Church – used to promote policy change. Ongoing litigation in the periods of diminished press coverage played an essential role in softening up the system.” Also presents the case that tort litigation against the Church “increased efforts to investigate and prosecute clergy sexual abuse” and was a factor in placing clergy sexual abuse on the agendas of state legislatures. Suggests tort litigation and media coverage also “helped define the policy alternatives [for the Church and government that were] proposed to address the problem. ...policy discussion was framed in terms of addressing institutional failure and episcopal responsibility.” Part 4 is a “challeng[e] to tort-reform advocates who denounce the litigation process as inefficient and litigation skeptics who suggest that litigation is an ineffective means of achieving social change...” Notes “that the causal influence between the litigation and the news coverage was reciprocal.” Assess the limitation of his empirical evidence, including the use of poll data, and press coverage as a proxy for public awareness. Part 5 is a brief conclusion: “My analysis of clergy sexual abuse litigation suggests that we should view it also as a policy venue – an institutional setting in which policymaking occurs. Clergy sexual abuse litigation illustrates how this venue can be used to promote policy change by framing issues, achieving agenda access, and shaping policy alternatives.” Appendices include tabulations of newspaper and magazine stories and letters to the editor, and articles in Catholic periodicals concerning clergy sexual abuse. [For responses, see this bibliography, this section: Chopko, Mark E. (2007). and Rubino, Stephen C. (2007).] 361 footnotes.

_____. (2009). Framing clergy sexual abuse as an institutional failure: How tort litigation influences media coverage. *William Mitchell Law Review*, 36(1):169-185.

“Tort litigation against the [Roman] Catholic Church [in the U.S.A.] is largely responsible for the widespread understanding of clergy sexual abuse as an institutional failure on the part of Church officials... This essay focuses on three features of tort litigation that explain why it exerted such a powerful influence on the framing of clergy sexual abuse.” Part 1 is a brief background “focus[ing] on three cases that individually played significant roles within the history of clergy sexual abuse litigation...” The cases are those of Fr. Gilbert Gauthé and the Diocese of Lafayette in Louisiana, Fr. James R. Porter and the Diocese of Falls River in Massachusetts, and Fr. John Geoghan and the Archdiocese of Boston in Massachusetts. Part 2 is an analysis of the influence of tort litigation on the framing of sexual abuse “which became the dominant understanding of clergy sexual abuse within the Church among the public and policymakers because it was adopted by the news media.” Identifies 3 features: correspondence between the strategic considerations that shape tort claims and the media’s criteria of newsworthiness, litigation documents as credible new sources for media reporting, and the litigation process as an unfolding and protracted drama. Part 3 is a very brief concluding discussion of the implications of his analysis, “one for the current controversy over tort reform and the other for our understanding of child sexual abuse in institutional settings.” 84 footnotes.

Mabey, Renae. (2006). The priest-penitent privilege in Australia and its consequences. *Murdoch University Electronic Journal of Law*, 13(2):51-79.

Mabey is a student, School of Law, Murdoch University, Murdoch, Western Australia, Australia. Describes variations in the status of the priest-penitent privilege in Australia law. States: “Currently five Australian jurisdictions have a section in their Evidence Act protecting ritual confessions to priests. These are Victoria, the Northern Territory, the Commonwealth, New South Wales and Tasmania... The Commonwealth Act applies to the Federal Family Court, the Federal Court and the High Court. Both the Queensland and Western Australia Law Reform Commissions

have expressly rejected the idea of introducing the priest-penitent privilege into the Evidence Acts of their states.” Amidst variations of the privilege, a common factor includes that “the confession made must be ritual or formal.” Differences include whether the privilege belongs to the penitent or to the priest. Also describes the “professional communications privilege” in New South Wales’ Evidence Act, which covers communications “for councilors of sexual assault victims,” noting that “it does not apply automatically but can be granted if the courts think a particular relationship fits within the definition. The court must exercise its discretion if it is satisfied that it is likely that harm would be caused to a protected confider if the evidence is given and that the harm outweighs the desirability of the evidence being given.” Considers common law regarding the priest-penitent privilege in Western Australia, South Australia, and Queensland, and briefly traces case law. States: “For practical purposes priests should assume that there is no privilege at common law, even though it could be argued that this has never been properly determined.” A section discusses confession and church law in the Roman Catholic Church and the Anglican Church of Australia. States: “If a penitent does confess a crime as a sin, the Anglican priest can defer or refuse to give absolution until the penitent has performed specific acts, such as reporting the crime to the police. The seal of confession still attaches, even if absolution is never given.” States that in New South Wales, Commonwealth, and Tasmanian statutes, the privilege only applies “to ritual confession such as those in the Anglican and Catholic churches,” whereas confessions which are not as ritual in other churches are not covered. Concludes that variations in Australian statutes and practice “leaves open the possibility of conflict between the churches and the court system.” Recommends utilization of the “professional communications privilege,” with amendment, as “the most appropriate [remedy] for Australia’s multi-cultural and multi-faith community. It is non-discriminatory and could have a wide application.” Appendix 1 quotes Australian statutes. Appendix 2 quotes Catholic Church canons. Appendix 3 quotes Anglican Church canons. 122 endnotes; 2 pp. of references. [While sexual boundary violations in faith communities are not addressed, the item is included in this bibliography because of its relevance to the topic.]

Madrid, Paul. (2009). [Note] The liability of Catholic parishes in America: What went wrong and how to fix it. *The Review of Litigation*, 28(Spring):707ff. [Retrieved 06/02/09 at LexisNexis Academic database.]

Madrid is a law student, University of Texas, Austin, Texas. Comments on the situation in the Roman Catholic Church in the U.S.A. following “instructions from dicasteries of the Roman Curia requiring vesting of secular title to parochial property in parish corporations wherever possible” in relation to civil liability for actions by clergy. States in Part 1: “Despite the reorganization of property along parochial lines, the agency and employment structure of the parish in secular law still varies from the precepts of [Catholic] canon law. Because of this variance, secular law will impose vicarious liability on the parish for the torts of its clergy and lay ministers and hold the parish responsible for negligent hiring. Canon law would instead impute the liability elsewhere. This inequitable result, however, can be avoided by structuring the parish corporation so that it serves a property-holding function only, leaving the ministerial functions to the parish priest and ministers, either personally or through another entity.” Part 2 is “devoted to comparing the Church’s laws and the state’s laws on remedying harm caused by others. Subsection A will show that while not explicitly present in the Church’s positive law, canon law recognizes both direct and vicarious liability of employers in a manner similar to the secular law. Subsection B will examine the relevant secular law of vicarious liability for harm and employer negligence.” Several situations related to clergy sexual abuse litigation are very briefly described. Part 3 “discuss[es] the major differences between how canon law and secular law treat the personality of the parish.” Part 4 very briefly “examine[s] problematic employment relationships with individuals and discuss[es] the absence of canonical liability and the presence of secular liability due to the difference in entity structure.” Examines employment relationships with parochial vicars, parish deacons, and lay ministers.” Part 5 advocates for separate corporations for title-holding and ministry, and for transferring the civil employment relationship from the parish “to the entity that is canonically responsible for overseeing and compensating pastoral activity.” Part 6 is a very brief summary. 113 endnotes.

Mancini, Nicholas R. (2002). [Note and Comment] Mobsters in the monastery? Applicability of civil RICO to the clergy sexual misconduct scandal and the Catholic Church. *Roger Williams University Law Review*, 8(Fall):193ff. [Retrieved 02/22/04 at LexisNexis Academic database.]

Reviews the “latest [legal] theory for [civil] recovery [against Roman Catholic priests who molest children and the Church hierarchy for its post-discovery actions] is the application of the [U.S.] federal Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO), best known for its use against organized crime.” Written to “consider the viability of RICO-based claims against priests, high-ranking Church officials, and the Catholic Church itself, addressing the likely defenses and constitutional issues that may arise if a court is to entertain a RICO-based claim.” Focuses on the Roman Catholic Church because of “the controversial and high-profile nature of the issue and the distinct hierarchical structure.” Part 1 very briefly describes the legislative history of the RICO Act. Part 2 traces “the significant liberal extensions of RICO in recent years in three particularly important [federal] cases”, a pattern that, he concludes, “widens the class of defendants potentially liable under the statute.” Part 3 discusses the applicability of the components of RICO section 1962(b) to claims by clergy-related sexual abuse victims against “upper-level Church officials, including bishops and archbishops...” Considers specific terms of the section in relation to the context of the U.S. Roman Catholic Church. Part 4 discusses the applicability of the components of RICO section 1962(c) to claims against “both individual pedophile priests and Church authorities.” Part 5 examines the 4-year statute of limitations clause of RICO which begins at the time of discovery of injury caused by predicate acts, and discusses issues related to recovered memory and therapy. Part 6 addresses the possibility that vicarious liability claims against bishops and archbishops may be available under section 1962(b). Part 7 addresses briefly the First Amendment of the U.S. Constitution’s prohibition against excessive entanglement with religious affairs as a defense against vicarious liability claims. Concludes that while RICO is theoretically applicable, section 1964(c) is unsuitable for civil recovery claims by clergy abuse victims because the types of injury intended in RICO – business or property – do not apply to the “...at their core, personal and emotional” injuries of victims. His position is that: alternative avenues of recovery are available, and, compared to RICO claims, involve less burdensome burdens of proof and would save court time; court extension of RICO to clergy sexual abuse cases would exceed the legislative intent of the statute. 221 footnotes.

Mangold, Susan Vivian. (2003). [Article] Reforming child protection in response to the Catholic Church child sexual abuse scandal. *University of Florida Journal of Law and Public Policy*, 14(2, Spring):155-178.

Mangold is a professor of law, University at Buffalo Law School, Buffalo, New York. Her premise and prediction is that: “The [Roman] Catholic Church child sexual abuse scandal... will lead to reforms of the [U.S.] child protection system.” Part 2 provides background by describing 2 reform periods in the development of the child protection system. First was establishment by states between 1963 and 1967 of the mandatory abuse reporting system which was followed by passage in 1974 of the federal Child Abuse Prevention and Treatment Act. Second was federal legislation to reform the child welfare system by emphasizing child safety as opposed to family preservation. In this context, cites the “[Roman] Catholic Church child sexual scandal” – consisting of abuse committed by priests and the role of diocesan bishops – as “[highlighting] gaps in criminal and child protection laws,” e.g., criminal statutes of limitation, exclusion of clergy as mandated reporters, and exclusion of non-family members from mandatory reporting laws. She predicts that the scandal will likely lead to “a widespread expansion of the mandatory reporting laws.” Part 3 describes the child welfare system’s balancing of parental rights and child protection rights. She concludes that: “The constitutional framework of the child welfare system and the practical child protection system itself are ill-suited to the task of protecting children from abuse by clergy, teachers, or others outside the family.” Also concludes that: “Law enforcement, not child protection, should investigate and respond.” Part 4 “proposes reform legislation and practice that adopts a collaborative approach for law enforcement and child welfare law...” and suggests 4 points to guide reforms: “First, the mandatory reporting system must be expanded not only to require clergy to be mandated reporters, but to require that all mandated reporters report abuse by those in professional positions over children such as teachers, day care providers, camp

counselors, and clergy.” “Second, reports of abuse by perpetrators outside of the family or household should be referred to law enforcement, not child protective services, for investigation – but only after the child’s parents have been notified.” “Third, criminal records involving child abuse should be maintained by statewide central registries just as with records of abuse perpetrated by family or household members.” “Finally, penalties for failure to report abuse must be enforced and should include civil as well as criminal penalties.” Concludes: “With collaboration between the reporting, investigating, and record-keeping functions of law enforcement and child protections, the culmination of the reforms as a result of the scandal can result in safer, more protective environments for children without further overtaxing the child protection system, or harming parents or families already suffering due to the abuse of a child.” 77 footnotes.

Mansfield, John H. (2003). Constitutional limits on the liability of churches for negligent supervision and breach of fiduciary duty. [From an issue based on a symposium, “The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty.”] *Boston College Law Review*, 44(4/5, July/September):1167-1180.

By a professor of law, Harvard University Law School, Cambridge, Massachusetts. “In the many suits against churches during the past several years for alleged misbehavior of clergy, a wide variety of tort theories have been put forward as possible bases for recovery. Among these are breach of fiduciary duty owed to church members, negligence in hiring, supervision and retention of clergy, intentional or negligent infliction of mental distress and vicarious liability for torts committed by individual clergy. [This article] explores possible federal constitutional barriers to these tort actions, focusing mostly on the torts of negligent supervision and breach of fiduciary duty.” Part 1 discusses the U.S. Constitution’s First Amendment and case law regarding prohibitions against a court answering religious questions, in general, and liability issues based on a court interpretation of church law, customs, or traditions, in particular. Part 2 briefly discusses hypothetical circumstances involving negligent supervision claims and potential violations of the Free Exercise and Establishment clauses of the First Amendment. Part 3 briefly discusses religiously motivated conduct, neutral law of general application, and the Free Exercise Clause. Part 4 briefly discusses the individualized assessment exception and its application to a negligent supervision case. Part 5 identifies other legal ideas that courts have used to measure the constitutionality of these types of tort claims against First Amendment requirements – the right of church autonomy and a prohibition against excessive entanglement. 45 footnotes.

Marcinak, Daniel J. (2006). [Comment] Separation of church and estate: On excluding parish assets from the bankruptcy estate of a diocese organized as a corporation sole. *Catholic University Law Review*, 55(2, Winter):583-633.

By a student, Columbus School of Law, The Catholic University of America, Washington, D.C. Prompted by bankruptcy filings by Roman Catholic dioceses in the U.S. following civil actions against them by victims of sexual abuse committed by priests. “This Comment explores the limits on assets of a [Roman Catholic] Church diocese organized as a corporation sole that has filed for bankruptcy under Title 11 of the United States [federal] Code (Chapter 11).” States: “The uncertainty arises when determining whether a diocese, organized under state law as a corporation sole where a bishop holds legal title to all parish property, is required under bankruptcy law to include parish assets in the diocese’s bankruptcy estate in violation of Church law. Resolution of this quandary is far reaching because more than one-half of the 195 dioceses of the Church in the United States are corporations sole. In reality, however, the corporation sole structure does not approximate the Church’s own organization. Whenever a bishop has mere legal title to parish assets, he ‘owns’ those assets for the benefit of the parishes in his diocese; consequently, a diocese legally holds parish properties in trust for parishes.” Part describes the use of a corporation sole within the Catholic Church in the U.S., canon 1256 of the Church’s Code of Canon Law and the relationship between a diocese and parishes, “and the necessary elements for creating a trust to exclude certain property from the diocese’s bankruptcy estate [under Chapter 11 of the U.S. bankruptcy code].” Also summarizes U.S. Supreme Court decisions regarding bankruptcy estates, the First Amendment of the U.S. Constitution and the Free Exercise Clause, and the Religious Freedom Restoration Act of 1993. Part 2 “explain[s] the bankruptcy procedures that define the

bankruptcy estate under Chapter 11 and the limits of the bankruptcy estate when property is held in trust.” Draws upon the case of the Spokane, Washington, diocese. Part 3 briefly “discuss[es] the effects under the First Amendment of compelling a diocese to legislate parish properties.” Very briefly concludes: “...a court infringes upon a diocese’s free-exercise rights when the court applies a neutral law of general applicability, in a discriminatory manner, to the determination of a diocese’s bankruptcy estate.” 361 footnotes.

Marshall, William P. (2004). [Commentary] Separation, neutrality, and clergy liability for sexual misconduct. *Brigham Young University Law Review*, 2004(5):1921-1944.

By a professor of law, University of North Carolina, Chapel Hill, North Carolina. As part of a conference on church autonomy, February 6-7, 2004, at J. Reuben Clark Law School, Brigham Young University, Provo, Utah, Marshall analyzes an article by 2 law professors. See this bibliography, this section: Lupu, Ira C. & Tuttle, Robert W. (2004). Lupu and Tuttle present a structural-separation model to consider the constitutional issues in the case of clergy-congregant sexual misconduct. “This Article will discuss whether Professors Lupu and Tuttle are correct in their assertion that clergy should not be subject to liability for misconduct with their adult congregants and whether the authors applied the appropriate construct in reaching this result.” Part 1 is an introduction. Part 2 briefly “introduces the issue by discussing some of the reasons that support holding clergy liable for sexual misconduct with adult congregants” and discusses the nature of the power imbalance in the clergy-congregant relationship. Part 3 presents Lupu and Tuttle’s position “that the state may not adjudicate matters involving religious polity or theological judgment” based on “the structural principle they perceive as grounded in the Establishment Clause” of the First Amendment of the U.S. Constitution. The matter for them, Marshall writes, is a jurisdictional. He identifies some potential problems with their approach, especially “the characterization of the structural-separation as jurisdictional. The effect of the conclusion... is absolute...” Part 4 analyzes clergy liability for sexual misconduct under the neutrality model, and raises some problems inherent in the model. Part 5 “compares the two approaches and argues that the neutrality model offers the better alternative for resolving clergy-congregant sexual misconduct issues.” The neutrality model, he argues, is more flexible in application and “is supported by central notions of equality and fairness.” Part 6 is a brief conclusion that summarizes the article. 104 footnotes.

Martin, Jamie. (1994). Justice for victims? – The sentencing of public trust figures convicted of child sexual abuse: A focus on religious leaders. *Alberta Law Review*, 32(1):16-36.

By a third-year student, Faculty of Law, University of Alberta, Edmonton, Alberta, Canada. Written to examine “principles of sentencing employed by the [Canadian] courts in cases involving religious figures in positions of public trust who are convicted of child sexual abuse.” Focus is the Roman Catholic Church. Based on a review of “over 25 sentencing judgments in six Canadian [provincial] jurisdictions...” Part 3 is “a brief historical background of child sexual abuse in Canada from the perspective of the church, society, and the courts.” Part 4 defines “the elements considered important by the courts to conclude that an individual is in a position of trust” and draws from cases to illustrate. Part 5 identifies “the sentencing patterns of the courts in cases of child sexual abuse which involve religious figures.” Part 6 describes “the various principles and factors considered by the Court in making its final determination of sentencing” in cases involving religious figures convicted of child sexual abuse and focuses on deterrence, rehabilitation of the offender, and impact on the victim. Concludes by noting a recent shift in sentencing patterns, moving from “more lenient dispositions, such as a suspended sentence with probation... when there isolated incidents” to “the desire to impose sentences that deter individuals and denounce the crime.” Includes “observations on where changes in sentencing patterns may occur in the future” and speculates that there will be a continuation of harsh sentences because “the offence of child sexual abuse is still considered a major sexual assault, and the mistrust that has permeated society, in particular between the Church and the individual, will require considerable time to heal.” 80 references.

Martinez, Jr., Lucian C. (2008/2009). Sovereign impunity: Does the Foreign Sovereign Immunities Act bar lawsuits against the Holy See in clerical sexual abuse cases? *Texas International Law Journal*, 44(Fall/Winter):123ff. [Retrieved 08/16/09 at LexisNexis Academic database.]

Martinez graduated from Yale Law School, Yale University, New Haven, Connecticut, in 2007. "This paper examines the applicability of the U.S. Foreign Sovereign Immunities Act (FSIA) to the [Roman Catholic Church] Holy See in the context of civil suits filed in the U.S. alleging sexual abuse by Catholic clergy and members of religious orders. The cases raise significant issues, not only because of the underlying nature of the claims, but perhaps more importantly because of their potential to expand the jurisdiction of the federal courts to cover claims of human rights violations by foreign entities." Part 1 considers FSIA, including a review of "the history of the use of the principle of sovereign immunity in the federal courts prior to its codification." Part 2 reviews court decisions in *O'Bryan vs. Holy See* and *Doe v. Holy See*, 2 U.S. district court cases of "lawsuits filed against the Holy See alleging its responsibility for sexual abuse by members of the Catholic clergy in the United States." States: "While both district courts found that the Holy See is a foreign state under the terms of FSIA, they held that the alleged conduct is subject to the tortious conduct exception, and therefore the Holy See is not immune from suit in these cases." Part 3 "considers[s] the threshold issue of the international status of the Holy See before looking at the relationship between the Holy See and the physical and juridical persons alleged to act on its behalf in the United States." Part 4 "discusses the complex theoretical and legal relationships between the Holy See and the various dioceses, parishes, [and] religious orders in the Roman Catholic Church, including the individual clergy and members of religious orders that belong to those entities and how those relationships relate to the questions of agency and concomitant liability." Part 5 is a brief conclusion that "weigh[s] those significant policy and international law concerns against the need to do justice in specific cases where there have been grave harms and to encourage the development of policies that will prevent such harms from being repeated." If the U.S. Supreme Court upholds the appellate court, notes that: "It would be a bittersweet irony for the Holy See if its longstanding advocacy of greater international enforcement of human rights norms was advanced by a historic legal judgment against it." 269 footnotes.

Mason, William Brian. (2008). [Note] A new call for reform: Sex abuse and the Foreign Sovereign Immunities Act. *Brooklyn Journal of International Law*, 33:655ff. [Retrieved 08/16/09 at LexisNexis Academic database.]

Mason is the Executive Notes & Comments editor of the journal, and a law student, Brooklyn Law School, Brooklyn, New York. Comments on the U.S. District Court of Oregon's 2006 ruling in *Doe v. Holy See* in which the Holy See of the Roman Catholic Church, a U.S.A.-recognized foreign sovereign, was not dismissed from the plaintiff's civil suit as a co-defendant for negligence, respondeat superior, and fraud. The case "arose from the alleged sex abuse committed by Father Andrew Ronan against the plaintiff, a minor during the 1960s" in Portland, Oregon. The Court ruled that the Holy See's conduct fell within the tortious activity exception of the federal Foreign Sovereign Immunities Act of 1976 (FSIA) "and that the Holy See was therefore subject to jurisdiction despite its presumed immunity." Part 1 very briefly "discuss[es] the language of the tort exception and how it is typically interpreted in FSIA jurisprudence in terms of both legislative history and statutory construction." Notes the Act's inconsistent language and addresses the legislative intent. Part 2 very briefly discusses similar clergy sex abuse cases in Missouri, New York, and Kentucky "in which the Holy See was named a defendant, and the unsuccessful endeavors of plaintiffs to pierce its sovereign veil" under FSIA. Part 3 "discuss[es] in further detail the facts, reasoning and unusual holding of the Oregon District Court in *Doe v. Holy See*." Part 4 very briefly argues that the Court's decision, "though atypical, is proper given the language of the tort exception and the FSIA's stated objective to "serve the interests of justice.'" Also describes the need for legislative change to the Act to avoid "inconsistent and potentially unjust decisions" involving judicial interpretation. Part 5 "conclude[s] that in the absence of much needed amendment to the FSIA's tort exception, courts should look more favorable upon plaintiff's that sue the Holy See for its role in the clergy sex scandal epidemic, provided their complaints sufficiently allege tortious conduct occurring either at home or abroad with direct effects in the United States." States that "Congress must amend the FSIA to facilitate

uniform interpretation among courts, and more importantly, to allow victims of clergy sex abuse to obtain the recourse they deserve.” 231 endnotes.

Matthews, Timothy. (2015). [Contemporary Comment] Evaluating *Towards Healing* as an alternative to litigation as redress for survivors of clerical child sexual abuse. *Current Issues in Criminal Justice*, 26(3, March):333-340.

Matthews is a student, Sydney Law School, The University of Sydney, Sydney, New South Wales, Australia. Matthews briefly critiques an article previously published in the journal. [See this bibliography, Part IId.: Parkinson, Patrick. (2014). Child sexual abuse and the churches: A story of moral failure? *Current Issues in Criminal Justice*, 26(1, July):119-138.] A subsection of Parkinson’s article was based on data from reported by the Australian government’s Royal Commission into Institutional Responses to Child Sexual Abuse, e.g., Case Study 4 (2013, December), Parkinson analyzed the Roman Catholic Church in Australia’s 1996 protocol for responding to reports of sexual abuse. [See this bibliography, Part I: Australian Catholic Bishops Conference and Catholic Religious Australia. (1996, December; 2000, December; 2010, January). Towards Healing: Principles and Procedures in Responding to Complaints of Abuse Against Personnel of the Catholic Church in Australia (Revised edition).] Matthews argues that Parkinson mostly “avoids the question of whether the protocol meets a moral or ethical standard appropriate to the Catholic Church... ..in relation to survivors of child sexual abuse...” Matthews begins by challenging Parkinson’s analysis of impediments in Australian “civil litigation as a means of redress for survivors of child sexual abuse,” which is the basis for Parkinson’s assessment of the need for alternatives for survivors achieving redress. Matthews next goes beyond Parkinson’s perspective on failures of Church authorities to implement the design of Towards Healing, stating the design “is not necessarily viable as a mechanism for the provision of redress to survivors of clerical child sexual abuse.” 17 references.

Mayes, Jane E. (1986). [Note] Striking down the clergyman-communicant privilege statutes: Let free exercise of religion govern. *Indiana Law Journal*, 62(2):397-423.

Mayes is not identified. “This Note will demonstrate that statutory grants of the clergyman-communicant privilege may constitute violations of the religion clauses of the first amendment” of the U.S.A. Constitution. Part 1 “provides an overview of clergyman-communicant statutes,” and considers “three crucial issues” – who qualifies as clergy for purposes of the privilege, to whom the privilege belongs, and when is a communication confidential. Notes variations between states’ law. Part 2 “examines the statutes in light of the establishment clause, utilizing the current tests which the United States Supreme Court has adopted in this area.” Begins by describing “the tripartite test established in *Lemon v. Kurtzman*,” which examines purpose, effect, and excessive entanglement, and applies the *Lemon* test to the privilege. She states: “In conclusion, a clergyman-communicant statute violates all three prongs of the *Lemon* test because it has no secular purpose, its primary effect is to advance religion, and it fosters excessive governmental entanglement with religion.” She briefly describes the test used by the Supreme Court in *Larson v. Valente* “when a law is claimed to discriminate among religions,” and the historical analysis test, which “inquire[s] into the intent of the framers of the Constitution.” Part 3 “seek to determine whether the loss of the privilege would interfere with the clergyman’s or communicant’s free exercise of religion.” She describes the use of “strict scrutiny analysis” to determine whether a statute violates the Constitution’s Free Exercise Clause. She concludes: “...repeal of clergyman-communicant statutes for establishment clause reasons will violate the communicant’s free exercise of religion... Since a clergyman is forced to choose between following his religious convictions and following the law, the free exercise of his religious beliefs has obviously been abridged.” She describes what overrides the burden placed on religion in relation to the state’s compelling interests, which would include the privilege jeopardizing the safety of third persons and “assuring full admission of testimony for the administration of justice.” Part 4 notes the “irreconcilable tension between the Constitution’s two religion clauses,” which, when each is carried to its extreme, violates the other. States: “The Court must seek to reconcile the conflicting provisions of the first amendment by balancing the danger of establishing religion in allowing the privilege against the danger to free exercise in refusing it.” She resolves the

tension by calling for repeal of the confidentiality statutes because they violate the Establishment Clause, and then “allow[ing] each individual to invoke his own free exercise claim when he feels his rights are being infringed upon. In each case the judge will balance the harm done to society in keeping it secret. The courts should look at the danger to third parties and the harm to the other litigant which will occur by not revealing the communication... ..the judiciary is the best branch of government to decide when a confidentiality privilege should be invoked.” The Conclusion is 3 paragraphs which re-state her analysis. 176 footnotes.

Mazza, Michael J. (1998). [Comment] Should clergy hold the priest-penitent privilege? *Marquette Law Review*, 82(1, Fall):171-204.

Mazza is a student, Marquette University Law School, Milwaukee, Wisconsin. “This Comment seeks to answer some of the many questions raised by the [United States Court of Appeals] Ninth Circuit’s decision in [*Mockaitis v. Harclerod*, 104 F.3d 1522 (9th Cir. 1997)],” which involved a Roman Catholic “priest of the archdiocese of Portland, Oregon” and issues related to priest-penitent privilege. His position is “that members of the clergy should be recognized as holders of the priest-penitent privilege.” Part 1 is a very brief introduction. Part 2 “sketches the basic outline of the evolution of the priest-penitent privilege in the United States and its current states in state and federal courts. Reviews: the privilege’s origins in Roman Catholic canon law; common law in England, and in state and federal cases in the U.S.A.; state legislation in the U.S.A., noting the variety of ways the privilege has been addressed. Part 3 “discusses the [legal] right of a member of the clergy to assert the privilege under the Free Exercise Clause of the First Amendment, and answers the Establishment Clause objection to this interpretation of the privilege.” Also briefly considers state constitutions as a basis for clergy’s right to the privilege. Part 4, a conclusion, “contains a proposal arguing for the privilege’s expansion.” 227 footnotes. [While the article does not address sexual boundary violations in faith communities, it is included in this bibliography because of its relevance to the topic.]

McAlinden, Anne-Marie. (2013). An inconvenient truth: Barriers to truth recovery in the aftermath of institutional child abuse in Ireland. *Legal Studies* [Journal of the Society of Legal Scholars], 33(2, June):189-214.

McAlinden is a reader in law, School of Law, Queen’s University, Belfast, Northern Ireland. Part 1 “provide[s] an overview of public and official [governmental] inquiries into institutional child abuse in the Republic of Ireland,” including sexual abuse of minors committed in the context of the Roman Catholic Church. States: “From the late 1990s onwards, a number of cases highlighted the vulnerability of children in environments traditionally considered safe such as orphanages, schools and clubs. Within this broader context, the sexual and physical abuse of children by members of Catholic religious orders has become the predominant contemporary concern.” Cites material from the reports of 4 inquiries popularly referred to as: Ferns Report [see this bibliography, Section VII: Murphy, Francis D., Buckley, Helen, & Joyce, Laraine. (2005, October).]; Ryan Report [see this bibliography, Section VII: Commission to Inquire into Child Abuse. (2009, May 20).]; Murphy Report [see this bibliography, Section VII: Dublin Archdiocese Commission of Investigation. (2009, July).]; and, Cloyne Report [see this bibliography, Section VII: Commission of Investigation. (2010, December).]. Identifies “a number of recurring themes [which] emerge from these inquiries: many complaints were not formally reported; the abuse normally took place over a number of years and its extent went unrecognised for some time; and the victims were afraid to disclose the abuse, or when they did no action was taken by the authorities, either because there was a conspiracy to keep allegations quiet or a ready acceptance of the denial and minimisation of allegations are of particular relevance to truth recovery...” Critiques the inquiries’ structure based on the lack of implementation of recommendations for prevention. In contrast to responses in England and Wales to “the disclosure of institutional physical and sexual abuse in State care homes [which] also resulted in a series of public inquiries and reviews,” states that “the Republic of Ireland has not pursued a reformative, regulatory agenda in the aftermath of the inquiry reports with the same vigour.” Part 2 “outline[s] key themes emerging from the literature on transitional justice and recovery processes...” She “draws on the theoretical framework of ‘transitional justice’ – in particular the literature on ‘truth

recovery...” States: “Transitional justice processes generally involve a range of models which are aimed at helping a society come to terms with previous large-scale human rights abuses in order to ensure accountability for wrongdoing, and achieve justice and reconciliation for victims. These may include judicial or extra-judicial mechanisms such as prosecution, truth commissions, apology, reparation and, ultimately, institutional reform.” Identifies *truth recovery* as “entail[ing] investigating patterns of abuse or crimes of past regimes... and usually seeks to go beyond establishing the ‘forensic truth’ of what actually happened to a fuller institutional and structural understanding of the causes, context, and consequences of past abuses.” The section utilizes “the prism of truth recovery to examine the inherent limitations of such investigatory processes in the aftermath of institutional child abuse by clergy in the Republic of Ireland.” Based on the outcomes, she offers a critique of “the structure and form of the prevailing modes of inquiry in Ireland,” citing the Ryan Report as an example of not unmasking “the broader structural narrative and the complexities of the institutional and cultural factors that allowed for the ongoing abuse.” Part 3, the main part, “critically examine[s] the variety of impediments to truth recovery in the particular context of the aftermath of institutional child abuse by the clergy in Ireland.” Identifies 2 barriers: 1.) “...the intricate nature of the [Roman Catholic] Church-[Irish] State relationship,” which she analyzes as more political rather than constitutional, and which resulted in both “the Catholic hierarchy [having] considerable influence on the Irish political process and, on law-making in particular,” and in the Church exercising “a wider cultural process of patriarchal social control.”; and, 2.) “...discourses on denial and minimisation of the nature and extent of abuse by both Church and State entities as well as wider society and the self-preservation of their own identities.” The concluding section identifies 2 variables contributing to “the historic suppression of truth in the specific context of the aftermath of institutional child abuse by the clergy in Ireland” as: 1.) factors related to transitional justice, generally – “the dominance of law, the monolithic power of the State and the deep-seated resistance of elite bodies to institutional change”; and, 2.) the unique Irish context, particularly “the fusion of religion, politics, morality and trust, underpinning the Church-State-Civil Society relationship.” 203 footnotes.

McAlinden, Anne-Marie, & Naylor, Bronwyn. (2016). Reframing public inquiries as ‘procedural justice’ for victims of institutional child abuse: Towards a hybrid model of justice. *Sydney Law Review*, 38(3):277-309. [Accessed 02/15/18 at: <http://www6.austlii.edu.au/cgi-bin/download.cgi/cgi-bin/download.cgi/download/au/journals/SydLRev/2016/14.pdf>]

McAlinden is a professor of law, and director of research, School of Law, Queen’s University, Belfast, Northern Ireland. Naylor is associate professor, and deputy director, Castan Centre for Human Rights Law, Faculty of Law, Monash University, Melbourne, Victoria, Australia. The context is based on recent examples from government inquiries in Australia and Northern Ireland of the abuse, including sexual, of minors in the care of an institution, which includes religious organizations, and care settings which include residential care. Part 1 states: “The focus of this article is to explore the potential contributions of restorative principles to the public inquiry framework at a conceptual and operational level.” They “analyse the benefits and limitations of the public inquiry framework in providing ‘justice’ for victims of institutional child abuse,” and they “propose a hybrid model of justice that incorporates a restorative avenue as a component of the inquiry process.” States: “Restorative justice [RJ] is presented here as a means of countering what we regard as the failings of public inquiries as the principal legal framework for addressing institutional child abuse.” Part 2 “examine[s] what is meant by ‘justice’ more broadly for victims of institutional child abuse.” Considers specifically the role of elements of *procedural justice*, including justice for victims. Part 3 “provide[s] a brief overview of the main [public, governmental] inquiries in Northern Ireland and Australia followed by a critical examination of the limitations of public inquiries as a response to institutional child abuse and in addressing the needs of victims in particular.” Their conclusion is that “while public inquiries may deliver some elements deemed necessary for the validation of victims’ interests and the restoration of dignity, namely in terms of providing an official account of events, they are more limited in their potential to deliver other forms of procedural justice that victims want such as giving ‘voice’ to victims and ensuring genuine offender accountability.” Also notes that a public inquiry can provide: an authoritative account, a forum in which victims tell their story, recommendations for policy

changes, and a means to identify offenders. Part 4 “argue[s] that formal incorporation of some of the ideals of [RJ] into the public inquiry model may make it more useful for victims in future [sic].” Notes that ad hoc efforts internationally to implement RJ responses to clergy sexual abuse are limited and “highly problematic in addressing the claims of victims. Moreover, empirical evidence and evaluations are scant or non-existent.” Discusses 3 key RJ themes: “giving victims a voice or an element of control over the process; correctability in terms of promoting organisational and individual offender accountability; and achieving... a culture of ‘open dialogue and constructive shaming.’” Part 5 considers enacting RJ components as part of a public inquiry, and discusses pragmatic concerns, including factors specific to a faith community, e.g., “a State-like institution such as the [Roman] Catholic Church – highly bureaucratic and hierarchical.” Part 6 is a conclusion. 217 footnotes.

McCreary, Jana R. (2011). Tell me no secrets: Sharing, discipline, and the clash of ecclesiastical abstinence and psychotherapeutic confidentiality. *Quinnipiac Law Review*, 29(1):77-122.

McCreary is assistant professor of law, Florida Coastal School of Law, Jacksonville, Florida. “This Article examines the trouble that arises when ecclesiastical abstinence conflicts with confidentiality rules that therapists are expected to follow.” Part 1 uses a civil case from Texas, *Penley v. Westbrook*, that “demonstrates the consequences of an unfettered system in which a court allowed a clergyperson to ignore his duties as a therapist in the context of a case in which a client’s private conversations with her therapist/clergyperson were revealed to the entire church congregation.” The plaintiff had begun a formal counseling relationship with a licensed therapist who was a member of her church. Later, both of them joined a group that started a new church, and the counselor became its pastor. The plaintiff continued her counseling relationship with him. After she confided to him that she had engaged in an extramarital sexual relationship, he informed her that the church’s principles would require initiation of disciplinary action. She then resigned from membership. He pursued disciplinary proceedings and informed the congregation, based on Matthew 18. She sued for defamation, breach of fiduciary duty as a counselor, intentional infliction of emotional distress. The Texas Supreme Court ruled that ecclesiastical abstinence protected him as a counselor when he acted as a pastor. Part 2 describes the ecclesiastical abstinence doctrine, its history, and its application. Part 3 discusses psychotherapeutic confidentiality, emphasizing the importance of confidentiality and trust in psychotherapeutic relationships. Part 4 “proposes a solution, first arguing that ecclesiastical abstinence should not apply in situations in which a clergyperson also serves as a therapist, and even if it does, calling for licensing boards to both educate and discipline therapists/clergypersons when this dual role leads to breaches of confidentiality.” The Conclusion focuses on the error of the Texas Supreme Court in applying the abstinence doctrine to this case, and the remedy of giving an aggrieved client/congregant access to a state licensing board. Argues that the doctrine should not be allowed to harm a psychotherapeutic client. 291 footnotes.

McDonald, James J., Jr. (2002). The Ninth Commandment. *Employee Relations Law Journal*, 28(2, Autumn):93-106.

By a lawyer, Fish & Phillips LLP, in Irvine, California. Prompted by false accusations of sexual abuse made against 2 Roman Catholic cardinals, the late Joseph Bernardin, archdiocese of Chicago, Illinois, and Roger Mahony, archdiocese of Los Angeles, California. States that false claims “against prominent clergymen that receive wide publicity” irreparably damage reputations of innocent church leaders and also bring into question “the legitimacy of genuine claims...” Describes the problem: “In a legal system in which allegations of morally corrupt behavior can be freely made by just about anyone, with the protection of the First Amendment, the assistance of contingency-fee lawyers who stand to receive a healthy share of any [civil] monetary settlement, and a media eager to feed the hunger of its audience for news of salacious scandal, the rights and interests of the accused have largely been ignored.” Notes that “[t]hese false allegations against senior church leaders have stimulated debate whether those who bring such false allegations (or the attorneys who aid them) should be held legally accountable.” States that holding accusers and their attorneys accountable in such cases “is likely to go nowhere given that most accusers are judgment-proof, the process of vindication is lengthy and cumbersome, and our legal system is

unlikely to hold attorneys fully accountable for false claims of their clients, no matter how devastating to the accused.” States that motives of monetary gain or obtaining revenge are likely the minority of false claims, and cites possible psychological issues as the basis, e.g. displacement, factitious disorder, and vulnerability to suggestion. As a remedial start, calls for civil “courts to subject claims of sexual misconduct to more rigorous scrutiny, and to require an advance showing of probable cause before permitting the filing of lawsuits alleging personal sexual misconduct.” As the model for this procedure, cites the anti-Strategic Lawsuit Against Public Participation (SLAPP) statutes of California. 35 footnotes.

McGroarty, P. (1843). *The People v. Daniel Phillips and Wife*. (1843). *Western Law Journal*, 1(3, December):109-114.

McGroarty is not identified. The editor states that the text is an abstract by McGroarty of the trial decision and attorneys’ arguments in the case of *The People v. Daniel Phillips and Wife* [N.Y. Court of General Sessions 1813], which was tried by the Court of General Sessions for the City of New York, New York, June, 1813, before DeWitt Clinton, mayor, a recorder, and 2 sitting aldermen. Clinton wrote the unanimous decision for the Court. McGroarty’s source was: Sampson, William. (1813). The Catholic Question in America: Whether a Roman Catholic clergyman be in any case compellable to disclose the secrets of Auricular Confession. Decided at the Court of General Sessions, in the City of New York. With the Arguments of Counsel, and the unanimous opinion of the Court, delivered by the Mayor, with his reasons in support of that opinion. New York, NY: Edward Gillespy. [*People v. Phillips* is significant because it is the 1st case in the U.S.A. to recognize the right, under the New York State Constitution, of a Roman Catholic priest to not be compelled to divulge information received in the course of the Church’s sacrament of confession as defined by the Church. The case law precedent led to a statute in New York that recognized the so-called clergy/penitent relationship as a privileged relationship.] Includes notes by the editor.

McNenamin, Robert W. (1985). Clergy malpractice. *Case & Comment: The National Magazine for Practicing Lawyers*, 90(5, September/October):3-4, 6.

By a senior partner of a law firm, Portland, Oregon. A very brief overview of clergy malpractice as an emerging field of civil law. Among the trends, notes: the increasing disappearance of immunity for non-profits, including churches; defenses based on separation of church and state under the First Amendment of the U.S. Constitution; reliance by plaintiffs’ attorneys on “the well-known ‘deep pocket’ theory, [under which] claimants are attempting to assert liability upon the part of church organizations.” States: “A new development in this field is a fact that most insurance companies are now adding exclusions to their policies which state that such matters as alienation of affections and any type of sexual abuse or activity are not covered by the policy provisions.” Cites 2 recent cases of clergy malpractice, including a Colorado case under appeal in which the claimant, Robert Destefano, alleged that the defendant, Dennis Grabrian, a Roman Catholic priest, had sexualized a counseling relationship with the plaintiff’s spouse. Concludes by stating that there is a need for “a consortium of professions to give help and assistance, both to care of wrongs [including help for harmed individuals] and to set up systems and procedures to avoid wrong in the future.” Lacks references.

Meah, Nafees, & Petchey, Philip. (2005). Liability of churches and religious organizations for sexual abuse of children by ministers of religion. *Common Law World Review*, 34(1):39-61.

“Nafees Meah is a member of Inner Temple and Philip Petchey is a practising barrister of Middle Temple.” [The Inner Temple is a professional association for barristers and judges, London, England.] “This article seeks to analyse some leading US, Canadian and Australian appeal [sic] court decisions with a view to drawing out some common features (as well as identifying some major differences in approach) found in these common law jurisdictions. The purpose is to see how the issues surrounding the liability of religious organizations for intentional torts committed by their clergy have been dealt with. It is submitted that this would have an important influence on the way that such cases could be litigated before the English courts.” Part 1, the introduction, observes: “In recent years there has been a spate of sexual abuse scandals that have shaken

religious organizations throughout the common law world. ...in the area of civil litigation there has been a great deal of uncertainty over how to deal with the liability of church authorities for the intentional torts committed by their respective ministers... In all these jurisdictions, there has been a marked reluctance shown by the secular courts to extend unnecessarily the application of secular laws to ecclesiastical bodies.” Part 2 is a 2-paragraph description of issues faced in law “if a case concerning the sexual abuse of children involving ministers of religion were to be brought before an English civil court,” specifically the basis on which the liability of the church or religious organization was alleged, and demonstrating a necessary connection between the minister, the tortious act, and the church or religious organization. Part 3 discusses the legal doctrine of vicarious liability in relation to the sexual abuse of children, and cites cases in English civil law. Concludes: “...looking at the matter broadly, one would expect the English courts to impose vicarious liability on religious organizations in respect of sexual assaults carried out by ministers of religion.” Part 4 reviews case law regarding the liability of religious organizations for sexual abuse in Canada, Australia, and the U.S.A. In the U.S.A., identifies cases based on the legal doctrines of vicarious liability, or *respondeat superior*, negligent hiring, and negligent retention and supervision of employees. Notes the division in state and federal courts “as to whether these doctrines as applied to religious organizations infringe the First Amendment of the US Constitution.” States: “...the US Supreme Court has not yet addressed with any finality the issue of the whether the First Amendment protects a religious institution from liability when an employee engages in tortious conduct against a third party.” Part 5 discusses the possible response of English courts to civil cases of child sexual abuse of children by ministers of religion. Part 6, the conclusion, is a summary. 66 footnotes.

Merlino, Anthony. (2002). [Comment] Tightening the seal: Protecting the Catholic confessional from unprotective priest-penitent privileges. *Seton Hall Law Review*, 32:655ff. [Retrieved 05/15/04 at LexisNexis Academic database.]

“This Comment argues that where statutes and evidentiary rules fail to fully protect the [Roman Catholic Church’s] Seal of the Confessional, the Free Exercise Clause of the United States Constitution exempts Catholic priests from the general obligation to provide relevant testimony in legal proceedings.” His particular focus is situations “in states where the penitent can waive the privilege, and clergy are permitted to claim the privilege solely on the penitent’s behalf.” Part 1 describes the background and history of the Seal of the Confessional, including its theology. Part 2 “explores how controversies over sacramental confession resulted in early cases extending constitutional protection to priests upholding the Seal and led to the enactment of priest-penitent privilege statutes in many states. This section also discusses the shortcomings of these statutes, especially with regard to waiver provisions and judicial reluctance to construe broadly the privileges in order to accommodate the absolute secrecy commanded by the Seal of the Confessional.” Includes an examination of specific cases. Part 3 “analyzes the Seal of the Confessional under modern Free Exercise Clause jurisprudence and contents that the dual nature of the Sacrament of Reconciliation and the importance of the Seal of the Confessional in protecting both the ministry of the Church and the individual penitent qualifies it for heightened constitutional protection under the hybrid-rights doctrine set forth in *Employment Division, Department of Human Resources v. Smith*.” Part 4 applies the compelling interest test of the Supreme Court in *Wisconsin v. Yoder*, and argues that “the government does not have a strong enough interest in particular circumstances to pierce the Seal of the Confessional, such that it is entitled to absolute protection under the Free Exercise Clause.” Concludes: “Simply because a particular penitent has waived secular legal protection for the confessional, the government should not have license to tamper with it.” 361 footnotes.

Middlebrook, David. (2015). Reviewing your church’s employment policies and practices. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(6, November/December):1-2, 4-15, 17.

Middlebrook, an attorney, is an editorial advisor to the publication. “This article provides a broad overview of what a HR [Human Resources Compliant Audit] should look like for a church...” On pp. 11-12, a section addresses sexual harassment policies and practices, stating: “Although many

churches that their commitment to biblical principles would preclude harassing behavior in the workplace, churches unfortunately are no less prone to sexual harassment claims than secular organizations.” Calls for a church’s sexual harassment policy to identify the basic types of harassment, *quid pro quo* and hostile work environment. Identifies 3 components of an employer’s affirmative legal defense when facing a sexual harassment claim: reasonable care was taken to prevent harassing behavior prior to the claim; once aware of the claim, the employer acted promptly to correct the alleged behavior; the person who is the alleged victim unreasonably failed to take advantage of the employer’s preventive or corrective opportunities. “Whether a church will qualify for an affirmative defense partly depends on the degree to which the church has established an anti-harassment policy before the claim arises and whether the church administered (and documented) sexual harassment training on a regular schedule.” Identifies a variety of elements to be included in the policy.

Miller, Caroline E. Law (2005). [Comments] Holding clergy accountable: Maryland should require clergy to report suspected child abuse. *University of Baltimore Law Review*, 34(3, Spring):337-364. [Retrieved 03/21/06 at LexisNexis Academic database.]

Part 1 briefly identifies a number of incidents of clergy refusing to report peers who sexually abuse children within religious communities, and notes failed attempts in 2003 and 2004 to change Maryland law to mandate clergy as reporters in qualified circumstances. Part 2 briefly provides background on the priest-penitent privilege in law, and how U.S. states other than Maryland treat the privilege in regard to child abuse statutes. Part 3 briefly describes the privilege and child abuse reporting statutes in Maryland law. Part 4 reviews the proposed Maryland legislation in 2003, Senate Bill 412, and its 2004 variation, as well as the public policy reasons for supporting such legislation. Part 5 evaluates potential objections to the legislation based on the Free Exercise and Establishment clauses of the First Amendment to the U.S.A. Constitution. Part 6 considers other laws that Maryland could adopt to further protect children from abuse, e.g., creating an express provision for civil liability for clergy who fail to report suspected child abuse. Part 7 concludes that the Maryland legislature should act to protect children, and calls on the state to “create penalties for failure to report under the new law.” 219 footnotes.

Miller, Jeffrey H. (1998). [Article] Silence is golden: Clergy confidence and the interaction between statutes and case law. *American Journal of Trial Advocacy*, 22(1, Summer):31-93.

Miller, an ordained rabbi, is “an associate with the law firm of Kittay, Gold & Gershfeld, P.C. of White Plains, New York.” Prompted by a New York state case, *People v. Reyes*, 144 Misc. 2d 895, 545 N.Y.S.2d 653 (N.Y. Sup. Ct. 1989), Miller examines issues related to the clergy-penitent privilege “with particular emphasis on how the New York courts have addressed – or failed to address – the parameters of its priest-privilege statute. In addition, this Article suggests certain modifications to the New York statute where it is either silent or where the courts’ interpretations are inconsistent with the legislature’s intent.” Part 1 is a very brief introduction. Part 2 reviews New York civil statutes and case law regarding: what constitutes privilege communication, definition of a clergyperson, ownership of the privilege and waiver, and circumstances in which the communication is usable but not admissible. Notes exceptions to the privilege, including those who are state-mandated reporters, and comments: “Conspicuously absent... are attorneys and the clergymen. All states are loath to require clergy to disclose their privileged communications, but a strong argument can be made that such a requirement is in the public interest in certain cases.” As an example, cites New Hampshire which requires any person, which would include clergy, with reason to suspect child abuse or neglect to report to authorities. Part 3, “Religious Doctrine,” very briefly considers the historical roots of Christian and Jewish understandings of confidential communications. Reviews Jewish law regarding the status of the role of the rabbi and laity and their obligations regarding such communications, and circumstances in which the prohibition to disclosure is excepted, i.e., Leviticus 19:16 and the mandate to intervene when another is at risk of harm. States: “...Jewish law would *mandate* [italics in original] disclosure of known child abuse, as well as knowledge of other criminal activity, particularly if the issue concerned a future crime that was avoidable.” Part 4 is 2 concluding paragraphs. Without specifying, he calls for changes in the law which “fashion a reasonable and consistent evidentiary statute that respects both

religion and the judicial system's need for integrity." Pp. 71-93 is an appendix: "Summary of Priest-Penitent Statutes" in the U.S.A. states and Washington District of Columbia. 323 footnotes. [While the context of sexual boundary violations in faith communities is not addressed directly, the article is relevant to the topic.]

Mitchell, Mary Harter. (1987). Must clergy tell? Child abuse reporting requirements versus the clergy privilege and free exercise of religion. *Minnesota Law Review*, 71(3, February):723-825.

By an associate professor, Indiana University School of Law, Indianapolis, Indiana. Comments on the tension in the law between the older privilege of clergy not divulging confidential communications and newer requirements to disclose child abuse: "This article exposes the superficiality of characterizing the conflict between the clergy privilege and child abuse reporting requirements as a choice between protecting secrets and protecting children." Part 1 "reviews states' child abuse reporting requirements" beginning the 1960s, and notes the trend has been "to expand both the reportable circumstances and the classes of persons who must report." Part 2 "surveys the development and present status of the clergy privilege." Reviews its history that originated with the seal of confession in the Roman Catholic Church, current legal definitions, rationales for the privilege, and constitutionality. Part 3 focuses on 3 questions involving the intersection of reporting requirements and the clergy privilege: Do child abuse reporting requirements apply to clergy? Does the clergy privilege extend to the context of a reporting requirement? If there is a conflict, how should it be resolved? Part 4 "considers the argument that the clergy privilege is grounded in a cleric's constitutional right freely to practice his religion," specifically the Free Exercise clause of the First Amendment. In her conclusion, proposes some approaches, including: making reporting permissive rather than mandatory for clergy with free exercise objections; narrowing the scope of the duty to specific serious risk situations; mandating clergy as reporters but creating limited exceptions based on circumstances. Notes that "most states have not taken a clear position on the issue." 503 footnotes.

Montone, III, John J. (1995). [Comment] In search of forgiveness: *State v. Semple* and the priest-penitent privilege in New Jersey. *Rutgers Law Review*, 48:263-312.

Montone is student, Rutgers University School of Law, Newark, New Jersey. Describes and analyzes the New Jersey Supreme Court decision in *State v. Szemple*, 135 N.J. 406, 640 A.2d 817 (1994), which involved a Baptist minister in New Jersey, a murder case, and legal issues involving both New Jersey's "marital-communications privilege" and "priest-penitent privilege." Part 1 is introductory. Part 2 "examines the origins and history of the priest-penitent privilege and the policy justifications that underlie it." Includes: common law in England, and development of the privilege in the U.S.A.; utilitarian and constitutional justifications, and opposing analyses; variations in states' laws; the privilege in New Jersey. Part 3 "examines and evaluates the [Court's] majority, concurring, and dissenting opinions," focusing on New Jersey's Rules of Evidence 29 regarding the priest-penitent privilege, a statute adopted in 1947 which was worded ambiguously. The Court ruled that the minister could unilaterally waive the privilege and testify at trial. Part 4 is his critique of the Court's opinions. Part 5 describes the subsequent New Jersey Legislature's amendment of Evidence Rule 29 in October, 1994, which functions to override the Court's decision in *Szemple*. "...the Legislature created a revamped statute which expressly grants the power to claim the privilege to both clergyman and penitent, so that both must consent in order disclosure to occur, with an exception which allows for unilateral waiver by the clergyman in cases where the confession alludes to a future criminal act." 323 footnotes. [While the *Szemple* case does not involve the context of sexual boundary violations in faith communities, the topic of priest-penitent privilege is relevant to the context of this bibliography.]

Moody, Jr., Herbert L. (1960). [Note] The priest-penitent privilege in South Carolina – Background and development. *South Carolina Law Quarterly* [succeeded by *South Carolina Law Review*, 12(3, Spring):440-453.

Moody is a student, University of South Carolina School of Law, Columbia, South Carolina. In 3-paragraphs, Part 1 reviews the history of the status of communications between "clergymen and penitents" under "the common law," concluding that confidential communications were not

considered privileged. Notes that the majority of the U.S.A. states “have abrogated the common law by statute, granting a privilege to such communications.” Part 2 traces the absence of the “priest-privilege” in federal criminal and civil statutes. Based on case law, Part 3 identifies factors in variations in the privilege in states’ laws. Part 4 discusses the features of the 1959 South Carolina statute granting the privilege, stating: “The statute, as passed, seems to be substantially in accord with similar statutes of many of the other states.” Part 5 offers a justification for the privilege, which relies on John Henry Wigmore’s 4-part analysis of any privilege in common law in his *A Treatise on the Anglo-American System of Evidence in Trials at Common Law*. Moody emphasizes the public policy benefit of the privilege as “the rehabilitation of those persons who have violated the principles of the church.” [Does not consider the policy implications of cases of child sexual abuse.] Cites but does not discuss “principles of freedom of religion.” 69 footnotes.

Morgan, Phillip. (2011). [Cases section] Distorting vicarious liability. *The Modern Law Review*, 74(6, November):932-946.

Morgan is a lecturer, York Law School, University of York, York, England. A note that critiques the 2010 decision of English Court of Appeal in *Maga v. The Trustees of the Birmingham Archdiocese of the Roman Catholic Church*. Describes the case as “the first reported English [case decision] to deal directly with vicarious liability [of an archdiocese] for [sexual] abuse [of a minor] committed by a Roman Catholic diocesan priest on a member of the local community.” The abuse was committed 1975-1976 when the male claimant was aged 12-13 while the priest conducted a number of programs for youths, including non-Catholics, at a local church. The Court of Appeals held the Archdiocese vicariously liable for the priest’s acts of abuse, “finding a close connection.” Because the youth was not involved in the religious activities of the Church, and the priest did not seek to engage him religiously, the *Maga* decision rested on the role of the priest, giving him “the status and opportunity to draw the claimant further into his sexually abusive orbit by ostensibly respectable means connected with his employment.” Morgan discusses the nature of a priest’s status and function, contrasting the basis for the *Maga* decision with other cases in England and Canada. His position is that “the question is not what status an employer holds an employee out as having, but rather what effect that holding out has on the victim: what status does that office have within the eyes of the victim?... A holding out of status cannot materially increase risk [to the victim] unless it impacts upon the victim or facilitates the tort.” Anticipates that *Maga* will have implications for employers beyond the Roman Catholic Church, in particular, or churches, in general. Concludes: “*Maga* threatens to shift the paradigm of vicarious liability to a status-based material increase in risk approach.” 119 footnotes.

Morris, Katherine Lynn. (2014). [Article] Cardinal Law and cardinal sin: An argument for application of R.I.C.O. to the Catholic sex abuse cases. *Rutgers Journal of Law and Religion*, 15(2, Spring):298-326.

Morris wrote the article while a 3rd year student, Rutgers School of Law – Camden, Camden, New Jersey. In the Introduction, contrasts the outcomes in the “Penn State sex abuse scandal involving assistant coach Jerry Sandusky and longtime head coach Joe Paterno” with that of “the Roman Catholic Church [in the U.S.A. which has] faced numerous scandals involving the sexual abuse of minors by Catholic clergy, and unlike the Penn State case, where Sandusky was prosecuted and convicted, many clergymen involved in those scandals escaped legal criminal penalties.” As an example, cites “Cardinal Bernard Law, the Archbishop emeritus of [the Archdiocese of] Boston” in Massachusetts who “was involved in an elaborate scheme to cover up the egregious sexual abuse committed by priests in his archdiocese.” Her position is that the federal Racketeer-Influenced and Corrupt Organizations Act (R.I.C.O.) could and “should have been used to prosecute the sexual misconduct of the Catholic sex abuse cases because R.I.C.O. provides both civil and criminal causes of action, and therefore, because of this dual nature, it affords restorative, rehabilitative, and retributive justice, unlike any other statute available for the prosecution of these cases.” Her “focus [is] on an analysis of the unique penalties R.I.C.O. affords...” Part 1 is a background discussing “the Catholic sex abuse scandals, describing what happened who was involved, and when the incidents occurred [beginning in the 1950s].” States: “Discovering that priests, men trusted within the Church, committed egregious acts of sexual misconduct was a big enough scandal in and of itself, but the bishops’ practice of relocating

abusive priests to different parishes aggravated the scandals.” She also “explain[s] what happened to the Church as a result and discuss[es] instances where prosecution (or lack of prosecution) of the Catholic sex abuse scandals led to unsatisfactory results,” and “revisit[s] the incidents involving Cardinal Law... to help illustrate my points.” States: “The most glaring example of a nefarious cover-up involved Cardinal Bernard Law...” Part 2 “explore[s] the R.I.C.O. statute and examine[s] what R.I.C.O. does and why it was passed [by the U.S. Congress], focusing specifically on the remedies that the statutes provides.” States: “Although a R.I.C.O. prosecution of the Catholic sex abuse scandals would be successful under its statutory language, it should be applied on the basis of its broad remedial scheme,” which includes criminal and civil remedies. Part 3 is brief and “focus[es] on the three types of justice provided for in R.I.C.O., namely restorative, rehabilitative, and retributive, and define[s] these terms and explain[s] their purposes.” Part 4 “set[s] forth my analysis showing that R.I.C.O. provides for these three types of remedies and that it is therefore the best statute to use to prosecute the Catholic sex abuse scandals.” She also “consider[s] R.I.C.O.’s broad remedial scheme, and show[s], in turn, how R.I.C.O. can help the Catholic Church, the victims, and the offenders.” The Conclusion is a 2-paragraph summary. 178 footnotes.

Nadborny, Felicia Anne. (2005). [Note] “Leap of faith” into bankruptcy: An examination of the issues surrounding the valuation of a Catholic diocese’s bankruptcy estate. *American Bankruptcy Institute Law Review*, 13(2, Winter):839-894.

By a student, St. John’s University School of Law, Queens, New York. Prompted by U.S. dioceses in the Roman Catholic Church seeking chapter 11 under the U.S. federal Bankruptcy Code “[i]n response to a wave of sexual abuse allegations [and civil tort claims] filed against the Catholic Church” by victims of clergy sexual abuse which would “serve as a forum to compensate victims while also carrying out the mission of the Church.” Introduction describes the context of the unusual act of “a not-for-profit religious entity seeking the protection of the Bankruptcy Court. Given the inevitable clash between bankruptcy’s goals and methods and religious institutions’ constitutional rights and practices, the Bankruptcy Court and bankruptcy scholars are destined to enter un-chartered territory... This note explores to what extent the Church’s Canon law and the Constitution of the United States work in favor of the dioceses’ position and to what extent Civil Law and the Code put the assets of the Catholic Church at risk and threaten the Church’s very existence.” Cites the 2005 ruling of a federal bankruptcy judge against the diocese of Spokane, Washington, and in favor of tort claimants, and identifies 3 issues: “(a) whether the dioceses are filing in good faith, (b) whether a court appointed trustee may be appointed for a religious entity, and (c) whether parish assets should be included in the estate of the diocese debtor.” Part 1 briefly describes the corporate structure of the Roman Catholic Church in the U.S., calling it hierarchically structured by decentralized financially and legally, with dioceses as the key administrative unit, and structured legally as a corporation aggregate or corporation sole. Part 2 briefly summarizes the Church’s position or corporate ownership that is based on Canon Law. Cites the Spokane diocese bankruptcy case, in which the Church argued that the diocese as a corporation sole is a form of a legal trust for which the bishop holds legal title for the benefit of parishes and schools as canonically-approved entities. States: “The decision whether the dioceses hold parish properties in trust could be determinative of the treatment such property will receive under the Code.” Part 3 presents the challenge by sexual abuse victims tort claimants to the trust position, and cites arguments in the Portland, Oregon, archdiocese case and the Spokane decision. States: “Whether the dioceses’ status as corporation soles create constructive notice for bankruptcy trustees is an issue of fact for the Court and will determine precedence between parishes and trustees over disputed property.” Part 4 considers the difference it would make if each Catholic parish within a diocese became a separately incorporated entity, i.e., a corporation sole? “...tort claimants might need to convince the court to use the doctrine of substantive consolidation in order to reach parish assets.” Also considers the “distinct doctrine that derives from the earlier body of ‘corporate disregard’ law called ‘piercing the corporate veil.’” States: “It is clear that the bishops and dioceses do exercise control over the parishes, but whether that control is enough to pierce the corporate veil and intertwine the dioceses and parishes so closely as to consolidate their estates will be a factual determination for the court.” Part 5 examines the arguments that the Establishment Clause of the Constitution’s First Amendment would be violated

if a bankruptcy court ruled under Code Section 541 that parish assets should be included in a diocese's bankruptcy estate. Describes applicability of the U.S. Supreme Court ruling in *Lemon v. Kurtzman* and its 3-prong test for Establishment Clause cases. Part 6 examines the argument that the Free Exercise Clause of the First Amendment would be violated if parish assets were included in a diocese's bankruptcy estate. Describes the applicability of the Religious Freedom Restoration Act, an act passed by the U.S. Congress, and its 3-part test for Free Exercise cases. Part 7 very briefly discusses arguments regarding a presumption of and against a waiver of First Amendment protections when filing for the Bankruptcy Code's protections. The Conclusion very briefly summarizes the "number of complicated issues" raised by diocesan bankruptcy filings. Concludes: "More importantly, however, the Church must answer a call to become more financially transparent and to weed out the problems of misconduct once and for all. Gaining back the trust of all of the victims must become the Church's primary mission." 286 footnotes.

Neu, Jacob William. (2010). [Note] "Workers of God": The Holy See's liability for clerical sexual abuse. *Vanderbilt Law Review*, 63(5, October):1507-1541.

Neu is a law student, Vanderbilt University Law School, Nashville, Tennessee. Discusses 2 recent U.S. civil court case decisions, *O'Bryan v. Holy See*, U.S. Sixth Circuit Court of Appeals, and *Doe v. Holy See*, U.S. Ninth Circuit Court of Appeals. Both cases involved plaintiffs who were victims of sexual abuse by Roman Catholic priests. The suits alleged that "the Holy See, the ecclesial administrative body of the Catholic Church governed by the pope," was "liable through *respondeat superior*, a common law theory of vicarious liability holding employers liable for their employees' tortious acts within the scope of their employment." Both appeals courts rules that the suits may proceed through the tortious act exception of the Foreign Sovereign Immunities Act (FSIA), a U.S.A. federal law. Part 2 discusses the Holy See and its administrative control of the Catholic Church, the Holy See's knowledge of clerical sexual abuse based on its 1962 policy, "On the Manner of Proceeding Cases of the Crime of Solicitation," and the FISA and the *O'Bryan* and *Doe* cases. Part 3, the longest section, "analyzes the *respondeat superior* theory [in relation to the cases] and discusses the legal and practical problems it raises." Part 4 advances his solution: "What the courts, plaintiffs, and the Holy See need is a theory of liability that avoids the common law definitions of employee and employment, focuses on the de facto operations of the Catholic Church, and applies uniformly to all cases. Plaintiffs can achieve this through the international criminal law analogue of *respondeat superior* liability, command responsibility," which he describes as a "doctrine developed in international law as a means of holding military superiors directly liable, as opposed to vicariously liable, for the war crimes of their subordinates." Part 5 is a 1-paragraph conclusion. 186 footnotes.

Nugent, Janna Satz. (2003). [Note & Comment] A higher authority: The viability of third party tort actions against a religious institution grounded on sexual misconduct by a member of the clergy. *Florida State University Law Review*, 30(4, Summer):957-986.

By a student, College of Law, Florida State University, Tallahassee, Florida. Develops the position that the civil tort of negligent hiring, supervision, and retention does not violate the First Amendment of the U.S.A. Constitution in actions against religious organizations for the sexual misconduct of their clergy. In particular, she considers Florida case law. Part 2 surveys theories of civil liability asserted by plaintiffs in suits filed against religious organizations and superiors regarding clergy sexual misconduct, including: breach of fiduciary duty; intentional infliction of emotional distress; clergy malpractice; doctrine of *respondeat superior*; doctrine of negligent hiring, supervision, and retention. Part 3 "examines "the tort of negligent hiring, supervision, and retention... as one of the most viable theories of civil liability..." Argues that the First Amendment should not bar such a claim against a religious institution. Her analysis includes both Free Exercise and Establishment clauses of the First Amendment. Part 4 discusses the Florida Supreme Court's March 14, 2002, decisions in *Malicki v. Doe* and *Doe v. Evans*, cases that involved claims of negligent hiring, supervision, and retention regarding sexual misconduct by priests in Roman Catholic and Episcopal parishes in Florida. The Court disallowed the defendants' invoking the First Amendment as a shield at the initial pleading stage. Part 5 very

briefly considers “potential avenues to reconciling church doctrine with justice.” Calls for mandatory reporting by clergy of allegations of child sexual abuse. 180 footnotes.

O’Brien, Raymond C. (2004). [Article] Clergy, sex and the American way. *Pepperdine Law Review*, 31(2, January):363-476.

By a Roman Catholic priest, Archdiocese of Washington, Washington, D.C., and a professor of law, Columbus School of Law, The Catholic University of America, Washington, D.C. “The chronology of the crisis [of sexual abuse of minors by Roman Catholic clergy] within the American Catholic Church, what happened to the victims and the priests and the response of the bishops and the laity, is the subject of this Article.” The underlying focus is “how the crisis was identified by the American media, then addressed by the American civil and criminal courts, and characterized by American legislatures... But the specific question that this Article addresses is whether the Charter for the Protection of Children and Young People and the Revised Norms adopted by the American bishops and approved by the Vatican for a probationary period will restore the mutually supportive relationship between church and state in America.” Part 2 discusses the history of the Roman Catholic Church in the U.S., including church/state relationships, and the adoption of the Charter. States: “Amazingly, the essence of the crisis was not the repeated acts of sexual abuse by clergy, but the repeated failure of the bishops to act decisively to recognize credible accusations, make offenders accountable, and prevent further abuse.” Part 3 “examines what happened to bring about the the crisis of the sexual abuse of minors by clergy.” Considers at length the subtopics of victims, priests, and bishops, including financial costs to dioceses. Part 4 discusses the U.S. bishops’ response in 2002, i.e., the adoption of the Charter and the revised Norms, and describes various components of both, including: definition of sexual abuse in Article 1 of the Charter, procedural mechanisms regarding allegations, the Office for Child and Youth Protection, requirements regarding reporting to civil authorities, confidentiality agreements, statutes of limitations, zero tolerance policy, and Church tribunals. The next Part very briefly describes responses of Catholic lay groups, focusing on Voice of the Faithful in the greater Boston, Massachusetts, area. He concludes that “the clergy sex abuse scandal affecting the Roman Catholic Church [is] a situation [that] challenges the traditional arrangement of the church-state relationship in America.” He suggests U.S.A. domestic violence as a model for due process that would benefit the Church. He states that the Charter and revised Norms “will restore the mutually supportive relationship between church and state in America.” 755 footnotes.

O’Brien, Raymond C., & Flannery, Michael T. (1991). [Article] The pending gauntlet to Free Exercise: Mandating that clergy report child abuse. *Loyola of Los Angeles Law Review*, 25(1, November): 1-56.

O’Brien is associate professor of law, Columbus School of Law, The Catholic University of America, Washington, D.C. Flannery is assistant city solicitor, Law Department, Philadelphia, Pennsylvania. “This Article analyzes the conflict between statutory child abuse reporting requirements for clergy and clergy-communicant privilege for confidential communications made within specific religious practices. The constitutional conflict arises between the state’s interest in the protection of children by requiring that suspected cases of abuse be reported and the clergy’s interest in the free exercise of their religious tenets by maintaining confidentiality.” States in Part 1, an introduction: “...when a child abuse reporting statute fails to exempt clerics from reporting instances of child abuse, or specifically names clerics among those who are required to report, the cleric faces a dilemma in the conflict between the tenets of his or her religion and the legal duty under the statute. An increasing number of states have created this dilemma by seeking to stem the tide of child abuse cases with mandatory reporting statutes that include clergy.” Reviews the background of several state and federal cases involving clergy and the privilege, and sketches the emergence of the Free Exercise Clause of the First Amendment of the U.S.A. Constitution and its relevance for upholding the privilege. Part 2 discusses laws of U.S.A. states and territories regarding child abuse reporting, privileges and abrogations, and the clergy privilege. Part 3 briefly considers: roots of the clergy communicant privilege in Roman Catholic canon law; variations in state law and cases; the purpose of the privilege. [Makes the following assertion without empirical evidence: “Invoking the privilege in the case of confidential communications of abuse

made during religious counseling or confession would assist future protection for abused children by promoting rehabilitation of the abuser.” Also asserts that reporting by clergy “would impair efforts to maintain family integrity” when “the abuser is the child’s parent,” but does not consider the risk to the child who remains in an abusive home environment.] [States: “...the essence of confession is a spiritual reconciliation with God, and the ability of the cleric to direct a pedophile towards reconciliation with God through professional clinical treatment is the product of both the grace of the sacrament and the counseling skills of the confessor.” Does not support this with evidence regarding the competency of confessors, or the efficacy of confessors’ counseling.] Part 4 examines the privilege in relation to the U.S.A. Constitution, including the Free Exercise Clause of the First Amendment, and the Fourteenth Amendment. Part 5 continues consideration of the Free Exercise Clause, arguing that “the application [by a court] of a free exercise analysis is not always necessary, or appropriate, when maintaining confidentiality not only conforms to religious tenets, but also serves the secular purposes of preventing future abuse and healing the family so that the abused child can have the benefit of a normal family environment. Such cases occur when maintaining confidentiality serves to foster rehabilitation for the abuser and thereby serves the best interest of the child... Statutory exemptions for clergy should be viewed as alternatives to the gauntlet of protracted constitutional litigation tossed before the Free Exercise Clause by the Supreme Court’s abandonment of the compelling state interest test.” Part 6 is a 4-paragraph conclusion. States: “Because the privilege protecting the communications would also advance the child’s interest by promoting rehabilitation of the abusive situation, the right to free exercise should prevail over a broad state objective in such a balancing test.” 329 footnotes.

Olin Dirk. (2002). The confessional. *The American Lawyer*, 24(6, June):78-81, 83.

Magazine-style profile of Eric MacLeish, 49-years-old, and Robert Sherman, 48, partners in the law firm of Greenberg Traurig, who as a team have “won more than 200 settlements [in clergy sex abuse cases], leading to one predatory priest’s imprisonment, the defrocking of at least a half-dozen others, and the enactment of apparent reforms in the system.” In 1999, they opened the Boston, Massachusetts, office of Greenberg Traurig which is based in Miami, Florida. A number of their cases stem from plaintiffs who are victims of Roman Catholic priests in the Archdiocese of Boston. Describes some of their procedures, e.g., role of paralegals, and having a civil complainant “meet with at least one firm-retained forensic psychologist. They are often asked to take a polygraph exam.” Describes interactions with nationally-prominent plaintiffs’ attorneys in cases involving Roman Catholic dioceses, including Mitchell Garabedian in Massachusetts, Stephen Rubino in New Jersey, and Jeffrey Anderson in Minnesota. Very briefly refers to a current case, that of Gregory Ford of Massachusetts who filed a suit against Cardinal Bernard F. Law of the Boston archdiocese “for failing to address Ford’s alleged abuse at the hands of Father [Paul] Shanley.” Includes comments from Mark Chopko, general counsel, U.S. Conference of Catholic Bishops, and Patrick Schlitz, professor of law, University of St. Thomas School of Law, St. Paul, Minnesota. Also includes comments about the financial implications of these cases for the Church nationally, and the possibility of a restitution fund in lieu of mass tort litigations.

O’Malley, Shannon. (2002). [Note] At all costs: Mandatory child abuse reporting statutes and the clergy-communicant privilege. *The Review of Litigation*, 21(Summer):701ff. [Retrieved 05/15/04 at LexisNexis Academic database.]

O’Malley is not identified. Briefly addresses the situation of U.S. states’ laws that “create an exception to general privileged relationships, such as the clergy-communicant privilege, in furtherance of the goals of” child abuse reporting statutes and the conflict of these laws with “federal and state constitutions that protect freedom of religion.” Part 2 very briefly outlines the history of child reporting laws and child abuse statutes in the U.S.A., and focuses on the legal situation in Texas. Part 3 discusses the relationship between mandatory reporting laws and clergy-communicant privilege, including history of the privilege, and disadvantages and advantages of requiring clergy to report child abusers. Part 4 “analyzes the constitutionality of these laws through an analysis of current case law dealing with religious liberties.” Examines the Free Exercise and Establishment clauses of the First Amendment. Part 5 considers the Texas mandatory reporting law, rules of evidence, and case law and reporting statutes. Concludes that

Texas's mandatory reporting law "falls short of accomplishing its stated goal." Notes that: "Texas criminal courts have not convicted any members of the clergy who refused to report child abusers. Moreover, Texas case law denies a tort cause of action to victims of abuse to punish an individual for refraining from reporting. Thus, if the law requiring people to report abuse is not being enforced, the victims of abuse have no recourse." Part 6 "offers a possible solution to the conflict between society's reluctance to prosecute clergymembers and the need to require all citizens to protect children from abuse." Proposes adding civil liability to the criminal liability for those who fail to report abuse with damages increasing in proportion to a delay in reporting within a reasonable time. 123 footnotes.

O'Reilly, James T., & Strasser, JoAnn M. (1994). Clergy sexual misconduct: Confronting the difficult constitutional and institutional liability issues. *St. Thomas Law Review*, 7(1, Fall):31-73.

By an adjunct professor of law, University of Cincinnati, and corporate attorney, and an attorney in private practice, Cincinnati, Ohio. Context is the Roman Catholic Church. Examines the clash between religious doctrines of faith, responsibility, and obedience with the limited constitutional authority of civil courts to oversee religious institutions in the context of tort actions regarding clergy misconduct litigation. Reviews: dimensions of the current problem; theories of liability; defenses; litigation issues; and, risk management issues. Offers recommendations to churches. 299 footnotes.

Orsy, Ladislav M. (2003). Bishops' norms: Commentary and evaluation. [From an issue based on a symposium, "The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty."] *Boston College Law Review*, 44(4/5, July/September):999-1030.

By a visiting professor, Georgetown University Law Center, Washington, D.C. Examines the document, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons which was approved by the U.S. Conference of Catholic Bishops in November, 2002, when it also approved the Charter for the Protection of Children and Young People, revised. Part 1 "offers a critical commentary of the Norms... in the sense of a close examination, on the basis of canonical traditions, of the concepts, propositions, and positions contained in them." States that the basis for interpreting the Norms are "the traditional rules of interpretation valid throughout the field of canon law." Notes that Norms "contain[s] legislation establishing penalties, restriction of rights, and exceptions from universal laws; hence they have a narrow scope and are subject to strict interpretation." Some of the problems he identifies include: whether Norms applies to priests and deacons in secular institutes and societies of apostolic life; lack of exactness regarding a legal definition of the criminal act of abuse; implementation of Norms is based on policy adopted by each diocese rather than reliance on a common policy for all dioceses; the review board to be established within each diocese is purely consultative, depends on the bishop's discretion, and suffers from a lack of independence; there are not well-structured rules concerning ecclesial investigations that may lead to a criminal charge; precautionary measures may "intrude on the basic human rights of the accused"; there is ambiguous language in some particular norms; the use of 'due process' language from English common law is not "a standard term with a recognized context in canon law"; there is no way given to a bishop for how to balance the duty to protect children at risk with the duty to protect priests from false accusations. Part 2 briefly identifies positive achievements and omissions in the Norms. His analysis is that: the Church outgrew its structural and organizational framework, and "finds itself now with a dangerous vacuum in supervision"; the Norms do not create enough of a protective environment; a system of friendly visitation would help the current situation. In a strongly-worded conclusion section, he states: "The Norms were not born from an ecclesiology inspired by the theology of communion; they are modeled on the procedures of a secular state. The bishops did not turn to the sacramentally grounded college of presbyters and deacons calling for their cooperation, nor did they turn to the rest of the faithful asking for their help; thus they have bypassed vital sources of energy in the Church." 81 footnotes.

O'Sullivan, Janet. (2012). [Case and Comment] The sins of the Father: Vicarious liability extended. *The Cambridge Law Journal*, 71(3, November):485-488.

O'Sullivan is a university senior lecturer, Faculty of Law, University of Cambridge, Cambridge, England. Very briefly comments on the decision of the Court of Appeal, London, England, in the civil case of *JGE v Trustees of the Portsmouth Roman Catholic Diocesan Trust* [citation number: [2012] EWCA Civ 938]. The claimant was 6-years-old when she was placed for 2 years "in a Roman Catholic children's home," and "alleges that Father Baldwin, the parish priest for the parish in which the children's home was situated and thus where she was a parishioner, systematically sexually abused and assaulted her, 'including on the day of her first holy communion when Father Baldwin reaped the claimant in the robing room at the church after conducting the service.'" In her civil claim, she sought to hold the Church vicariously liable for Baldwin's torts by naming the local Diocesan Trust as a recognized legal entity. The Court of Appeal's decision focused on vicarious liability law, which requires two elements: 1.) regarding the relationship between the defendant and the tortfeasor, traditionally that of employer and employee, and 2.) "that the tort was committed in the course of that employment." In *JGE v Trustees*, "the defendant denied that its relationship with Father Baldwin could attract vicarious liability at all" by disputing that the priest was an employee. The Court ruled "to extend the law and recognise that vicarious liability should apply to relationships sufficiently akin to employment..." On the facts, the relationship between Father Baldwin and the defendant was indeed sufficiently akin to an employment relationship – a priest is accountable to his bishop and ultimately subject to the bishop's sanction, including removal from his parish." O'Sullivan comments: "*JGE* is a tentative, but hugely significant, step towards a test for vicarious liability focused on specifically *tortious* policies and principles. The court of Appeal refused leave to appeal to the Supreme Court, but only because 'the Supreme Court may prefer to wait till they have a case fought out on all factual issues with a judgment at the conclusion of a fully contested trial.' Let us hope the Supreme Court takes the bait." Lacks references.

Pappa, Kristina K. (1994/1995). [Notes] Privileged communications – The marital communications privilege does not preclude a third party from testifying as to the contents of a written interspousal communication and the priest is the sole holder of the priest-penitent privilege and can waive that privilege without the consent of the penitent (*State v. Szemple*, 135 N.J. 406, 640 A.2d 817 (1994). *Seton Hall Law Review*, 25(4):1591-1629.

Pappa is not identified. Describes a New Jersey case involving 2 evidentiary privileges: marital communications which "protects confidential spousal communications," and is intended to "foster the inviolability of the marital relationship" as a public policy benefit; priest-penitent privilege which "furthers the general sociological interest in creating desirable relationships." States: "Recently the New Jersey Supreme Court squarely confronted the scope of both privileges in *State v. Szemple*. The *Szemple* court held that the marital communications privilege does not preclude a third party from testifying as to the contents of a written interspousal communication because third party appropriations destroy the confidentiality. The court also held that the priest was the sole holder of the priest-penitent privilege because the statutory protection applied to the priest; thus the priest could unilaterally waive the privilege by consenting to disclosure. This holding generated immediate remedial legislation that explicitly vested the priest-penitent privilege in both the priest and the penitent." The clergyperson in the case was an ordained Baptist minister. Describes background of the privileges and the court majority's reasoning, including the legislative histories, and dissenting opinions. Concludes with a critique of the reasoning of the court, which includes the majority not addressing the Free Exercise of religion clause of the U.S.A. Constitution's First Amendment. 212 footnotes. [While the context of sexual boundary violations in faith communities is not part of the case, the Note is included in this bibliography because of relevance of the topic of priest-penitent privilege as applied in secular legal systems.]

Parkinson, Patrick. (2013, February). Suffer the teenage children: Child sexual abuse in church communities. 32 pp. [Legal Studies Research Paper No. 13/109. Sydney Law School, The University of Sydney. Sydney, New South Wales: Australia.] [Retrieved 10/12/13 from the World Wide Web site of Social Science Research Network: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2216264]

Parkinson is a professor, Sydney Law School, The University of Sydney, Sydney, New South Wales, Australia. Identifies himself as "a committed Christian within the evangelical tradition of

faith. The paper was prepared for the Study of Law and Religion, School of Law, Emory University, Atlanta, Georgia. Drawing primarily on data and his experience with churches in Australia, he examines the issue of the sexual abuse of minors in church communities. Part 1 begins by considering the extent of sexual abuse of minors in church communities, focusing on the Roman Catholic Church and the Anglican Church of Australia because of the availability of data, while noting the overall lack of “research evidence concerning child sexual abuse by priests or minister in faith communities other than the Catholic Church.” Concludes: “When all explanations have been offered, the rate of convictions of Catholic Church personnel does seem to be strikingly out of proportion with the size of this faith community compared with other faith communities.” Reports demographics of victims by gender and age. Briefly analyzes and critiques a series of explanations for abuse in churches, including: patriarchal structures and attitudes; situational opportunity; power and influence of clergy, noting: “When spiritual authority is misused in this way it adds another dimension to the trauma of sexual abuse. The betrayal of trust involved is enormous, and for some victims of abuse it is difficult to trust people in authority again.” Explores the question of whether Catholic clergy and religious “have a greater propensity to abuse children... than ministers or pastoral staff in other faith communities,” and reaches nuanced conclusions based on the evidence. Part 2 examines how churches have responded to the problem of sexual abuse of minors by using the framework of 3 main models utilized in Australia for dealing with complaints of abuse: disciplinary procedure, mediation, and restoration. Notes that “[t]he first protocols to be developed in the mainstream churches in Australia tended to adopt a mediation model,” originating in relation to “concerns about sexual harassment and exploitation of adults, and assumed an adult complainant.” Cites advantages and disadvantages of the models. Discusses the very recent emergence of an Australian federal Royal Commission in response to perceptions and complaints about how the Catholic Church has “handled the alleged offenders,” in particular “a perceived lack of cooperation with the police.” The Commission will inquire “into child sexual abuse in institutional settings.” As a central factor, he identifies the perception of the Church’s National Committee for Professional Standards as being incapable. 60+ references.

_____. (2014). Child sexual abuse and the churches: A story of moral failure? *Current Issues in Criminal Justice*, 26(1, July):119-138.

Parkinson is a professor of law, Sydney Law School, University of Sydney, Sydney, New South Wales, Australia. [The text “is an edited and revised version of the Smith Lecture” he gave. See this bibliography, Part IIa.: Parkinson, Patrick. (2013, November). Child sexual abuse and the churches: A story of moral failure?] In the introduction, he states that rather than repeat the Roman Catholic Church’s “flagrant breaches of trust” regarding child sexual abuse (CSA), he is writing “to try to provide a more nuanced picture, and to aid in understanding *why* [italics in original] these failures occurred and thereby help explain the factors that will allow us to protect children better in the future.” His focus is the Church in Australia. Begins by providing evidence-based findings from both Australia and other nations regarding: extent of CSA in Catholic settings; the Catholic Church compared to other religious denominations; gender and age of victims in Catholic and other church settings. In discussing the question, “How well have churches addressed the problem of child sexual abuse?”, he identifies “two main issues that need to be confronted by the Catholic Church. The first is why rates of [CSA] seem to be so high, proportionate to other institutions and faith communities. The second is why there have been so many scandals about the matters have been handled.” He reviews various factors which have reported to contribute the rate of CSA. Presents his analysis of the “more nuanced and complex story” of how the Catholic Church has responded to cases of CSA. Identifies “the place of Canon Law in the life and thought of the worldwide Catholic Church,” and the Church’s “culture of clericalism” as 2 aspects of Catholic teaching “that may help explain some of the behaviour of Catholic church leaders which may otherwise seem inexplicable.” Explores responses of the Australian Church’s leadership, including his role in reviews of Church process. Very briefly considers “issues about liability and compensation [which] are complex.” Briefly addresses “my rift with the Catholic Church over [its protocol]” for responding to cases of CSA. Regarding the Church’s future, he calls for a change in the “culture of corrupted power” which is “at the heart of the Church’s governance problem.” Also calls for a modernization of the Church’s management structure to be able address the culture issues. 60+ references.

Pearce, Russel G. (1996). To save a life: Why a rabbi and a Jewish lawyer must disclose a client confidence. *Loyola of Los Angeles Law Review*, 29(4, June):1771-1779.

Pearce is an associate professor of law, School of Law, Fordham University, New York, New York. The essay is from a section of the issue, "Symposium: The Religious Voice in the Public Square and Executing the Wrong Person: The Professionals' Ethical Dilemmas." The authors responded to a hypothetical case, pp. 1543-1546: [Symposium Problem] The wrong man is about to be executed for a crime he did not commit. In Part 1, Pearce presents the dilemma of a rabbi who has heard a man's confession to a murder for which another man, who is innocent, is to be executed soon: does the rabbi have an obligation to keep the information confidential? He notes that in contrast to the Roman Catholic priest who is "acting as God or God's representative" when hearing a penitent's confession, "the rabbi is a teacher and does not stand in a special relationship to God." Part 2 briefly presents 4 arguments in Judaism for preserving the confidentiality. Part 3 presents 2 duties in Judaism which provide reasons for disclosure. Pearce supports the combination of "the duty not to 'stand idly by the blood of thy neighbor,'" based on Leviticus 19:16, and the "related duty of *pikuach nefesh*, or preserving life" as outweighing Jewish obligations to preserve the confidentiality. Considers specific nuances of the hypothetical case. Part 4 is a 4-sentence conclusion. 41 footnotes. [While sexual boundary violations in the context of a faith community is not addressed, the article is included in this bibliography because of its relevance to the topic.]

Persky, Anna Stolley. (2012). The religious wall of silence. *ABA Journal* [published by American Bar Association], 99(12, December):46-51.

Persky is a freelance writer, Washington, D.C. Magazine-style article reports on "the difficulties that government prosecutors [in the U.S.A.] face in bringing sexual assault charges against a member of an insular religious community. As with many communities, the majority of sexual abuse crimes against children go unreported. But in religious communities, the fear of ostracism carries additional weight." Begins by citing a 2012 criminal case involving the Orthodox Jewish Satmar Hasidic community in Brooklyn, New York, in which the victim told the court that "she and her family were harassed and shunned for reporting" the community member who sexually abused, and that "her parents' business was threatened, leading to fears that the family would no longer be able to support itself." Notes a recent case in Hammond, Indiana, in which the former pastor of First Baptist Church "pleaded guilty to having sex with a girl who attended his church," and cites an investigative article from a magazine that "discussed a culture [at the Church] that allows for cover-ups of transgressions." Notes a 2012 case in which "19 former Yeshiva University High School students filed a federal lawsuit claiming two school rabbis abused them in the 1970s and 1980s," and accused the New York, New York, "school's leadership of ignoring the abuse." Notes that "the vast Roman Catholic Church sexual scandal has shown that childhood sexual abuse can be found in any culture, including one that is founded on religious tenets." Among the people quoted are: Glenn Lipson, a San Diego, California, forensic psychologist "who specializes in sexual misconduct issues."; Marci Hamilton, "a law professor specializing in religion and the law at the Benjamin N. Cardozo School of Law at Yeshiva University," New York, New York; Charles J. Hynes, the district attorney of Kings County, New York; Rhonnie Jaus, "chief of the Brooklyn district attorney's Sex Crimes and Crimes Against Children's Division; Lynne M. Abraham, former district attorney of Philadelphia, Pennsylvania; Douglas Laycock, "a leading authority on the law of religious liberty" and law professor at University of Virginia, Charlottesville, Virginia. Concludes with ways other than increased efforts by prosecutors "to ensure that religious communities appropriately handle any pedophiles or other sexual predators within their midst and report them to the proper authorities," including "denying tax-exempt status to any organization that makes sex abuse possible," the insurance industry mandating child protection policies in religious organizations, "expanding state statutes of limitations in child sex abuse cases," and requiring clergy to report suspected criminal behavior.

Perciaccante, Marianne. (1996). [Note] The courts and canon law. *Cornell Journal of Law and Public Policy*, 6(Fall):171-209.

Written to discuss “how [U.S.] courts should examine issues which seem to depend upon the determination of the meaning of Roman Catholic canon law.” Among the situations considered is “cases involving questions of a bishop’s vicarious liability for a priest’s tortious actions...” Part 1 “cursorily describe[s] canon law, in addition to church constitutions, contracts, and religious corporate charters.” Also “discusses some common ground between canon law and American law” and reviews “a few historical cases in which the [U.S.] Supreme Court has found it necessary to turn to canon law.” Part 2 “reviews Supreme Court holdings on the review of religious statements primarily in intrachurch disputes.” In relation to the question of a bishop’s vicarious liability for a priest’s tortious actions, she “argues that courts act correctly when they refuse to resolve these questions by reference to canon law. ...the agency relationship is ascertainable by examination of the daily affairs of the priest or member of the religious order.” Very briefly comments on a 1988 case involving a Roman Catholic priest who had sexually abused minors, *John Does v. CompCare et al.*, 52 Wash. App. 688 (1988). Part 3 “considers cases in which courts have encountered questions answerable by canon law in cases extending beyond the bounds of a single church.” Concludes that “courts should avoid interpreting canon law in order to accord religions respect as distinctive and valuable social institutions; and in order to recognize the sovereignty of religious bodies. Courts should also recognize that they lack the competence to interpret a body of law based on revelation.” 174 footnotes.

Perez, Yanet. (1997). [Survey] Constitutional law – Free exercise clause – Claim of sexually inappropriate conduct by clergyman during the course of pastoral counseling, in breach of the clergyman’s fiduciary duty owed parishioner, could be resolved by the courts without becoming entangled in the clergyman’s free exercise of religion – *F.G. v. MacDonell*, 150 N.J. 550, 696 A.2d 697 (1997). *Seton Hall Law Review*, 28(2):712-719.

Perez is on the editorial staff of the journal, Seton Hall University School of Law, Newark, New Jersey. Reviews a New Jersey Supreme Court decision in a case involving a parishioner of an Episcopal Church congregation in Bergenfield, New Jersey, and the Episcopal priest of that and another congregation whom, as her rector, she sought for counseling in 1992-1993, and who sexualized the relationship. She sought recovery against the priest for clergy malpractice, negligent infliction of emotional distress, and breach of fiduciary duty. A New Jersey Superior Court dismissed all her claims; an appellate court reinstated her claims of breach of fiduciary duty and clergy malpractice. The New Jersey Supreme Court decided she could proceed with her claim for breach of fiduciary duty because it permitted her to recover monetary damages and allowed the judiciary to avoid potential entanglement with the First Amendment of the U.S. Constitution, and its Free Exercise Clause. She summarizes key sections of the majority’s opinion, and includes summaries of sections of the minority’s dissent. Perez writes that “the court has correctly provided vulnerable parishioners with an appropriate form of relief in an area where the potent fear of religious entanglement had previously deterred any such relief.” Cautions that a problem will arise in a future case “when a clergy member of a less-recognized or alternative religion claims that his religion sanctions, and even recommends, engaging in sexual relationships with parishioners during counseling.”

Philip, Ryan M. (2003). [Comment] Silence at our expense: Balancing safety and secrecy in non-disclosure agreements. *Seton Hall Law Review*, 33(3):845-880.

Philip is a student, Seton Hall University School of Law, Newark, New Jersey. Prompted by “the recent sexual abuse scandal in the Catholic Church,” he comments on the propriety of confidential settlement agreements between the Roman Catholic Church and victims of clergy sexual abuse. Takes the position “that courts should adopt a more active role in shaping public policy by refusing to honor confidentiality agreements that threaten public safety, even in the absence of an authoritative legislative declaration.” Part 1 examines a 2002 case in Connecticut that he regards as a useful judicial approach for evaluating non-disclosure contracts, and endorses the judicial approach of weighing “the adverse impact that enforcement [of the agreement] could have on public welfare...” Part 2 briefly “discusses the evolution of the public policy exception to contract enforcement” and the decline of judicial activism in shaping public policy due to judicial restraint that is in deference to legislative authority. Part 3 briefly considers the Balancing Approach of the

Restatement (Second) of Contracts that is “aimed at guiding a judge’s determination as to whether a contract should be unenforceable as contrary to public policy.” In particular, he considers Sections 178 and 179. His position is that a “court should deny enforcement only if the public policy at stake ‘clearly outweighs’ the necessity of preserving the integrity of traditional contract law principles.” Part 4 “examines the employment-at-will doctrine, an area in which courts have taken a more active approach and carved out a public policy exception.” His position is that the precedent of judicial action that is based on discretion and duty should be applied to confidential settlement contracts. Part 5 examines whistleblowing as a model of public policy exception to the employment-at-will doctrine, calling it “...a particularly useful analog because courts must balance the public’s interest in disclosure and the private contractual interest in secrecy.” Endorses a six-part test by Carol M. Bast “that provides the judiciary with greater flexibility in a framework of guided discretion” that recognizes “the significance of third party effects, especially health and public safety.” Part 6 proposes establishing a zone of judicial discretion as “a new approach for evaluating non-disclosure agreements that threaten the public welfare.” His approach “provides a framework for guided judicial activism, emphasizing a judge’s duty to consider the best interests of the public before enforcing a confidential settlement contract.” Concludes that the “sexual abuse scandal in the Catholic Church has exposed the severe consequences of allowing parties to use confidentiality contracts to silence abuse victims at the expense of the public.” 263 footnotes.

Price, David R., & McDonald, James S., Jr. (2003). The problem of false claims of clergy sexual abuse. *Risk Management*, 50(1, January):48-51.

Price is administrative director of litigation management, Forensic Psychiatry Research Foundation, Medical University of South Carolina, Charleston, South Carolina. McDonald, Jr. is a partner, Fisher & Phillips LLP, Irvine, California. Asserts that while “documented cases of clergy sexual abuse are tragic and deserving of compensation, all claims nonetheless require scrutiny.” Briefly identifies reasons for false claims: some are intentionally fabricated to obtain money or revenge; more likely, false claims are a result of psychological illness, e.g., erotomanic delusion, persecutory delusion, personality disorders, autistic fantasy, or projective identification. Some claims are misdirected accusations resulting from: displacement, a psychological defense mechanism; factitious sexual harassment, a disorder expressed as a need to portray one’s self as a victim; allegedly recovered memories expressed by a person who is “especially vulnerable to suggestions by therapists, attorneys or laypersons.” Briefly discusses how to make “a thorough and objective [clinical] examination of the claimant’s psychological history and functioning” in a case in which there is no objective evidence to support the claim. Also briefly identifies factors related to expert testimony on the claimant’s behalf. Concludes that risk managers or claims administrators should consider whether a claim of clergy sexual abuse might be false, and that by applying proven techniques, these claims may be exposed. Lacks references.

Provost, Melissa A. (1998). [Survey section] First Amendment – Free Exercise Clause – Cleric who engaged in sexual acts while providing pastoral counseling to a parishioner can be held liable for breach of fiduciary duty – *F.G. v. MacDonell*, 150 N.J. 550, 696 A.2d 697 (1997). *Seton Hall Law Constitutional Law Journal*, 8(2, Spring):625-630.

Provost is a member of the editorial board of the Journal, Seton Hall University School of Law, Newark, New Jersey. Presents a brief summary and analysis of the *F.G. v. MacDonell* decision in 1997 by the New Jersey Supreme Court. Her brief analysis critiques the Court’s dissenters’ position. Concludes: “The New Jersey Supreme Court’s holding sends a clear message to clergymen across the state – religious cloth will not shield clergy from the reach of the law. ...clergymen will be held accountable for their actions which violate the sacred trust between a cleric and his parishioner.”

Pruzan, Jeffrey. (2012). [Notes] Abuse, mediation and the Catholic Church: How enforcing and improving existing statutes will help victims recover. *Cardozo Journal of Conflict Resolution*, 13(2, Spring):593-620.

Pruzan, a law student, Benjamin Cardozo School of Law, Yeshiva University, New York, New York, is editor-in-chief of the journal. States at the outset: “Because the numbers of victims [of

sexual abuse by Roman Catholic priests in the U.S.A.] has risen so dramatically in the last decade, and for a variety of tactical and logistical reasons, mediation has become a key method of [the Church] redressing claims and compensating victims.” Part 2 examines the mediation process used by the Church, “and how it can be improved.” Describes: reasons for “why the Church, and some victims, prefer mediation over other forms of resolution.”; the process and contents of a typical mediated settlement; problems with the mediation process in the context of the Church and sexual abuse, citing the case of the Archdiocese of Los Angeles, Los Angeles, California, as an example. Part 3 examines the most common state and federal statutes and policies that are “used to curtail child sexual abuse, “explore[s] how these statutes have affected the mediation and settlement process,” and examines “how they can be improved.” Focuses on: statutes of limitations; mandatory reporting statutes; revocation of tax-exempt status; prosecution under the Racketeer Influenced and Corrupt Organizations Act (RICO); prosecution under mail fraud, wire fraud, and honest services fraud statutes. He “propose[s] several changes State legislatures and the Federal government can make to compensate more victims, give victims a better chance of recovery, and to protect the public from future harm at the hands of sex-offenders within the Church. This note will also demonstrate how rigorous enforcement of existing statutes, with mediation and settlement in mind, will ultimately help more victims recover.” Part 4 is a 1-paragraph conclusion. 169 footnotes.

Pudeliski, Christopher R. (2004). [Comments] The constitutional fate of mandatory reporting statutes and the clergy-communicant privilege in a post-*Smith* world. *Northwestern University Law Review*, 98(2, Winter):703-738. [Retrieved 04/22/04 at LexisNexis Academic database.]

By a law student, Northwestern University School of Law, Chicago, Illinois. Written to “address the issue of whether a clergy member or communicant can be constitutionally compelled to disclose confidential information under a hybrid rights claim that seeks protection under the Free Exercise Clause and the Free Speech Clause of the First Amendment. ...this Comment pays particular attention to the constitutionality of the privilege under the Free Speech clause.” Context is the “recent sex abuse scandal surrounding the [Roman] Catholic Church... and the resulting public backlash against the Church [that] catalyzed state legislatures” to initiate or enact bills “requiring clergy members to report incidents of child abuse, even if the clergy member acquires such information during a confidential communication.” Part 2 “examines the extent of child abuse in the United States and in the Catholic Church, the development of mandatory disclosure statutes in the fifty states, and the evolution of the clergy-communicant privilege in state and federal courts.” Part 3 “discusses the constitutionality of a mandatory reporting statute and the clergy-communicant privilege under the various clauses of the First Amendment.” Considers the Establishment and Free Exercise Clauses, relevant Supreme Court rulings, the Free Speech Clause, and implications of compelling clergy to report, particularly for hybrid rights situations, i.e., freedom of religion and freedom of speech. Part 4 “examines the arguments that the state and the clergy member or communicant can proffer under the compelling-state-interest test.” Part 5 concludes that “the clergy-communicant privilege holder can make it more difficult for the state to enforce a mandatory reporting statute by advancing a hybrid rights claim [that requires] a court to apply heightened judicial scrutiny to the statute.” 230 footnotes.

Quade, Vicki. (1992). [Human Rights Interview] Unholy wars. *Human Rights* [published by the American Bar Association Section of Individual Rights & Responsibilities], 19(4, Fall):18-21, 30. [Portions were reprinted as: Anderson, Jeffrey interviewed by Quade, Vicki. (1994). “Child Sexual Abuse in the Catholic Church is Widespread.” Chapter in de Koyster, Katie, & Swisher, Karin L. (Eds.). Child Abuse: Opposing Viewpoints. San Diego, CA: Greenhaven Press, Inc., pp. 158-166.]

By the editor of the publication. Interviews Jeffrey Anderson of Minneapolis, Minnesota, who is described as: “One of the first lawyers in the U.S. to chart this new field of civil torts [i.e., clergy sexual abuse], Anderson is one of the few specializing in this legal field.” Among the topics: how the Roman Catholic Church in the U.S.A. is confronting the problem of charges of child abuse against its priests; the Church and liability insurance; the current biggest crisis in the Church; the institutional response of the Church upon discovery of incidents; reluctance of people who were abused and their families to come forward and report; success of civil lawsuits; difficulty in suing

the Church; litigation strategies; his motivation to take these cases; failure to prosecute offenders in criminal proceedings; his first case representing a victim of a priest; legal tactics of Church attorneys; the charitable immunity doctrine in some states; lack of policy and procedure by the National Conference of Catholic Bishops; the effect of this work on his personal life; his *pro bono* work on these cases.

Radel II, F. Robert, & Labbe, Andrew A. (2015). The clergy-penitent privilege: An overview. *FDCC Quarterly* [published by Federation of Defense and Corporate Counsel], 64(4, Summer):385-424.

Radel is “a partner at Groelle & Salmon, P.A., in the firm’s Tampa office” in Florida. Labbe is “an associate at Groelle & Salmon, P.A.” in Florida. “This article discusses the history of clergy-penitent privilege, considers the interplay between the privilege and mandatory child reporting laws, and addresses the arguments for limiting or abrogating the privilege. Finally, this article suggests a workable balance between protecting religious communications and protecting children from abusers.” Part 1 is a very brief introduction. Part 2 begins with a 4-paragraph history of the privilege. The bulk is devoted to a description of the privilege in the contemporary U.S.A., and its variations between jurisdictions regarding the topics of: definition of *clergy*; definition of *confidential communication*; who the holder of the privilege is; who is a mandated reporter of child abuse and which states have abrogated the privilege with regard to mandatory reporting laws.” Also discusses a 2014 ruling by the Louisiana Supreme Court in a civil case in which a minor female in the Roman Catholic Church’s Diocese of Baton Rouge “sought ‘spiritual guidance through confession’ [from her priest], and informed the priest [that “a long-time parishioner at the church”] had inappropriately touched her, kissed her, and told her that he wanted to make love to her. The minor child testified at deposition that the priest told her to ‘sweep it under the floor and get rid of it.’ The alleged abuse continued after these three confessions.” Their interpretation of the ruling is that it “will likely have the effect of abrogating the privilege in cases of child abuse...” Discusses 4 reasons for keeping the privilege. [They do not offer case precedents or clinical evidence for their assertions, e.g., that “oftentimes a member of the clergy is the only individual to whom a perpetrator would feel comfortable talking.”] Discusses reasons to limit and/or abrogate the privilege in cases of child abuse. [They do not identify as a reason a right of a child to be free of abuse or a right to see that statutory impediments to justice are removed.] Part 3 is a 1-paragraph conclusion which states: “It is of the utmost importance that a practitioner know the law in his or her jurisdiction and remain cognizant of any changes in order to properly guide clergy member clients as to their duties and any client in a child abuse situation of the scope of the privilege impacting production of evidence.” Pp. 397-424 summarizes the priest-penitent privilege in the statutes in each U.S.A. state and Washington District of Columbia. 49 footnotes.

Radel, II, F. Robert, & Wasmer, Kelly. (2006). Important recent developments in the area of clergy sexual misconduct. *FDCC Quarterly* [published by Federation of Defense and Corporate Counsel], 56(2, Winter):237-251.

Radel is a partner, Butler Pappas Weihmuller Katz Craig LLP. Wasmer is a senior associate in the firm. From the introduction: “The incidence of lawsuits filed against churches, schools, and youth groups by sexually molested victims in response to abuse perpetrated by sexual predators has increased dramatically over the years. Given this situation, it has become increasingly important for individuals in church, charitable, and educational endeavors, as well as attorneys and claims handlers (not to mention parents) to become familiar with the profile of a pedophile or sexual predator.” Part 2 generally describes common tendencies and predominant characteristics of a pedophile relying on a 1992 behavioral analysis report by Kenneth V. Lanning, formerly with the U.S. Federal Bureau of Investigation Behavioral Sciences Unit. Subsections include: long-term and persistent pattern of behavior, children as preferred sexual objects, well-developed techniques in obtaining victims, and sexual fantasies focusing on children. Part 3 very briefly identifies risk reduction actions for church, school, or other youth organizations “to protect both the innocence of the child and the reputation of the institution.” Part 4 summarizes 2 cases decided in 2002 by the Florida Supreme Court which “resolved applicability of the contentious separation of Church and State question in [Florida].” *Malicki v. Doe* involved a Roman Catholic priest, parish, and the Archdiocese of Miami in Florida. The court ruled that the First Amendment

of the U.S. Constitution did not bar consideration of the plaintiffs' claims of negligent hiring, retention, and supervision against the Church defendants. In *Doe v. Evans*, the court again found that the First Amendment does not bar claims "for a cause of action for breach of fiduciary duty" by a United Methodist Church pastor who sexualized a relationship with a parishioner with marital problems whom he was counseling. A further count in the suit involved negligent hiring and supervision based on church officials' "collective knowledge of Reverend [Lex] Evans' prior sexual misconduct in similar circumstances." Very briefly concludes by advising that the Florida court's findings "should cause churches, schools, and youth organizations to re-evaluate their protocol regarding clergy and other employees who they hire and retain – especially if accusations or suspicions of sexual misconduct have surfaced in the past." 39 footnotes.

Reese, Seward. (1963). Confidential communications to the clergy. *Ohio State Law Journal*, 24(1, Winter):55-88.

Reese is dean and professor of law, College of Law, Willamette University, Salem, Oregon. The article discusses the priest-penitent privilege as it exists 44 of the 50 U.S.A. states' statutes. Includes description, analysis, commentary, opinion, and recommendation. Part 1 provides background to the privilege. States that the trend of the statutes "is toward broadening (1) the class of persons in the field of religious activities to whom one can communicate in confidence, (2) the class of people who may communicate under the privilege, and (3) the subject matter of the confidential communication." Part 2 very briefly describes the states' statutes. Part 3 considers variations in what is meant by the term *priest*, which is used generically in the article. Part 4 examines the phrase, "'in the course of discipline enjoined by the church to which he belongs,'" which is used by 29 states. Notes the ambiguity as to whether "he" refers to the priest or the penitent, and differences in how "discipline" is defined, e.g., what it includes and excludes. Part 5 very briefly discusses the type of legal proceedings in which the privilege may be asserted, noting that 39 "of the privilege statutes do not mention types of proceedings to which the privilege applies." Part 6 discusses how determination is made by a court whether to grant the privilege. Part 7 very briefly concerns whether the privilege is an absolute prohibition to a *priest* testifying, or whether it may be waived, and, if so, by whom, and how. Part 8 very briefly considers sanctions that may be imposed on a *priest* who violates the statute. Part 9 discusses 7 public policy issues of the privilege. [Assertions are made which lack substantiation or evidence.] Part 10 very briefly raises 2 questions regarding the constitutionality of the privilege. Part 11 recommends that a national committee, the composition of which he specifies, draft "a statute covering privileged confidential communications to clergymen that would be modern and acceptable to state legislatures." 103 footnotes. [While the topic of sexual boundary violations in faith communities is not considered, the article is included in this bibliography because of its relevance to the topic.]

Reid, Brittany. (2002). [Comment] "If gold rust": The clergy child abuse scandal demonstrates the need for limits to the church autonomy doctrine. *Mississippi Law Review*, 72(Winter):865ff. [Retrieved 01/04/04 at LexisNexis Academic database.]

Briefly considers the treatment by the U.S. Supreme Court and federal circuit courts of the Free Exercise Clause of the First Amendment of the Constitution and comments on applicability to cases of child sexual abuse by clergy. Part 2 very briefly reviews major court rulings on religious exemption from generally applicable government laws and policies, and on the church autonomy doctrine, including lower courts' creation of a ministerial exception doctrine. Part 3 very briefly describes the current "split of authority [that] has occurred among the state supreme courts and federal circuit courts on the issue of whether lawsuits against churches for negligent handling of abusive clergy violate the Free Exercise Clause." Part 4 argues that free exercise jurisprudence can be carefully applied so as to hold churches accountable in clergy sexual abuse cases. Concludes: "The ministerial exception should be applied to all cases involving negligent handling of clergy, but the clergy child abuse scandal demonstrates the desperate need for a limitation to this doctrine. The proper limitation to the doctrine is the compelling [state] interest test because this test will best be able to closely guard the free exercise rights of churches while still protecting the innocent young victims of clergy sexual abuse." 95 footnotes.

Reilly, Marie T. (2019). Catholic dioceses in bankruptcy. *Seton Hall Law Review*, 49(4):871-924.

Reilly is Professor of Law, Penn State Law, The Pennsylvania State University, University Park, Pennsylvania. “This article considers the arguments and outcomes on property issues in the [Roman] Catholic bankruptcy cases [in the U.S.A.]” Part 1, the introduction, sets the context by noting that by 2004 when the Church’s Archdiocese of Portland, Portland, Oregon, became the first Catholic organization to seek bankruptcy protection under federal law, “Sexual abuse of children by priests had become a mass tort problem for Catholic organizations and Chapter 11 was the obvious legal response... As of September 2018, of the eighteen [Catholic] organizations filed for bankruptcy protection, fifteen (seven dioceses, six archdioceses, and two religious institutes) have emerged from bankruptcy after confirming consensual plans.” Part 2 “explains the unique legal characteristics of Catholic dioceses as debtors in bankruptcy under [Catholic] canon law [of 1983] and secular organization law.” Church polity in relation to property, which includes money, is outlined. States: “The Catholic bankruptcy cases opened wide the obvious tension between the independence of parishes from the bishop as distinct juridic persons and the bishop’s indirect authority over parishes and parish property.” Regarding secular organization law, sketches the variations in states laws regarding the corporate forms of religious organizations, “including charitable trusts, unincorporated associations, corporations sole, religious non-profit corporations, or general non-profit corporations.” Observes: “Unlike canon law, which governs rights and relationships *among* [italics in original] juridic persons within the Church, a bankruptcy proceeding reveals the external effect of secular organizational law on the organization’s creditors. In no other legal setting is scrutiny of organizational form, property rights, and agency more energetically undertaken.” Part 3 “explains the conflicts between advocates for sexual abuse creditors and the debtors over the nature and extent of the debtors’ property.” States: “...in a Chapter 11 case, the debtor and creditors engage in bankruptcy court-supervised negotiation towards a plan of reorganization that can preserve at least some of the debtor’s going concern value, settle creditors’ claims, and provide for discharge of pre-petition debts.” Cites specific cases to illustrate issues and legal strategies of both creditors who were survivors of sexual abuse and the debtor Catholic entities. Part 4 “considers the contexts and outcomes of litigation about the debtors’ rights to religious liberty under the [Free Exercise clause of the] First Amendment [of the U.S.A. Constitution] and the [federal] Religious Freedom Restoration Act (RFRA) [of 1993].” Part 5 “looks briefly at the issues that arose in the battle of competing plans in the [Archdiocese of] Saint Paul and Minneapolis case.” Comments:

“...the Catholic bankruptcies have revealed a heightened vulnerability to mismanagement because of the hierarchical structure of Catholic organizations under canon law... ...the bishop is neither accountable to the pastor [whom the bishop has assigned] or parishioners in the parishes where the priests serve, nor privy to day to day parish operations. The separation between authority and the consequences of the exercise of this authority increases the risk of mismanagement, cover up, and resulting tort exposure for Catholic organizations relative to that of non-hierarchical non-profit organizations.”

Also comments that the centralized authority of bishops regarding property or supervisory authority “likely increases the expected value of sexual abuse claims against Catholic dioceses relative to similar claims against non-hierarchical religious organizations.” Part 6, a 1-paragraph conclusion, states:

“The use of bankruptcy proceedings by Catholic organizations as a means to resolve mass tort liability for clergy sexual abuse has been remarkably successful. For the Catholic diocesan debtors, the price of bankruptcy [financial] relief has been the intense public scrutiny of previously private matters, including the external consequences of inter-hierarchical relationships prescribed in canon law... Decisions made within the Catholic hierarchy of authority under canon law for internal religious purposes have profound external consequences, not only on creditors outside the Church, but also on the faithful within it.”

Appendix A is a table of 18 cases, 2004-2017. Appendix B is a table of the outcomes of the cases. The totals include: settlements (\$986.4 million, of which \$562.4 was the insurance portion and \$138 million was professional fees); 3,423 survivors or creditors; average settlement of \$286,168 per survivor. 291 footnotes.

Ring, Sinéad. (2009). Beyond the reach of justice? Complainant delay in historic child sexual abuse cases and the right to a fair trial. *Irish Judicial Studies Institute Journal*, 2:162-203.

Ring is a doctoral student, Centre for Criminal Justice and Human Rights, University College Cork, Cork, Ireland. States in Part 1, an introduction, that “ever since [Ireland’s] ‘discovery’ of child sexual abuse in the mid-1990s, the Irish courts have been grappling with the problems posed by historic allegations of abuse, made by adults who claim they were victimised as children.” Cites the 2009 publication of the final report of the Commission to Inquire Into Child Abuse, popularly known as the Ryan Report, as having “forced Irish society to face up to its appalling history of child physical and sexual abuse in State-run institutions,” many of where were operated and staffed by religious entities affiliated with the Roman Catholic Church. States: “Lengthy lapses of time between the alleged offence and reporting present huge challenges to the criminal process, which must vindicate the accused’s constitutional right to a fair trial, while also seeking to prosecute these most serious allegations. The core argument of this article is that in historic childhood sexual abuse prosecutions [in Ireland], the risk of an unfair trial is unconstitutionally high.” Part 2 examines court rulings, and takes the position that “courts rely to an unjustified degree on the power of the trial judge to counter the effects of delay by way of rulings and directions to the jury.” Part 3 examines court rulings in “historical child sexual abuse prosecution,” and concludes that “trial judges are left in the dark as to what constitutes an adequate warning on issues such as delayed reporting, relationships of dominion, inhibition, corroboration, and admissibility of evidence.” Notes: “Often the accused person is a member or former member of a religious community, or is in a position of authority over children. Typically the accused person will have had a close relationship with the complainants’ family... The accused is often a family friend, a swimming coach, a volunteer in the Legion of Mary, a parish priest, a brother, a father... The accused person may have an ‘extremely chequered past’, may have left the Catholic Church in disgrace...” Cites a court case involving a “Christian Brother working at the former Artane industrial school” who faced multiple allegations and charges. Part 4 considers issues related to “repressed and recovered memories,” and “disclosure of the complainant’s medical and psychiatric reports” in cases of child sexual abuse. Concludes there is a need for appellate courts to provide guidance to trial judges in order to balance “probative value against prejudicial effect.” Part 5, a conclusion, is a 5-paragraph summary. 143 footnotes.

Roam, Brent. (2008). [Comment] Confessions of faith: A reasonable approach to Arizona’s clergy privilege. *Arizona State Law Journal*, 40(2, Summer):775-799.

Bent is a student, Sandra Day O’Connor College of Law, Arizona State University, Tempe, Arizona. An analysis of a ruling by the Arizona Court of Appeals in a case involving Arizona’s law regarding the clergy-penitent privilege, *Waters v. O’Connor*, 103 P.3d (Arizona Court of Appeals 2004). The case begins with a 29-year-old female, Korrie Lee Waters who was a volunteer youth leader in a nondenominational church, and sexualized her role relationship to a 16-year-old male who was a member of the youth group, and the son of the church’s receptionist. In 2003, the Water’s husband discovered the relationship and “called the police, who arrested Waters and charged her with sexual misconduct with a minor, a class six felony.” While awaiting trial, Waters contacted the church’s pastor “to ask if she could return to the church.” Informed by him that she was not welcome back, she contact a woman on the church staff, Dawny Worth, who “was a ‘music minister’ at the church who taught, gave the occasional sermon, led worship, and held herself out as a minister in the church’s bulletin and directory.” Waters asked Worth “how she could start over.” Uncertain of how to respond, Worth went to the pastor, Daniel McCluskey who instructed her to tell Worth to tell Waters that her “‘first step is to me [McCluskey] exactly what you did, what’s going on now, what your plan is for the future.’” Waters followed the instructions, and in email, “confess[ed] in graphic detail the evolution of the relationship with the boy.” Worth forwarded the email to McCluskey “who gave it to the boy’s mom, who passed it along to the prosecutor.” Waters’ attorney argued at trial that the email confession was privileged under Arizona’s clergy-penitent privilege law, and therefore inadmissible. The trial court ruled that Worth was not a “‘clergyman’” for purposes of the privilege and “was not acting in accordance with the discipline enjoined by her church.” Waters appealed, but the Court of

Appeals affirmed; the U.S. Supreme Court denied certiorari.” Part 1 is an introduction. Part 2 “offers a brief discussion of the history and policy behind the clergy-penitent privilege.” Part 3 “discusses the growth of the nondenominational church phenomenon in the United States. Part 4 “explores the court’s ruling *Waters v. O’Connor*.” Part 5 “considers the potential problems that arise under the Establishment Clause of the First Amendment when the clergy privilege is not extended to congregants of nondenominational churches.” Part 6 is his argument “that the Arizona legislature [should] adopted proposed Federal Rule of Evidence 506, requiring courts to apply an objective reasonableness standard to the questions of who are clergymen and when communications to them are privileged.” Part 7 is a very brief conclusion. 163 footnotes.

Robertson, Kathleen R. (2005). [Note] Dark days for the Church: Canon law and the response of the Roman Catholic Church to the sex abuse scandals. *Washington University Global Studies Law Review*, 4(1):161-185. [Retrieved 09/08/14 from the World Wide Web site of the journal:

<http://digitalcommons.law.wustl.edu/cgi/viewcontent.cgi?article=1201&context=globalstudies>]

Robertson is a student, Washington University School of Law, St. Louis, Missouri. The context is the “nearly global scandal [that] has developed [in the Roman Catholic Church] over allegations that priests and other religious personnel have sexually abused children,” and the accompanying intensification “when it became known that many in the Church hierarchy had not only covered up allegations, but also had reassigned abusers to work in different positions, often in contact with children.” Part 1 examines in 9 paragraphs the history of the Roman Catholic Church’s canon law, “from its earliest forms to the 1983 Code of Canon Law now in force.” Part 2 “details [in 3 paragraphs] the history of the sex abuse scandals within the Church,” citing cases from “Australia, Ireland, Poland, Austria, France, and the Philippines,” as well as the U.S.A. Part 3 compares the original and revised sexual abuse policies of the United States Conference of Catholic Bishops. She “argue[s] that the Vatican was justified in rejecting the original policy,” and that “the revised policy is the better policy in terms of its procedural protections, as well as its protections for victims, and the stricter measures and punishments that bishops and other religious leaders may utilize.” She calls the original policy “misguided,” and states that it “seems to have been influenced by the hysteria that accompanied the scandal.” Part 4 “evaluate[s] the sexual abuse policies enacted by the Church in Australia, New Zealand, and Ireland.” Part 5 compares the U.S.A. bishops’ policy with those of other countries, and finds the U.S.A. policy lacking in comparison, mainly in its omission of “any significant principles guiding the procedures.” Regarding the U.S.A. policy, she adds that: the title “implies a lack of compassion for victims,” it “is not as comprehensive as the other countries’ policies,” it lacks a level of detail, and is “more difficult to understand.” Her opinion is the U.S.A. policy’s language “implies that its intended audience was the educated professional,” while the plain language of other countries’ policies suggests their audience was inclusive of lay people. The Conclusion is a 4-paragraph summary, which ends with the statement: “The Church [in the U.S.A.] must show greater remorse for the mistakes that it has made and greater compassion for those who have suffered at the hands of priests and clerics. It must also explain clearly and thoroughly the steps it is taking to prevent this sexual abuse from recurring.” Calls for revision of the bishops’ policy in light of her critique as the next step to take “to begin restoring lost trust.” 135 footnotes.

Rohner, IV, Joseph A. (2005). [Comment] Catholic diocese sexual abuse suits, bankruptcy, and property of the bankruptcy estate: Is the “pot of gold” really empty? *Oregon Law Review*, 84(4):1181ff.

By a law student, School of Law, University of Oregon, Eugene, Oregon. Precipitated by the 2004 actions of the Roman Catholic Church’s Archdiocese of Portland, Oregon, Diocese of Tucson, Arizona, and Diocese of Spokane, Washington, to file for Chapter 11 federal bankruptcy protection, the first such actions in U.S. history. The filings followed “[y]ears of settlements stemming from alleged sexual abuse, a large number of similar cases that remain unsettled and potentially ready to go to trial, and the reluctance of insurance carriers to pay for further settlements...” Discusses “arguments for excluding parish property from the bankruptcy estate of a diocese when the diocese files for bankruptcy...” Part 1 traces recent events leading to the filings, including actions in the Archdiocese of Boston, Massachusetts. Part 2 looks at federal Bankruptcy Code to “examine the unique problems posed by the bankruptcy filing of a diocese,”

and reviews the Church's 1983 code of canon law regarding parish property. Part 3 considers possible legal outcomes, taking into account state trust laws in Oregon, Arizona, and Washington. Part 4 "discuss[es] the possibility of applying canon law [as the controlling legal rule] directly to the bankruptcy cases." Concludes "this is the least likely legal outcome..." Part 5 considers measures the 3 dioceses could have taken in the past "to ensure that canon law's structure is reorganized under civil law." Part 6 "discuss[es] the preliminary outcomes of the three American dioceses that have filed for bankruptcy." Draws heavily on newspaper reports. 195 footnotes.

Rosen, Lindsey. (1998). [Recent Decision] Constitutional law – In bad faith: Breach of fiduciary duty by the clergy – *F.G. v. MacDonell*, 696 A.2d 697 (N.J. 1997). *Temple Law Review*, 71(3, Fall):743-771.

Rosen is on the staff of the journal. Notes the emergence of the legal question of whether "all actions by the clergy are rooted in religious belief, and thus immune to government interference, or whether some actions really are secular in nature, subjecting them to government scrutiny and potential sanction," e.g., clergy sexual misconduct. Concludes: "In *F.G.*, the court correctly analyzed this body of law [fiduciary duty and the Constitutional Free Exercise Clause] and concluded that, in a pastoral counseling setting, the clergy member becomes a fiduciary, imposing a duty upon him to refrain from inappropriate behavior." According to the court, this inappropriate behavior – a sexual relationship – is not shielded from liability by the First Amendment. In reaching this decision, the court properly reaffirmed the well-established principle that, although there is an absolute freedom to believe, the freedom to act upon these religious beliefs is limited." Sections include: nature and scope of a fiduciary duty, and relevant case law; how courts have applied fiduciary liability to the clergy; the court's analysis in *F.G. v. MacDonell*. Describes the decision by the New Jersey Supreme Court in 1997 in a case in which an Episcopal parishioner in New Jersey, sought counseling in 1992 from an Episcopal priest who was her rector. During the period of counseling, the priest engaged her in a sexual relationship, "despite his knowledge of her vulnerable mental state." *F.G.*, the plaintiff, sued, the priest, Alex MacDonell, for clergy malpractice, negligent infliction of emotional distress, and breach of fiduciary duty. The court refused the claim of clergy malpractice, but upheld the claim of breach of fiduciary duty. Includes dissenters' comments. Rosen's description is detailed and clear. The commentary on the decision provides a brief but detailed analysis of the fiduciary qualities of the clergy-parishioner relationship, including trust, duty, power imbalance, and transference. Argues that courts must develop a 'bright-line rule' that draws "a clear line between those actions that are well beyond the realm of any accepted religious practice and those that arguably may be part of a particular denomination's practices." This would allow clergy to "accept responsibility for their wrongs when acting as a fiduciary..." Numerous civil cases of clergy sexual misconduct are referenced in a clear manner. 218 footnotes.

Rosenblatt, Michelle. (2005). Hidden in the shadows: The perilous use of ADR by the Catholic Church. *Pepperdine Dispute Resolution Law Journal*, 5:115ff. [Retrieved 13/14/06 at LexisNexis Academic database.]

By a law student, Pepperdine University School of Law, Malibu, California. In relation to the Roman Catholic Church and sexual abuse of minors by clergy, examines the emergence of alternative dispute resolution (ADR) which "has risen to the forefront of the legal field... because methods such as mediation and arbitration offer several advantages over traditional methods, such as litigation, which can be costly and time consuming." Part 1 is a very brief history of recent Church abuse cases in the U.S., including limited legal autonomy, responses by Church hierarchy upon discovery of abuse, and recent reform measures initiated by U.S. bishops. Part 2 very briefly "examines the parties [victim, clergy offender, and Church] and interests involved in the dispute factors for a successful mediation..." Part 3 discusses "six factors that determine whether [facilitative] mediation will result in a win-win situation." The factors consist of: "1) the importance of a future relationship between the parties; 2) high stakes for creating a mutually satisfactory solution; 3) mutually dependent party interests; 4) assertive problem-solving by the parties; 5) cooperation in joint problem solving; and 6) the lack of a power struggle. Not all factors need to be present to effect a successful mediation, but the more factors present, the more effective the mediation." States: "In abuse cases, particularly involving the Church, several of the

criteria fostering a winning solution cannot be met.” Suggests factor 1 is unlikely to be present in Church cases. Because factors 4, 5, and 6 are interrelated, suggests that a victim’s ability to confront the abuser and challenge the Church may be impaired. Part 4 very briefly reviews the Church’s current use of ADR, based on newspaper accounts and several court cases. Criticizes the Church’s approach, citing specifics from the archdioceses of Milwaukee, Wisconsin, and Boston, Massachusetts. Also notes the Church’s use of arbitration and a due process claims management program in the archdiocese of Seattle, Washington. Part 5 describes six potential disadvantages of mediation: 1) confidentiality agreements, e.g., putting the public at potential risk due to lack of disclosure; 2) inherent imbalance of power of clergy abuse cases; 3) lack of procedural safeguards, including lack of universal licensing or regulation of mediators; 4) not ensuring neutrality of the mediator; 5) binding mediation does not establish precedents for policy or other disputes; 6) lack of sufficient information available to all parties. Concludes that under the current approach of the Church, “victims continue to suffer [and] the public harmed as well. Nevertheless, while a cure-all solution seems difficult to achieve, with continued discussion and work by those affected, a better remedy seems attainable.” 164 footnotes.

Ross, Karen L. (1998). Revealing confidential secrets: Will it save our children? *Seton Hall Law Review*, 28:963ff. [Retrieved 10/10/04 at LexisNexis Academic database.]

Examines the “privileged nature of confidential communications with certain professionals” in relation to “the state interest in protecting children and the constitutional and policy considerations in favor of mandating that certain professionals [including clergy] report child abuse.” Part 1 is a brief historical survey of the development of child abuse laws in the U.S., including mandatory reporting statutes. Part 2 is a very brief review of professional privilege. Describes the differing legal concepts of confidentiality and of privilege in relation to mandatory reporting. Part 3 describes the differing legal responses by states regarding professional privilege and mandatory reporting requirements in relation to psychotherapist-patient and clergy-communicant relationships. Also notes U.S. federal court responses in various cases. Regarding clergy-communicant communications, notes: “Although every state recognizes a clergy-communicant privilege, the privilege is not absolute. Some states have required the privilege to be abrogated in certain circumstances, including cases of child abuse. In addition, communications made by individuals to clergy outside the ‘spiritual counseling’ relationship have not been protected because the cleric was not acting in his religious capacity.” Part 4 is her analysis of the “state interest in protecting children and the constitutional and policy considerations in favor of mandating that certain professionals report child abuse.” She first examines the psychotherapist-patient privilege in terms of liberty interests – the Due Processes Clauses of the Fifth and Fourteenth amendments of the U.S. Constitution – and their effect on the therapeutic process. She then examines the clergy-communicant privilege in terms of First Amendment concerns – Free Exercise and Establishment clauses – and protecting children, i.e., mandatory reporting. Cites applicable federal court decisions and notes unresolved questions. Concludes that the “policy reasons [i.e., protecting children from abuse] for abrogating or limiting professional privileges” outweigh policy reasons for not qualifying professional privileges. Her position is that mandatory reporting statutes should abrogate professional privileges in order to protect children who are at risk and to prevent future harm. 276 footnotes.

Roundtable Discussion. (2005). Religious organizations filing for bankruptcy. *American Bankruptcy Institute Law Review*, 13(1, Spring):25-37.

Transcript of a discussion January 7, 2005, at the annual meeting of the Association of American Law Schools, Section on Creditors’ and Debtors’ Rights. Moderator was Bruce A. Markell, a U.S. Bankruptcy Judge, District of Nevada. Participants include 2 law school professors and 2 attorneys in private practice. Prompted by the recent filings for bankruptcy by the U.S.A. Roman Catholic Church dioceses of Spokane, Portland, and Tucson “because of... tort lawsuits with respect to the conduct of various priests ranging over a long period of time.” Among the topics discussed: whether a church filing for bankruptcy should be rejected on good faith grounds, i.e., whether the filing is for reorganizational or strategic purposes; analogies between the diocesan cases and mass tort cases in the litigation system; strategic and economic advantages of federal

bankruptcy as a remedy compared to state tort litigation; differences in assets between dioceses and how assets are held, including the role of the Church's Canon Law; relationship; relationship between church property issues and church governance, including the 1993 U.S.A. Religious Freedom Restoration Act, and U.S.A. Supreme Court rulings; incentives for bargaining in bankruptcy cases; liquidating plans; competing plans. 36 footnotes.

Rubino, Stephen C. (1996). Suffer the parents: Clergy sexual abuse of children. *Trial*, 32(February):18-22.

Rubino, a lawyer, discusses the cause of legal action on behalf of parents for experiencing their child's emotional distress and enduring injury from childhood sexual abuse by clergy.

_____. (2007). [Comment] A response to Timothy Lytton: Staunch resistance to the inclusion of laity in priest discipline has stymied permanent change to the structure of the Roman Catholic Church. *Connecticut Law Review*, 39(3, February):913-921.

By a partner in the law firm, Ross & Rubino, L.L.P., Margate, New Jersey. "Mr. Rubino has either been counsel of record or co-counsel in excess of 450 cases of childhood sexual abuse in North America." Responds to an article in the issue. [See this bibliography, this section: Lytton, Timothy D. (2007).] States at the outset: "Although Lytton has asserted that the crisis caused by revelations of long-term systemic sexual abuse of children by Catholic priests has resulted in significant changes to the policy and practice of the Catholic Church, the fact remains that all significant attempts have been blocked by the Vatican, whose primary concern is maintaining the power of the clerical hierarchy." Cites a variety of comments by members of the Vatican hierarchy, especially in 2002, to support his point of view. 64 footnotes.

Russell, Dawn. (1992). Paedophilia: The criminal responsibility of Canada's churches. *Dalhousie Law Journal*, 15(2, Fall):380-427.

By an assistant professor, Faculty of Law, Dalhousie University, Halifax, Canada. Article's purpose is "to explore the question of whether churches and religious organizations should be held criminally responsible for the acts and omissions of senior clerics who, in response to reports of clergy paedophilia, engage in organizational behaviour which is designed to protect the abuser and to promote the interests of the church or organization concerned, at the expense of past and future victims." Concludes in favor of imposition of corporate criminal responsibility. The first section traces the scope of the problem in Canada, focusing on cases of sexual abuse of children by Roman Catholic clergy, and current civil and criminal responses in the Canadian legal system. Responses include: expanded reporting requirements; criminal prosecution of priests; civil actions initiated by victims against Church officials, e.g., arising from the perpetration at the Mount Cashel Orphanage in St. John's, Newfoundland, operated by the Christian Brothers of Ireland. Notes that there have been no attempted prosecutions in either Canada or the U.S. to criminally prosecute churches, religious organizations, or individuals within hierarchical structures in connection with acts of sexual abuse by clergy and members of lay orders. Cites several cases in Canada and the U.S. where "further acts of abuse could have been prevented had a senior cleric, to whom the occurrence of abuse was reported, not ignored the report, or had such cleric acted in a manner designed to protect present and future victims rather than the abuser or the reputation of the religious organization itself." Section 2 develops an analogy between churches and business organizations "which suggests that they be treated in a similar manner in terms of enterprise liability..." Section 3 presents the case for criminal sanctions against the churches, senior clerics and church officials based on: a response that is standard-setting and a vehicle for condemnation and stigmatization of anti-social and morally unacceptable behavior; as a deterrence; and, in order to prevent further harm to victims. Her position is that "the imposition of criminal sanctions on churches may prove to be a more effective deterrent than the imposition of civil liability." Section 4 discusses the case for and against corporate criminal responsibility under Canadian law, including models of church polity in relation to models of corporate decision-making. Section 5 discusses the position of the corporation in criminal law. Section 6 examines criminal law provisions in terms of their potential applicability to the acts and omissions of church officials, and considers in sequence Criminal Code sections, 219, 221, 218, and 215: criminal negligence

causing bodily harm; abandoning or exposing a child under 10-years-old; duty to provide necessities of life. Her conclusion is that imposition of criminal responsibility, rather than civil liability only, is the most effective means of deterring future acts of clergy pedophilia “based on a recognition of the primacy of the non-financial motivation and goals of churches and church organizations.” Her hope is that this will improve the behavior of churches as corporate actors, e.g., decision-making processes, policies, and procedures. Her goals are deterrence and rehabilitation. Extensive references.

Russell, Laura. (2003). [Note] Pursuing criminal liability for the Church and its decision makers for their role in priest sexual abuse. *Washington University Law Quarterly*, 81(3, Fall):885ff. [Retrieved 03/14/04 at LexisNexis Academic database.]

By a student, Washington University School of Law, St. Louis, Missouri. Advocates for the legal position that “states should pursue criminal charges against the [Roman Catholic] Archdioceses, Dioceses, Parishes, Cardinals, Bishops, and Pastors who made decisions to place pedophiles in parish positions with unsupervised access to children, either through State RICO statutes or through alternate theories of criminal liability such as reckless endangerment, hindering prosecution, and omission to act.” Calls for states to “legislate greater protection for children by creating effective reporting statutes, and extending the statute of limitations for crimes involving the sexual abuse of children.” Her analysis that “current remedies have not proved sufficient either to change the Church’s methods of handling abusive priests or to punish the Church’s leadership for their role in the criminal sex abuse of children...” Argues that: “The [Roman Catholic’s U.S.] Archdioceses, Dioceses, and Church officials who engaged in conduct that enabled priests to sexually abuse children for decades should face criminal prosecution. Identifying the appropriate prosecutorial tools and theories of criminal liability is an essential first step.” Part 2 outlines the scope of the problem and “the civil and criminal mechanisms used to date in the priest sex abuse context as well as the Church’s response to sex abuse cases”, and “examine[s] various theories of criminal liability”, especially state iterations of the Racketeer Influenced Corrupt Organizations (RICO) statutes, as well as statutes pertaining to reckless endangerment, hindering prosecution, and omission to act. Part 3 “make[s] the argument that because civil damages and criminal prosecution of priests have been inadequate to remedy to [sic] the problem of priest sex abuse, states should criminally prosecute the Church and its decision makers for their role in the abuse of children.” She also considers application of state RICO acts and alternative theories of prosecution, and possible difficulties with these methods. Part 4 suggests how to overcome the problems and calls for state legislatures to: remove barriers to enforcement “so that in the future, all of those responsible for the sexual abuse of children can be held criminally liable.”; extend statutes of limitations; revise reckless endangerment of children statutes; adopt more comprehensive mandatory reporting statutes. 256 footnotes.

Sartor, Michael J. (2005). [Note] *Respondeat superior*, intentional torts, and clergy sexual misconduct: The implications of *Fearing v. Bucher*. *Washington and Lee Law Review*, 62(2):687ff. [Retrieved 03/14/06 at LexisNexis Academic database.]

By a law student, Washington and Lee University School of Law, Lexington, Virginia. Examines the legal doctrine of *respondeat superior* in relation to U.S.A. civil litigation and sexual abuse committed by clergy, particularly Roman Catholic priests. “This Note argues that the analysis employed by the Oregon Supreme Court in *Fearing v. Bucher* [in 1999] is the proper *respondeat superior* analysis in all cases involving intentional torts, including sexual assault.” Part 1 is an introduction. Part 2 discusses the legal doctrine of Ecclesiastical Abstention as a significant threshold issue when analyzing claims against religious institutions, including its outgrowth from the U.S.A. Constitution’s First Amendment’s clauses on Free Exercise and Establishment. Concludes: “While general concerns about the propriety of a court determining the scope of a cleric’s employment may remain, *respondeat superior* claims should fare better than their negligence-based counterparts under the doctrine of Ecclesiastical Abstention.” Part 3 discusses *respondeat superior* and intentional torts, specifically those regarding sexual assault. Concludes that the *Fearing* analysis, from a case involving the Archdiocese of Portland, Oregon, “is merely a clarification of the standard *respondeat superior* inquiry... ..the court properly refocused the

scope-of-employment inquiry towards the conduct leading up to the intentional tort... The *Fearing* analysis opens the door to jury determination of the scope-of-employment question and gives victims of intentional torts a greater chance at recovering against the tortfeasor's employer. It allows factual analysis and policy considerations..." Part 4 discusses the nature of an employee-3rd party relationship and power imbalance in the cleric-parishioner relationship in light of emotional vulnerability on the part of the third party and the "job-created authority possessed by the tortfeasor-employee." Subtopics include trust-dependency and clergy counseling, and the unique authority of clergy based on the congregants' perception that it is derived from God. His position is that these factors establish a causal nexus between the employment relationship and the tortious conduct." Part 5 is the conclusion and calls for courts to apply "the *Fearing* analysis to *respondeat superior* claims arising out of clergy sexual misconduct..." 217 footnotes.

Schlitz, Patrick J. (2003). Defending the church. *Litigation: The Journal of the Section of Litigation, American Bar Association*, 29(3, Spring):19-25, 69-70.

Schlitz is associate dean and professor of law, University of St. Thomas School of Law, Minneapolis, Minnesota. Written to convey "seven of the most important points I recommend to lawyers hired to represent churches in sexual misconduct cases. This advice, although immediately directed to cases of sexual abuse by clergy, has a broad application and may profitably be employed in other contexts." Draws on his experience from 1987 to 1995 when he "represented every major denomination – including a few Catholic dioceses – in connection with more than 500 sexual abuse cases in almost all 50 states." His beginning point: "The media coverage that the [Roman Catholic] church received during the first half of 2002 – and continues to receive now – was so intensive and so negative that it would be difficult to find a judge or juror who attitude towards the church was not prejudiced by it." Maintains: "...by the early 1990s, most Catholic dioceses had cleaned up their acts." His 7 points are: "1. You cannot represent a church in the same way that you represent General Motors." "2. Do not agree to represent a church unless you are willing to stand up to the church's insurance company." "3. Do everything reasonably possible to prevent a report of sexual abuse from resulting in a sexual abuse lawsuit." "4. If the victim sues, forget about arguing that the abuse did not occur or that the victim was responsible." "5. Prepare to win a statute of limitations defense on summary judgment or not at all." "6. Recognize that the trial will be a morality play that will present both opportunities and dangers." "7. If the case goes to trial, develop a compelling theme." Illustrates these points with examples. Discusses situations in which the victim was a child at time of commission, and ones in which the victim was an adult. Occasional use of citations of court rulings. Lacks references.

_____. (2003). The impact of clergy sexual misconduct litigation on religious liberty. [From an issue based on a symposium, "The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty."] *Boston College Law Review*, 44(4/5, July/September):949-976.

Schlitz is associate dean, University of St. Thomas School of Law, Minneapolis, Minnesota. He has represented or advised religious organizations since 1987 in 500+ clergy sexual misconduct cases in the U.S. and several other countries. His "purpose... is to describe why [lawsuits against religious organizations by victims of clergy sexual misconduct] pose a threat to religious freedom." Part 2 discusses clergy sexual abuse litigation, including its economic impact, growth in the number of cases, statutes of limitations, high and unpredictable costs, insurance coverage, and claims against the broader church. He is quite critical of the trend in court decisions regarding the civil liability of church hierarchies. Part 3 discusses the negative impact of the litigation on the churches, including: monetary, character of ordained ministry, the bishop's and pastor's relationships with congregants, the relationship between bishop and pastor, relationship between the broader church and congregations, and the character of organized religion. His position is that the "[U.S.] tort system is a terribly inefficient way to compensate those injured by clergy sexual misconduct... The challenge for society – and particularly for churches – is to devise a means of fairly compensating victims with as little harm to religious liberty as possible." 69 footnotes.

Schwartz, Victor E., & Lorber, Leah. (2005). [Article] Defining the duty of religious institutions to protect others: Surgical instruments, not machetes, are required. *University of Cincinnati Law Review*, 74(Fall):11 ff. [Retrieved 12/01/07 at LexisNexis Academic database.]

The authors are lawyers with Shook, Hardy & Bacon L.L.P., Washington, D.C. Introduction states: "The well-publicized and sometimes shocking acts of some Roman Catholic priests have brought questions of tort law – long buried in scholarly texts – to the front pages of our newspapers." Part 2 briefly traces "the rise and fall of the charitable immunity doctrine and the void it left in tort jurisprudence governing religious institutions." Part 3 discusses the general U.S. rule of "no duty to rescue or protect" and 4 general exceptions, and then "analyzes whether these exceptions allow for claims against religious institutions." Situations addressed include sexual abuse committed by a clergy member or other employee, and a member of a religious institution. Part 4 considers First Amendment limitations "that arise when courts seek to impose tort duties on religious institutions, particularly those involving decisionmaking about standards of care." Part 5 "identifies public policy issues that support drawing a line at the imposition of a duty of religious institutions to protect their members from each other." Part 6 is a brief conclusion. 182 footnotes which contain extensive citation of cases.

Seferian, Avedis H., & Wakley, James T. (2003). [Note] Secrecy clauses in sexual molestation settlements: Should courts agree to seal documents in cases involving the Catholic Church? *The Georgetown Journal of Legal Ethics*, 16(4, Summer):801-814.

By 2 students, Georgetown University Law Center, Washington, D.C. "This Note examines the ethical considerations underlying the enforcement of a secrecy clause in a settlement agreement, paying particular attention to whether courts should have agreed to seal documents in cases involving alleged sexual molestation by [Roman] Catholic priests." Part 1 briefly addresses basic public policy reasons for, and the ethical tradeoffs of, secrecy clauses. Identifies tradeoffs at the individual level for both plaintiff and defendant, and uses a Pareto analysis to consider achieving a solution. Identifies 2 tradeoffs at the societal level: between the interests of the parties and that of society, and between the competing interests of the public for informational flows and the costs of conducting trials. Part 2 addresses the role of courts in enforcing such arguments, noting that the arguments advanced depend on perceptions of the primary role of courts in society – to resolve disputes between parties vs. serving the public at large. States that in practice, the former is the current prevailing view. Part 3 very briefly evaluates the relationship between the Catholic Church and the secular legal system in the context of the Church as a party to a settlement agreement. Concludes that U.S.A. "courts have shown a dual tendency... with the vast majority of case law in this area fall[ing] on the side of discretion when a court is presented with any action involving the Church." Part 4 examines "the specific considerations faced by a court in deciding whether to enforce a secrecy clause of a settlement agreement in a case involving alleged sexual molestation by a member of the Church." Considerations include: the general "right of parties to contract in settlement as they please"; use of a balancing test to determine harm to parties and the importance of disclosure to the public, the latter of which reflects a U.S.A. tradition of public access to both criminal and civil matters; the right of victims to hide their identities; public interest in knowledge of child molesters due to high recidivism rates, e.g., Megan's Law-type of reporting statutes. States: "The Church's attempts to seal documentary evidence of molestation in these cases are merely a continuation of their earlier policy of obfuscation. In an attempt to limit future damages, the Church is forcing courts to inadvertently contribute to the victimization of children." Concludes that courts should continue the current prevailing practice "of taking into account all the unique intricacies of the particular case... so as to take the 'least restrictive course' available..." 118 footnotes.

Serbin, Richard. (2002). When clergy fail their flocks. *Trial: Journal of the Association of Trial Lawyers of America*, 38(May, 5):35-37, 39-41.

Serbin is a partner with Reese, Serbin, Kovacs & Nypaver, Altoona, Pennsylvania. Briefly discusses how a plaintiff's attorney can pursue a civil claim of sexual abuse by a clergy, noting that there are "numerous legal issues not encountered in a typical negligence claim." His beginning point is whether the victim who is the potential litigant understands what will be

required, e.g., deposition and interrogatories. The next consideration is “whether he or she is believable and whether there is sufficient evidence to support a cause of action.” Emphasizes the importance of researching statutes of limitations laws in the state where the cause of action arose. Reviews use of First Amendment defenses and notes their varying successes in some jurisdictions. Emphasizes the importance of careful preparation of a complaint, particularly regarding use of causes of action for *respondeat superior*, negligent retention, negligent supervision, and negligent hiring. Emphasizes the necessity of having a focused discovery plan, which, in cases involving a Roman Catholic priest or diocese, requires familiarity with canon law, clergy-communicant privilege, and physician-patient privilege if a third party, e.g., a bishop, ordered the offending cleric to undergo psychiatric treatment. Discusses the advantages of public dissemination of the story in cases of pedophilia. Concludes with a discussion of recovery of damages. Numerous case citations; 37 footnotes.

Sherman, Rorie. (1988). Legal spotlight on priests who are pedophiles; warnings ignored? *The National Law Journal*, (April 4): Unpaginated. [Retrieved 10/13/04 at LexisNexis Academic database.]

By a reporter for the *Journal*. An overview of legal developments in the U.S. in relation to the sexual abuse of minors by Roman Catholic priests since the case against Fr. Gilbert Gauthe in Acadiana, Louisiana, in the early 1980s. Gauthe, who was convicted in 1985, confessed “that he raped or sodomized at least 37 children... Later discoveries in civil suits also showed that the priest’s superiors, Bishop Gerard Frey and Monsignor H.A. Larroque, had known since 1974 about the reverend’s sexual attraction to boys but continued to allow him to come in contact with children.” Notes that: the “press has reported about 140 cases of priests accused of molesting children in 18 states...”; the Church “lost its insurance coverage for child sex-abuse cases and had to create more limited self-insurance plans.”; due to the prevalence of Church-related cases, some personal injury lawyers have developed a subspecialty practice. Quotes various authorities regarding estimates of the incidence of pedophilia committed by priests, and reports that “[a]ttorneys and journalists who handled the issue say that the number of victims is far greater than acknowledged.” Also briefly reports on: the pioneering nature of this type of plaintiff’s litigation; the distinct fact pattern of a priest in a position of power and authority, an institutional response following discovery of perpetration that appeases families, does not notify police authorities, and transfers the priest to another parish where the pattern of abuse is repeated; use of sealed orders and settlement stipulations; patterns of legal tactics used by Church counsel; recent successful challenges to statute of limitations barriers; the “terrible public relations fallout from these cases” for the Church and efforts by the U.S. Catholic Conference to respond to criticisms.

Shoop, Julie Gannon. (1993). Suffer the little children: Lawsuits target churches for sex abuse by clergy. *Trial*, 29(February):11-13.

Shoop is an associate editor. Magazine-style article. Uses as a lead the notorious case of Fr. James Porter, a Roman Catholic priest in the Diocese of Fall River, Massachusetts, who was accused of sexually abusing 100+ victims in 5 states in the 1960s and 1970s. Reports on the trend of litigation against denominational governing bodies, primarily Roman Catholic, and the emergence of diocesan policies for responses to allegations. Quotes a plaintiffs’ lawyer in the Porter case that public vindication and positive media coverage were important factors in the victims’ healing process. Lacks references.

Short, Emily C. (2004). [Comment] Torts: Praying for the parish or preying on the parish? Clergy sexual misconduct and the tort of clergy malpractice. *Oklahoma Law Review*, 57(1, Spring):183-224.

Argues for “the importance of adding clergy malpractice to the torts available to protect victims [of clergy sexual misconduct] and to provide compensation for their losses.” For the purpose of her article, “the recent sexual abuse scandal of the [Roman] Catholic Church will be used to illustrate the viability of the clergy malpractice tort.” Part 2 “explains the scope of the sexual abuse crisis in the United States, specifically examining the current media coverage, the church’s response, and the layperson person.” Part 3 “details the current tort remedies for victims of clergy sexual misconduct. This part discusses battery, negligent or intentional infliction of emotional distress, breach of fiduciary duty, *respondeat superior*, and negligent hiring and supervision,

specifically examining the acceptance and rejection of each tort in its application.” Part 4 examines clergy malpractice, including its history, and presents her proposed 5-part definition, establishes the foundation for it, reviews standards of professional care, and discusses legal problems with her definition, and solutions to avoid the problems. Part 5 “illustrates the proper application of clergy malpractice necessary to persuade the courts to allow for this tort by demonstrating the reasons behind accepting the tort of clergy malpractice and offering a hypothetical application to the current sexual abuse crisis in the Catholic Church.” She identifies 3 factors that “weigh in favor of accepting the tort of clergy malpractice as beneficial to society: (1) the shift in public attitudes demonstrates the need for change in the accountability of religious institutions and clergy; (2) increasing litigation stimulates change and evolution in tort law and reveals the need for clergy malpractice; and (3) the media and lobbying groups pressure the courts for answers.” Her hypothetical application of the tort of clergy malpractice is based on Roman Catholic Cardinal Bernard Law, archdiocese of Boston, Massachusetts, and his handling of the situations involving Fr. John Geoghan, a priest in the archdiocese who sexually molested male minors. Her conclusion is that the tort of clergy malpractice would fill a gap in modern tort law and “establish a standardized method of recovery.” 330 footnotes.

Siegel, Dina. (2011). Secrecy, betrayal and crime. *Utrecht Law Review*, 7(3, October):107-119. Siegel is professor of criminology, Willem Pompe Institute for Criminal Law and Criminology, Utrecht University School of Law, Utrecht, The Netherlands. States at the outset: “While earlier in history the functionality of secrecy was generally recognized and the violation of a secret was seen as betrayal, today secrecy is considered as an obstacle to risk avoidance, and the disclosure of secrets is viewed in our times as an expression of good citizenship.” The paper explores a series of questions including “why attitudes about secrecy have changed” and “why in the last decades so many secrets have been revealed,” including “by victims (of child abuse by the [Roman] Catholic clergy)...” Identifies her purpose as placing the topic of “the agenda of future criminological research...” Noting since 1990 “an increasing amount of empirical research has been published on secrecy and betrayal,” she focuses on a selection of studies on organized crime, illegal prostitution, “pedophile clergy,” competitive sports and drugs, and WikiLeaks. Regarding the sexual abuse of minors in the Catholic Church, cites specific cases from Belgium involving a bishop, among others, and The Netherlands involving a monastery boarding school. Regardless of the country in which the abuse occurred throughout the world, she observes: “The accusations are always the same: with regard to this issue, a culture of concealment prevailed in the Catholic Church. The reputation of the Church was invariably placed above the victims’ welfare.” She identifies “factors leading to the revelation of sexual abuse by Catholic priests in the mid 1990s-2000 after generations of silence” as including: people abused as children had become adults and their parents had died; criminologists had a new, non-intrafamilial source of documentation of the abuse of children; a “general process of increased transparency as demonstrated by institutions and individuals in late modern society.” Very briefly comments on the concepts of trust, revealing secrets, promoting disclosure, and the beneficial role of secrets. 63 footnotes.

Sinha, Amol. N. (2010). Sects’ offenders: The inefficacy of sex offender residency laws and their burdens on the Free Exercise of religion. *Cardozo Journal of Law & Gender*, 16(1):343-371.

Sinha is a student, Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York. “This Note attempts to analyze the effectiveness of sex offender registry laws, and the consequences and conflicts that emerge from enacting such laws in the context of religion and religious freedom.” Part 2 “examines the inefficacy of sex offender residency laws in the context of recidivism... One of the main goals of these laws is to prevent sex offense recidivism.” Cites reports from 4 U.S.A. states that show such “restrictions do not work for the basic reasons of inefficiency, overbreadth of the law, and simply, the lack of appropriate housing.” Noting the mobility of pedophiles, cites the case of Israel Weingarten, a rabbi from Monsey, New York, who is alleged to have moved his family between Israel, Belgium, and the U.S.A. in order to follow the victim he sexually abused from the time she was 9-years-old until she was 18. Part 3 “suggests that because such laws are not effective, the burden placed on religion by such laws is unnecessary.” Based on constitutional and statutory analyses, including the federal Religious

Freedom of Restoration Act, argues that offender residency restrictions burden the Free Exercise clause of the First Amendment of the U.S. Constitution, citing the example of an insular Jewish community in Monsey, New York, the beliefs of which require residency within walking distance of a temple. Part 4 “makes recommendations for alternative legislation instead of residency restrictions,” including allowing exemptions for affected religious individuals or removing religious institutions from the lists of places near which offenders are prohibited from residing. Goes on to advocate for statutes of limitations reform, “which would be more effective in solving the problem of sexual abuse of children.” States: “In order to best serve the needs of children who are abused, who may need years or even decades to realize what has happened to them, and rebuild enough confidence to speak out against their abusers, statutes of limitations for childhood sexual abuse must be abolished,” including retroactively, either permanently or through window legislation. Proposes that “state governments should impose strict liability upon professionals who know about or suspect abuse, yet fail to report it,” including clergy. Part 5 is the conclusion, and states: “While powerful interest groups exist, such as the Roman Catholic Church and the insurance industry, lobbying against positive legislation, the most powerful influence is that of an informed constituency.” Relies on the work of Marci Hamilton. 222 footnotes.

Sipple, Julie Ann. (1994). [Comment] Priest-penitent privilege statutes: Dual protection in the confessional. *Catholic University Law Review*, 43(4, Summer):1127-1164.

Sipple is not identified. “This Comment analyzes the issues associated with the priest-penitent privilege.” Part 1 traces the sources of the privilege, beginning with the Roman Catholic Church’s Code of Canon Law, U.S.A. federal case law, and state statutes, including Washington D.C. Categories the statutes “based on who holds the privilege” – communicant, priest, or both. Part 2 discusses 3 elements addressed in the statutes: what constitutes a religious figure covered by the privilege, what communication is protected, and the requisite context of the communication. Part 3 “surveys the priest-penitent statutes and addresses the issues arising from state court interpretations of these statutes.” Her categories include “practical justifications, constitutional implications, and societal acceptance and effects.” Part 4 presents her proposed remedy to the variations in state statutes, stating: “State legislatures should amend these statutes to guide trial judges in deciding priest-penitent issues while, more importantly, complying with First Amendment precepts.” Her criteria include: “a dual-protection statute that would grant the privilege to both the priest and the penitent” and “be narrowly drawn so that the type of communication protected is one made to the priest within the course of the discipline of his or her church.” A narrow scope of protected communication “would prevent development of a per se rule of privilege,” which she seeks to avoid, and would “establish a proper balance between the church’s interest in maintaining confidential communications and the state’s interest in presenting relevant evidence in criminal proceedings.” Cites the Alabama statute as a model for compliance with the First Amendment to the U.S.A. Constitution “by granting the privilege to both the priest and the penitent,” and cites the New Jersey statute as “include[ing] three elements to guide trial judges in making their decisions, thus preventing development of a per se rule of privilege.” Part 5, the conclusion, is a 1-paragraph summary. 268 footnotes. [The topic of reporting or disclosing knowledge of the sexual abuse of minors is not addressed.]

Skeel, David A., Jr. (2003). Avoiding moral bankruptcy. [From an issue based on a symposium, “The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty.”] *Boston College Law Review*, 44(4/5, July/September):1181-1200.

By a professor of law, University of Pennsylvania Law School, Philadelphia, Pennsylvania, who specializes in corporate law and bankruptcy issues. Author’s abstract: “Faced with hundreds of clergy sexual misconduct cases last year, the [Roman Catholic] Archdiocese of Boston hinted that it was considering filing for bankruptcy. Although it is hard to imagine an archdiocese or church filing for bankruptcy, bankruptcy has become an important forum for many social issues that cannot be easily resolved elsewhere. This Article explores the implications of a religious organization bankruptcy filing by focusing on four problems with the bankruptcy alternative: the possibility of dismissal for being filed in bad faith; the question of what church assets are subject to the process; the fact that the church might be subject to intrusive scrutiny; and the moral

implications. Although these concerns suggests that a religious organization should file for bankruptcy only as a last resort, this Article concludes that, in some circumstances, a bankruptcy filing may be appropriate.” A key question for him is whether bankruptcy filing serves or avoids a diocese’s responsibility to be accountable to victims of clergy sexual misconduct. 67 footnotes.

_____. (2005). “Sovereignty” issues and the church bankruptcy cases. *Seton Hall Legislative Journal*, 29:345ff. [Retrieved 05/09/06 at LexisNexis Academic database.]

Prompted by the filings of bankruptcy under U.S. federal law in 2004 by the Roman Catholic Church’s Archdiocese of Portland, Oregon, and the dioceses of Tucson, Arizona, and Spokane, Washington. The filings were related to clergy sexual misconduct cases. Notes that “church bankruptcy is uncharted waters for a bankruptcy process that is designed with ordinary businesses in mind.” His focus is “the three contexts where the tension between free exercise [based on the U.S. Constitution’s First Amendment] and the bankruptcy process comes most clearly to the fore.” Uses the analogy of sovereign nations and governmental municipalities to highlight what he terms the ‘sovereignty concerns’ related to churches. Part 1 is an introduction. Part 2 considers “what property comes into the bankruptcy ‘estate’ when a diocese files for Chapter 11. The most pressing issue is whether the churches, schools, and other property in a diocese should be treated as diocesan property, or whether they belong to the local parish or parishioners and are thus off limits to creditors in a diocesan bankruptcy.” Examines competing arguments in Church canon law and secular law, both from bankruptcy and non-bankruptcy sections. Identifies important implications to various arguments. Part 3 “considers whether bankruptcy’s disclosure and oversight rules are likely to interfere with a church’s free exercise rights.” Notes the bankruptcy code makes no special concessions to a church entity’s sovereign decision-making. Identifies 3 areas of potential conflict: pervasive oversight of the debtor who files for bankruptcy, including extensive disclosure of finances; creditors being entitled to ask the bankruptcy court to appoint a trustee who could exercise authority beyond the debtor’s existing managers, i.e., church hierarchy; the bankruptcy’s court being required to approve extraordinary transactions which could lead to intrusion in a church’s ministry initiatives. Part 4 addresses confirmation issues related to a reorganization plan, and the structural possibilities of impasse. Offers practical advice regarding the available options. Part 5 is a brief conclusion. He generally suggests “that the bankruptcy court will often be better off leaving the issues unresolved, and impressing upon the parties the interest they have in negotiating to a consensual solution.” 47 footnotes.

Smith, Allison Walsh. (2005). [Comment] Chapter 11 bankruptcy: A new battleground in the ongoing conflict between Catholic diocese and sex-abuse claimants. *North Carolina Law Review*, 84(December):282ff. [Retrieved 03/20/06 at LexisNexis Academic database.]

Catalyst is the Chapter 11 bankruptcy petitions filed in 2004 by the Roman Catholic Church’s archdiocese in Portland, Oregon, and dioceses in Tucson, Arizona, and Spokane, Washington, in relation to “the financial costs associated with the scandal” of sexual abuse by priests and the response of the hierarchy upon discovery. “This Comment discusses issues that have been raised or are likely to be in the diocesan bankruptcies, especially the diocese-parish property issue at the heart of this conflict.” Discusses the “conflict between civil and [the Church’s] canon law [which] makes these cases unique among even the most unusual bankruptcy cases.” Does not take a normative position on the use of Chapter 11, U.S. Bankruptcy Code, in ecclesiastical cases of sexual misconduct. Part 1 “discusses the general applicability of Chapter 11 and its policies as background for the larger discussion of the respective positions of the dioceses as debtors and the sex-abuse claimants as creditors.” Also “discuss[es] how the mass torts bankruptcies demonstrate how flexible and equitable the Chapter 11 process is.” Part 2 examines the potential of the sex-abuse claimants to file a motion to dismiss the defendants’ petitions for bankruptcy, and, if successful, to return the dispute to nonbankruptcy civil litigation. The basis for the motion to dismiss is the good faith requirement in the Bankruptcy Code. Part 3 briefly reviews relevant definitions of diocesan property according to the Code, state corporate law, and the Church 1983 canon law code. Identifies “how each definition plays to the relative advantage of the dioceses and sex-abuse claimants.” Part 4 briefly “discusses [U.S. constitutional] First Amendment case law and its implications for the dioceses and their parishioners, including sex-abuse claimants.”

Concludes that, based on precedent, statutory language, and constitutional concerns, the existing bankruptcy process is able to handle the unique filing by the dioceses: “While the Chapter 11 filings of several Catholic dioceses represent a new challenge for the Bankruptcy Code, ultimately the Code is written broadly enough and prescribes a process that is equitable enough to meet this challenge.” 345 footnotes.

Smith, Lisa M. (1994). Lifting the veil of secrecy: Mandatory child abuse reporting statutes may encourage the Catholic Church to report priests who molest children. *Law and Psychology Review*, 18(Spring):409-421. [Retrieved 05/26/03 at LexisNexis Academic database.]

The author is identified as a student. Prompted by the issue of “child molestation” by Roman Catholic priests and how these cases were handled by the Church hierarchy. “This article will argue that the state statutes [in the U.S.A.] which mandate the reporting of child abuse should be used as a legal tool to stop officials of the Catholic Church from protecting priests who molest children.” Part 2 briefly explores how the hierarchy deals with priests accused of violating minors in order “to enable an understanding of systemic factors within the institution that contribute to the silencing of many of these complaints.” Uses secondary sources to cite the work of various authors, including A.W. Richard Sipe, Charles M. Sennett, Jason Berry, and Vicki Quade. Repeatedly uses the term “pedophile” apart from its formal psychiatric diagnostic definition. Among the systemic factors identified very briefly are theology, an intra-group dynamic which parallels that of incest in a family context. Part 3 examines U.S.A. state child abuse reporting statutes that were prompted by the federal Child Abuse Prevention and Treatment Act in order “to determine their potential effectiveness in forcing church officials to report abuse.” Clergy are specifically required to report suspected abuse in 8 states; 15 have statutes that require a report from anyone who suspects abuse of a child. Finds that “the effect of these statutes is to particularly or universally require the clergy to report child abuse in 22 states.” Based on 1 federal case law decision, she asserts that: “Requiring officials of the Catholic Church to report suspected abuse by priests thus does not appear to be a violation [of the First Amendment’s protection] of free exercise of religion.” Considers what evidence may be enough to trigger the reporting requirement in light of a ‘prudent person’ standard. Part 4 concludes that it is to the Church’s advantage to report every suspected case of abuse to secular authorities in order to protect the Church in civil litigation. Notes there are few cases of individuals suing the Church for negligently failing to report abuse, and identifies the legal doctrine of charitable immunity as a barrier. Her position is that state statutes that mandate reporting “should be used as a legal tool to stop officials of the Catholic Church from protecting priests who molest children” and so end “the secretive way [it] deals with these situations.” 90 footnotes.

Smith, Susan K. (No date). Let the master answer – Imposing liability on employers for the sexual misconduct of “disobedient servants.” [World Wide Web: The National Victim Center website. Posted 1997, 7 pages. <http://www.nvc.org/idir/nettex3l>].

By a lawyer. Excerpted from *Crime Victims’ Litigation Quarterly*, published by National Victim Center’s Carrington Victims’ Litigation Project. Discusses 2 principal legal strategies for imposing liability on a perpetrator’s employer, particularly doctrines related to negligence, e.g., hiring and supervision, and vicarious liability, e.g., *respondeat superior*. Particular focus is theories applicable to abuse by clergy, teachers, and therapists. Footnotes and case citations.

Stauffer, Ian R., & Hyde, Christian Bourbonnais. (1993). The sins of the Fathers: Vicarious liability of churches. *Ottawa Law Review*, 25(3):561-577.

One author is a lawyer who “is presently involved in representing a defendant in two actions brought by a number of choirboys and their immediate family members, arising out of a series of admitted sexual assaults [from 1974 to the late 1980s] by an Anglican choirmaster [at the Cathedral] in Kingston [in Canada].” Prompted by the realization in the case’s discovery phase that neither parties’ lawyers nor senior Anglican officials knew with certainty “who had legal responsibility for the choirmaster’s hiring, supervision, and dismissal. The same lack of certainty existed for the relationship between ‘the Church’ and the various clergy who had been ‘in charge’ at the Cathedral during the lengthy period when the abuse was occurring.” Notes lack of

discussion of the issue in legal literature: “[...]we] have been unable to find even one reported Canadian decision where a civil action for damages for a sexual assault (by priests or Church officers) has gone to trial.” Part 2 reviews “how the Church and its members have been viewed by Courts over the last hundred years,” finds that United Kingdom common law refrains from intervening in matters between a Church and its members, and generally excludes the Church from vicarious liability. Part 3 very briefly considers legal approaches other than employer-employee relationships to recovering civil damages from churches, specifically negligent hiring and supervision. Part 4 very briefly addresses insurance coverage and liability for “claims arising from torts committed by clerics and other Church employees...” Concludes: “...it has been very difficult to establish that there is any legal obligation on the part of a Church to accept responsibility for a clergyman’s intentional tort... A plaintiff will be on stronger grounds in an action involving an assault where he or she can allege negligent hiring or supervision.” 44 footnotes.

Stevenson, Kim, Rowbotham, Judith, & Lowther, Jason. (2015). Reparation for betrayal of trust in child sexual abuse cases: The Christian duty of care, vicarious liability and the Church of England. *Australian Feminist Law Journal*, 41(2, December):253-270.

The authors are with Plymouth University, Plymouth, England. Stevenson is professor, sociolegal history, School of Law, Criminology and Government; Rowbotham is a Visiting Research Fellow, Faculty of Business; Lowther is associate professor, School of Law, Criminology and Government. Regarding the Church of England’s acceptance in 2013 of moral responsibility for the sexual abuse of minors “perpetrated by figures of religious authorities,” the article explores what this “actually means in terms of the legal liability of the Anglican Church for English claimants... The current situation regarding the Church of England raises the question of what the priorities are in respect of victims of such abuse when seeking vindication and associated reparation... This discussion utilises feminist legal theory to reflect on the responsibility of these spiritual institutions with specific references to claims of vicarious liability as the primary civil law mechanism for holding organisations to account.” Part 2 states their framework, which draws heavily on the work of Leslie Bender’s feminist critique of tort law, with “critical themes of equality, responsibility, remedy and alternative legal strategies.” States: “... if [tort] law is to fulfil its supposed legal function which includes as strategic aims for both deterrence and compensation, tort law must recognise emotional, physical and spiritual harms,” and so other means of reparation “could include public acknowledgment of instances of abuse, via court hearings, as well as apologies.” Part 3 describes “the complexities surround the legal position of the established Church of England” in relation to the doctrine of vicarious liability and “an essentially traditional fixation on monetary compensation as the principle remedy for harm...” Part 4 describes “the development of the legal doctrine of vicarious liability in relation to the Roman Catholic Church... to understand why the option of bringing such claims has not similarly been applied to the Church of England.” Part 5 reviews decisions in cases and concludes “that for the [tort] law to work effectively, it must work in a social context that acknowledges the need for changes in how institutions perceive their responsibility for offenders as well as for victims.” Part 6 traces recent changes in English law regarding vicarious liability in sexual abuse cases. States: “To date, it has only been the Roman Catholic Church which has been required to take responsibility via the doctrines of vicarious liability, for the tortious actions of their clergy and associated agents.” Part 7 discusses the Church of England in relation to cases of sexual abuse, and suggests the Anglican Church of Australia as a possible “model which the Anglican Church in England might be wise to follow, in terms of maintaining a genuine spiritual authority rooted in a popular conviction that the Church takes seriously its moral duties of care, even though as at the time of writing there are still no instances of successful vicarious liability claims.” Part 8 discusses alternative reparation beyond financial compensation based on Bender’s “reappraisal of the conceptualisation of injury to include recognition that injury is an emotional, physical and spiritual event... A change to Church ordinances to permit an easier laicization of clerical abusers could, in practice, be the most practical way forward for the Church of England to show at least a moral, if not legal, appreciation of a vicarious liability for its vicars.” Part 9 is a brief commentary on the contemporary situation in England. 100 footnotes.

Stoyles, Robert L. (1967). [Article] The dilemma of the constitutionality of the priest-penitent privilege – The application of the religion clauses. *University of Pittsburgh Law Review*, 29(1, October):27-63.

Stoyles is an associate professor, College of Law, Willamette University, Salem, Oregon. Part 1 introduces the scope of the article, the purpose of which is to “demonstrate that the constitutionality [under the First Amendment of the U.S.A. Constitution] of the priest-penitent privilege is not as obvious or assured as has been assumed... Since the policy arguments favoring the privilege have been presented by numerous authorities, this article will emphasize the possible bases of unconstitutionality of the privilege.” Because there is no federal statute to create the privilege, “[a] federal court testing the constitutionality of the priest-penitent privilege probably would be testing a privilege created by a state.” Part 2 regards the scope of the privilege. Notes that “the definite consensus of authorities is that the... privilege did not and does not exist in the common law relevant period,” and that “[b]y 1963, 44 states had enacted the priest-penitent privilege.” Comments that “state appellate courts have been strongly inclined to limit narrowly the possible use of the priest-penitent privilege.” Briefly discusses the components of the typical requirements of state statutes, citing case law from states’ courts. States: “The requirements of confession, penitence, and seeking aid influence the courts to emphasize initiation of the communication by the communicant as an important ingredient for privileged communications.” He concludes that “the total application of these numerous conditions, requirements, and limitations has enabled and will enable or require state legislatures and courts to limit extremely the use of the priest-penitent privilege... Therefore, we should approach a consideration of the constitutionality of the... privilege with the expectation that a court, and particularly the Supreme Court, would probably be dealing with a statute enacted, interpreted, and applied by official representatives of a state so as to be available only to a very limited religious class.” Part 3, the longest section, reviews the federal Supreme Court’s applications of the First Amendment’s Establishment Clause and Free Exercise clause: “...a prediction of the constitutionality of the... privilege must be based on an analysis and application of individual cases and factual patterns and more precise tests.” Identifies the Establishment clause as “the primary issue in determining the constitutionality of the... privilege.” Suggests the various arguments and conclusions that might apply to a Supreme Court case on the privilege. Part 4 very briefly considers application of the Constitution’s Fourteenth Amendment regarding equal protection and due process. Part 5 very briefly considers the basis for an appellant’s jurisdictional standing in a case involving the privilege. Part 6 states his positions: “...since the typical... privilege is so narrowly limited by statute and interpretation, almost without exception, to one or a very few sects, the Supreme Court could be persuaded that such statutes as presently phrased and applied are unconstitutional... ..the privilege is practically only used and available to protect the formal required sacramental confessions of the [Roman] Catholic Church.” Very briefly considers other legal rationales for a conclusion of constitutionality. Regarding the alternative of expanding the privilege to avoid issues with the Establishment clause, he identifies negative implications of expansion. Concludes: “...the courts should find that the priest-penitent privilege as typically applied is unconstitutional.” 157 footnotes.

Supreme Judicial Court of Massachusetts. (1914). *Carini v. Beaven*. (Supreme Judicial Court of Massachusetts. Worcester. Oct. 24, 1914.) *The Northeastern Reporter*, 106(August 18-December 29, 1914):589-590.

The text of the decision of the Supreme Court of Massachusetts regarding the appeal by the plaintiff of a decision for the defendant in a lower state court in the civil tort case of *Carini v. Beaven*. Annie Carini sued Fr. Thomas D. Beaven, Roman Catholic bishop of the archdiocese of Springfield in Massachusetts. Carini was a member of the Sacred Heart parish church in Milford, which was located in the archdiocese. On 4 counts, she sought “to hold the defendant on the ground that he appoint as his agent to take charge of [the Milford parish]... a priest, therein, one Petrarca, a man who, it is averred, was ‘of low moral character,’ ‘of vicious and degenerate tendencies and gross sexual proclivities.’ She avers that the defendant made this appointment with full knowledge of the bad character and evil tendencies of Petrarca, and knew or in the exercise of reasonable care ought to have known that the appointment of such a man to such a position was dangerous and likely to result in attempts of said Petrarca ‘to debauch and carnally know the

female members of said parish, and that by reason of such confidential relations between such agent and priest and such members of the parish such attempts would be successful.” Carini reported that when she was 17-years-old and acting “alone ‘in the act of a religious service in the church,’” Petrarca in his priestly role physically assaulted her, describing his behaviors in language that the Supreme Court termed a rape, which resulted in the birth of a child. She sought to hold Beaven responsible for “all her injuries and sufferings [that] resulted from and were caused by the defendant’s negligent appointment” of Petrarca. The ruling states: “Upon the plaintiff’s averments the defendant had no reason to apprehend that Petrarca would do more than to seek to seduce the women of his parish into acts of adultery or fornication; and flagitious as such acts would be, they could afford no ground of action to a woman who, under whatever stress of temptation, had shared in their commission... The fourth count contains the additional averment that the defendant knew that Petrarca was often under the influence of liquor, and that while under that influence his lusts were ungovernable. But this is immaterial; for it is not averred or intimated that when he committed this crime he was all under the influence of liquor.” Citing case law, the ruling concludes that Beaven could not be held responsible because he could not foresee that Petrarca would act “entirely outside the scope of his alleged agency or of his duties.” The legal implication of the ruling is summarized as: “The bishop of a diocese, who appoints parish priests, is not responsible to a female member of the congregation, raped by such priest, even though he knew of the priest’s unfitness and immoral proclivities. A bishop, who appointed an immoral priest, knowing his character, is not liable to those female parishioners who succumbed to the priest’s wiles and with him committed adultery and fornication.”

Sutherland, Pamela K. (1996). Litigating sexual misconduct cases: A plaintiffs’ attorney’s perspective. [World Wide Web: Sexual Assault Information Page: Professional Abuse website. <http://www.cs.utk.edu/~bartley/pamela/litigating/litigating>].

By a Boston, Massachusetts, litigation attorney whose practice focuses on patients/clients exploited by therapists/physicians/attorneys. Co-author of Abuse of Trust: Sexual Misconduct by Fiduciaries. A Guide to Litigating Abuse by Professionals. (Charlottesville, VA: Michie, 1995). Provides: background including incidence and harm, and characteristics of perpetrator and victim; overview of the law, including common law causes of action and other legal options, and special issues, including statute of limitation, insurance coverage, and employer liability. Endnotes.

_____. (1996). Sexual abuse by therapists, physicians, attorneys, and other professionals. [World Wide Web: Sexual Assault Information Page: Professional Abuse website. Posted 1997. <http://www.cs.utk.edu/~bartley/index/professionalAbuse/>].

Discusses clinical and legal reasons underlying prohibitions on professional-client sexual contact, including clergy. Considers available civil and criminal remedies. Citations not included; available directly from the author by e-mail.

Swain, Shurlee. (2015). Giving voice to narratives of institutional sex abuse. *Australian Feminist Law Journal*, 41(2, December):289-304.

Swain is “Professor of Humanities at Australian Catholic University.” Referring to the ongoing work of the Royal Commission into Institutional Responses to Child Sexual Abuse, established by the Australian government in 2013, states at the outset: “The [contemporary] emphasis on institutional child sexual abuse has brought into the spotlight religious organisations which played such a major role in the provision of out-of-home care for children and the degree to which this exposed them to the risk of clerical abuse. This paper aims to track this transition, explaining how the relationship between government and the churches functioned to both foster abuse and suppress its disclosure and exploring the ways in which the feminist analysis of child sexual abuse, articulated particularly in the work of Linda Gordon in the 1970s, help to give victim/survivors the language through which to bring their experiences into the public domain.” Cites testimony of survivors to recent, formal Australian inquiries, she “seeks to trace the way in which this new discourse has been used by care leavers [a term variously defined, but generally referring to minors who were raised in institutional settings – boarding schools, residential schools, reformatories – related to government entities, whether operated by the government or the

private sector, including religious entities] to name their experiences as abusive and to identify the failures in the systems charged with their care that allowed such abuse to occur... ...this article is able to show how pre-existing conceptions of the children as morally tainted combined with a culture of denial amongst care givers, and the authorities responsible for their regulation and supervision, to create an environment in which abuse was able to thrive.” Very briefly notes prior public inquiries into child welfare practices. Attributes feminists’ “realignment of understandings of sexual abuse” as “recast[ing] the offender as a transgressive character” and locating the “most dangerous place for the girl child” as within the family home. “Introducing the notion of power and powerlessness into the analysis, this reinterpretation reshaped contemporary understandings.” Regarding more recent inquiries into child abuse within institutions, which took into account the feminist interpretation of child sexual abuse, she states: “...amongst care leavers and their supporters, there is a concern that with an exclusive focus on sexual abuse as *the* crime against childhood, other aspects of abuse disclosed by the inquiries are ignored.” [italics in original] The widespread reports of child sexual abuse “in religious and other community settings created a sense of threat that was missing from the broader instances of neglect. The focus on sexual abuse also allowed abuse to be individualised, depicted as the action of psychologically abnormal individuals, and hence diverted attention from the degree to which abuse of all kinds was endemic within institutions which had been trust to care, and hence from the extent to which society was complicit in what has now been shown to have occurred... This argument for systemic abuse, in a system in which so many of the institutions functioned under religious auspices, has proven far harder to advance.” Section 4 contains numerous quotes of survivors’ testimony submitted to inquiries, including survivors of sexual abuse in institutions operated by entities that had religious affiliations. States: “Evidence presented to the various inquiries supports the claim for sexual abuse as a systemic rather than an individual problem.” Section 5 describes ways in which survivors were silenced. Among the factors cited: “This quasi-religious sanction also made it difficult for children to report abuse... The level of trust [of the institutions] was such that inspection [by government officials] was minimal leaving children with virtually no-one outside the institution to whom they could speak.” Disbelief that clerical abuse could occur was grounded in the culture; reports by survivors to authorities were met with denial. Section 7 describes care leavers “‘coming out’ as victims.” States: “The feminist reconfiguration of child sexual abuse gave care leavers the language and tools to challenge [a self-understanding of internalized blame, stigma, and shame]. The identification of abuse as an exploitation of adult power which represents a major breach of trust provided the means through which victim/survivors, in their emerging support groups, could to a new understanding of their experiences.” Concludes: “While the language of victimhood may come at a price it has given care leavers in Australia and beyond a powerful position from which to capture the attention of governments, to narrate their experiences of abuse and assert claims for redress.” 87 footnotes.

Swisher, Peter Nash, & Mason, Richard C. (2010/2011). Liability insurance coverage for clergy sexual abuse claims. *Connecticut Insurance Law Journal*, 17(2, Spring):355-413.

Swisher is professor of law, University of Richmond School of Law, Richmond, Virginia. Mason is with the law firm of Cozen O’Connor, Philadelphia, Pennsylvania. The context is the increase in U.S.A. cases of clergy sexual abuse and molestation of minors that involve claims for compensation through liability insurance coverage, ‘which commonly excludes acts “that are expected or intended from the viewpoint of the insured.”’ In those cases, “the sexual offender’s employer, supervisor, or religious order might still come within policy coverage under the legal doctrine of negligent supervision, negligent hiring, negligent retention, or under similar doctrines based upon negligence principles rather than based on intentional acts by the insured.” Notes that civil courts “have been far from uniform” in addressing the issues that arise under liability insurance policies. “This article addresses issues that arise when a policyholder under a standard general liability insurance policy, not containing an express sexual abuse coverage endorsement (or an express sexual abuse exclusion), seeks insurance coverage for sexual abuse claims... The purpose of this article is to explore and analyze the case law and various legal theories supporting and rejecting liability insurance coverage claims involving institutional sexual abuse allegations.” Part 1 is introductory and very briefly outlines the characteristics of civil actions against religious organizations and religious orders: “In sum, complaints against clergy and religious institutions

are often distinguished by (1) allegations of specific facts constituting prior knowledge, and (2) allegations of conspiracy, fraud, and other similar schemes. These alleged fact patterns form the predicate for an expanding body of law concerning insurance coverage for clergy sexual abuse.” Part 2 “analyze[s] and discuss[e]s the developing [case] law concerning insurance coverage for sexual abuse claims.” In particular, describes 3 standards used by courts to determine intentional acts in liability coverage disputes: the “‘objective’ or ‘classic tort’ standard,” the “‘subjective’ or ‘particular insured’ standard,” standard, and an “‘inferred intent’ standard.” Cites as a prime example of the objective standard the case of *Diocese v. Interstate Fire & Casualty Co.*, 89 F.3d 1386 (8th Cir. 1996). The Minnesota case involved a Roman Catholic priest, a diocese, and an archdiocese, and alleged negligent and reckless supervision of the priest, allowing him to sexually abuse a minor. Cites as an example of the subjective standard the case of *Roman Catholic Bishop of San Diego v. Superior Court*, 50 Cal. Rptr. 2d 399 (cal. Ct. App. 1996). The California case involved a Roman Catholic parish priest and a diocese, and alleged negligent hiring, retention, and supervision of the priest who sexually abused a minor. Offers 4 reasons to argue that the objective standard is better. Also “synthesizes the law concerning other prominent coverage issues in the rapidly developing area of sexual abuse insurance claims.” Part 3, a conclusion, summarizes the article. States the objective standard “is the better-reasoned approach, and is most accord with generally accepted tort law and insurance law principles. This means that when the supervisor-insured has knowledge that harm was substantially likely to occur to the sexual abuse victim, then coverage usually will be deemed to have been ‘intended.’ However, this would normally involve a gross negligence standard, rather than an ordinary negligence standard, for precluding coverage.” 219 endnotes.

Terry, Marc L. (1995). Disclosure of church archives in cases of criminal misconduct by clergymen. *Journal of Trial and Appellate Advocacy*, 1:95-113.

Context is “an alarming number of allegations of sexual misconduct [that] have been made against [Roman] Catholic priests” in the last decade. Examines the priest-penitent privilege and its applicability as an evidentiary privilege, with an expectation of confidentiality, to situations involving the Church’s records to determine whether application “would represent an extension of the privilege beyond its traditionally limited scope.” Part 2 describes privileged communications, in general, and priest-penitent privilege, in particular, noting its significance for public policy, the Church’s canon law, and the Free Exercise and Establishment clauses of the U.S. Constitution’s First Amendment. Part 3 very briefly sketches the statutory development of the privilege in U.S. state law. Part 4 very briefly describes variations in state laws regarding the privilege. Part 5 reviews decisions in a civil case in Illinois against the Archdiocese of Chicago, and a criminal case in Pennsylvania involving the Diocese of Allentown and the actions of a priest. The privilege in Illinois is a discipline enjoined statute “which places the privilege in the hands of the clergyman” and is not discipline enjoined in Pennsylvania “which places the privilege in the hands of both the communicant and the clergyman.” Part 6 presents an analysis of “whether the application of the appropriate state statute fulfills the goals of the priest-penitent privilege” and notes courts’ and commentators’ split opinions on how broadly the privilege should be applied. States that “[t]he epidemic of child abuse poses the greatest obstacle to supporters of a broad application of the priest-penitent privilege.” Notes 4 states with laws imposing a duty upon clergy to report information regarding cases of child abuse: “While the practical impact of requiring clergy to report child abuse may be minimal, it does represent a willingness to abrogate the previously unchallenged sanctity” of the privilege. Part 7 concludes that the Illinois court decision construed the privilege statute too broadly, “applying the statute to communication not made with the purpose of seeking repentance or counseling, but rather made during the course of an investigation of misconduct.” 145 footnotes.

Toth, Valentine A. (1950). The clergyman: His privileges and liabilities. *Cleveland-Marshall Law Review* [succeeded by *Cleveland State Law Review*, 9:323-338.

Toth is a 2nd-year law student at Cleveland-Marshall Law School, Cleveland, Ohio, and pastor of the United Church of Christ (Evangelical and Reformed) congregation in Lorain, Ohio. Presents a broad review of the privileges in the U.S.A. legal system extended to clergy, focusing on

“Protestant churches and clergymen [sic].” Part 1 notes the legal distinction between a church as a corporation, i.e., a legal entity “which holds the title to the real and personal property,” and the “‘church’ [as] the body of communicants gathered in the church membership for the observance of sacraments and for mutual support and edification of piety, morality and religious observances.” Observes: “Civil courts afford no remedies for abuses of ecclesiastical authority which do not violate civil or property rights, and controversies over theological questions are [sic] within the jurisdiction of ecclesiastical tribunals.” Part 2 “clarify[ies] the legal status of the clergyman” following the “distinction between the religious corporation and the spiritual church.” States: “[The clergy’s] relation to the corporation is determined by the polity of the denomination.” Categories Christian church polity as generally episcopal, Presbyterian, or congregational. Part 3 discusses the office of the minister in relation to its legal status. Part 4 discusses professional privileges of clergy, including: defamation, “the privilege of nondisclosure” and privilege communications, and exemptions from jury duty, oath, and military service. [The section on nondisclosure does not consider situations when a 3rd party was harmed or is at risk, as in cases of the sexual abuse of minors.] Also discusses churches and their legal status in regard to charitable immunity. Noting that 18 U.S.A. states have rejected it, states: “The immunity of charities is clearly in full retreat, and the end of another decade probably will find the majority of the jurisdictions holding that it does not exist.” Also considers clergy’s right of freedom of speech, defamation, and relational torts and liabilities. [There is no Part 5.] Part 6 is a very brief conclusion in which he predicts “that church-related questions will be more and more diversified in the courts for some time to come.” 106 footnotes.

Townsley, Leslie. (2007). Conceal or reveal: The role of law in black collar crime. *Public Space: The Journal of Law and Social Justice*, 1(4):1-35.

Townsley is a lecturer, Faculty of Law, University of Technology, Sydney, Australia. From the introduction: Cites the recent Australian cases of former priests Gerald Frances Ridsdale of the Roman Catholic Church and Raymond Frederick Ayles of the Anglican Church who were convicted of sexually abusing children in the context of their clerical roles: “In both cases church authorities were apparently aware of the crimes that Ridsdale and Ayles were committing but did not report them to police... Apart from chastisement of the judiciary in the Ridsdale case, no official action was taken against those church officials who ostensibly concealed the crimes of Ridsdale or Ayles.” States: “Given the recurrence of this theme, it is timely to reconsider the ways in which the State deals with the suppression or concealment of crimes by members of institutions such as churches. There are legal mechanisms available to bring such prosecutions and yet they are not being utilized.” “The issue with which this paper is primarily concerned, pertains to the concealment by clergy members and churches as institutions of child sexual abuse perpetrated by other clergy members.” “This paper will critically analyse the exemption from prosecution for concealing a serious indictable offence, by members of the clergy under section 316 (4) of the *Crimes Act 1900* (NSW) and the relationship of this section to the religious confession privilege under section 217 of the *Evidence Act of 1995* (NSW).” Part 1 discusses: evidentiary privilege in New South Wales law, in general, and the religious confessions privilege, in particular; professional confidential relationship privilege and the public interest; the offense of concealing a serious, indictable offense, and the exemption from prosecution for specified professions or callings. States: “The author is unaware of any prosecutions of clerics under this section for concealing the crimes of other clerics in relation to child sexual abuse. The unwillingness of the State to prosecute is connected to notions of religious freedom and the continuing isolationism of the church.” Part 2 “deconstruct[s] the historical justifications in relation to the privilege and exemption concepts, and demonstrate[s] that this position is uninformed as it based on assumptions about the existence and scope of the privilege as formulated by the common law.” Part 3 uses the work of Michel Foucault to deconstruct the principle of freedom of religion, a component of the doctrine of separation of church and state, as a justification for the priest-penitent privilege. States: “In the past and in the present, primacy has been given to spiritual considerations over temporal considerations in relation to the relevant religious privilege and exemption from prosecution. This shows partiality towards the rights of the clergy, undermines the rights of children not to be abused and exposes a lack of mercy from both the State and the Church towards them.” Part 4 “explore[s] the recurrent theme of spiritual

considerations as a justification, and [argues] that the primacy the law gives to the considerations of freedom of religion and spiritual considerations undermines the right of children to not be sexually abused.” It “discuss[es] the consequences of allowing the jurisdiction of the church to override the jurisdiction of the state.” Conclusion section states: “...concealment of an offence as a crime has been redefined by the unsustainable justifications underpinning the law. Society should demand a higher level of accountability by the state. The criminality of concealment by churches is apparently condoned when the state does not pursue the prosecution of those involved in concealing criminal acts.” Calls for reconsideration of the existing *Evidence Act*: “The state should be compelled to reconsider the untenable justifications for viewing the church in isolation and allowing a culture of crime to be perpetuated. The state must intervene otherwise they are potentially complicit in the concealment of these crimes.” 128 footnotes; bibliography.

Travers, Nicole. (2006). [Note] A brief examination of pedophilia and sexual abuse committed by nuns within the Catholic Church. *William & Mary Journal of Women and the Law* [later entitled *William & Mary Journal of Race, Gender, and Social Justice*], 12 (3, Spring):761-778.

By a law student, William and Mary School of law, The College of William and Mary, Williamsburg, Virginia. “This note examines how the [Roman] Catholic Church’s perspective on and treatment of women affects child abuse in the Church. This note also seeks to discern the pervasiveness of sexual abuse committed by nuns and why it seems to receive less publicity and scrutiny than abuse committed by priests. Finally, this notes examines how the seeming ignorance of females as child molesters is treated in the law, especially in punishment (or lack thereof) for female abusers.” Topical sections include: Celibacy in the Catholic Church: An Historical Perspective; Pedophilia: Encouraged by the Tenets of the Church?; Incidents of Female Pedophilia Within the Church; Legal Consequences for Female Pedophiles. Cites the case of Sister Georgene Stuppy of Minnesota against whom a civil suit was filed in 1990, reported as at the time “the only Catholic nun in the United States ever legally accused of molesting a child.” Also cites the case of the Sisters of St. Joseph congregation which until 1994 operated the Boston School for the Deaf, Randolph, Massachusetts, against whom 9 former students filed a civil suit, claiming to have been sexually abused between 1944 and 1977 by nuns who ran the institution. Also cites Ashley Hill’s 1995 book, Habits of Sin: An Expose of Nuns Who Sexually Abuse children and Each Other. In a brief conclusion, calls for the legal profession to recognize the existence of female pedophiles, for legislatures to revise laws in order to provide appropriate punishments and treatment for such abusers, and for the medical and scientific community to develop better psychological evaluations of females who engage in child abuse. 138 footnotes.

Vieth, Victor I. (2007). When faith hurts: Overcoming spirituality-based blocks and problems before, during, and after the forensic interview (Part 1 of 2). *Update* [published by American Prosecutors Research Institute’s National Center for Prosecution of Child Abuse], 20(6):1-2. [Retrieved 07/30/13 from the World Wide Web site of the National District Attorney’s Association: <http://www.ndaa.org/pdf/Clergy%20Communications%20Jan2012.pdf>]

Vieth is director, National District Attorney’s Association’s Child Abuse Programs. States that “the impact of abuse on a child’s spirituality is a topic often avoided in professional literature or child abuse conferences. This silence inhibits our ability to interview and to otherwise work with children competently. This is because, for many children, the damage done to their spirituality is the overriding block that prevents them from disclosing or otherwise accessing needed services.” Very briefly describes the negative impact by citing from published studies. States: “When the perpetrator is a member of the clergy, the impact on the victim’s spirituality may be even more pronounced... The religious cover used by clergy abusers is often communicated to the victims in a manner that irreparably damages their spirituality.” Very briefly describes 6 types of spirituality-based blocks that inhibit a child’s disclosure of abuse during a forensic interview: perpetrator induced, child induced, doctrinal induced, institution induced, religious leader induced, and interviewer induced. Concludes that recognizing spirituality-based blocks and problems “in the forensic interview is the first step in empowering children to disclose their experiences.” 23 endnotes. [For Part 2, see the following entry.] [See also the reprint and update retrieved

12/09/12: <http://www.ncptc.org/vertical/Sites/{8634A6E1-FAD2-4381-9C0D-5DC7E93C9410}/uploads/{BD1D6100-52CA-4B1C-BFB8-74E78BCD9128}.PDF>

_____. (2007). When faith hurts: Overcoming spirituality-based blocks and problems before, during, and after the forensic interview (Part 2 of 2). *Update* [published by the American Prosecutors Research Institute's National Center for Prosecution of Child Abuse], 20(7):1-2. [Retrieved 07/30/13 from the World Wide Web site of the National District Attorney's Association: http://www.ndaa.org/pdf/update_vol_20_no_7_2007.pdf]

[For Part 1, see the preceding entry.] The article suggests how to overcome spirituality-based blocks "before, during, and after the forensic interview." In the pre-interview stage, he advises to: look for clues suggesting such blocks may be active; select an appropriate setting for the interviews; research uncommon religious practices. During the interview, he advises to: be alert for signs of a spiritual block; offer reassurance; avoid minimizing the importance of spirituality; assure the child that someone will help him/her address spiritual questions. Post-interview, he advises the forensic interviewer to bring "to the attention of the multi-disciplinary team the spiritual questions, concerns or blocks raised during the interview" so the team can develop a plan to address the child's spiritual injury, or help the child cope. 15 endnotes. [See also the reprint and update retrieved 12/09/12: <http://www.ncptc.org/vertical/Sites/{8634A6E1-FAD2-4381-9C0D-5DC7E93C9410}/uploads/{BD1D6100-52CA-4B1C-BFB8-74E78BCD9128}.PDF>]

Vieth, Victor I., & Tchividjian, Basyle. (2010.) When the child abuser has a Bible: Investigating child maltreatment sanctioned or condoned by a religious leader. *CenterPiece* [published the National Child Protection Training Center], 2(12):1-7. [Retrieved 12/09/12 from the World Wide Web site of the National Child Protection Training Center, which is supported by a grant from the Office of Juvenile Justice and Delinquency Protection, Office of Justice Programs, U.S. Department of Justice: <http://www.ncptc.org/vertical/Sites/{8634A6E1-FAD2-4381-9C0D-5DC7E93C9410}/uploads/{6F94085B-08C3-4A60-B213-6CAE504841C9}.PDF>]

Vieth is director, National Child Protection Training Center, St. Paul, Minnesota. Tchividjian is on the faculty, Liberty University School of Law, Lynchburg, Virginia, and is executive director, GRACE (Godly Response to Abuse in the Christian Environment), Lynchburg, Virginia. States in the introduction: "In many cases of child sexual and physical abuse, perpetrators use religious or spiritual themes to justify their abuse of a child. Although no known religion in modern culture suggests that sexual abuse is condoned or taught as part of its tenets, some church leaders engaged in conduct suggesting the child is equally, if not more to blame than the perpetrator, while also urging immediate reconciliation between the perpetrator and victim. In more than one case, pastors have asked children to confess their own 'sins' in being sexually abused and have even required children to 'confess' in front of an entire congregation. Even more frequently, pastors and other church workers mandated to report instances of child maltreatment simply ignore the law and take concerted efforts to keep the matter 'in house.'" Presents 17 "tips to assist law enforcement officers and other multidisciplinary team members investigating cases of child abuse condoned, and, in some cases, actually sanctioned by a pastor or other church leader. ...this paper is primarily focused on abusive practices taking place in some Christian environments, and is based on the authors [*sic*] work in investigating or prosecuting abuse within these institutions." 1.) *Review penitent privilege and other potential legal issues with the prosecutor prior to commencing the investigation.* 2.) *Understand the general dynamics of secrecy in a particular religious setting.* 3.) *Understand that faith issues are often distorted and manipulated in order to coerce victims to submit to abuse.* 4.) *Understand the unique spiritual blocks and problems the child victim may have.* 5.) *Understand that exploitation of authority is at the heart of abuse perpetrated and/or ignored by those within the faith community.* 6.) *Look for church records.* 7.) *Determine the absence of church child abuse policies.* 8.) *Explore the educational background of the religious leader.* 9.) *Look for evidence documenting whether the criminal behavior is a result of the religious leadership's uniquely held beliefs.* 10.) *Check with prior congregations that have been served by members of the church leadership.* 11.) *Look close to home for evidence of abuse.* 12.) *When interrogating a religious leader, be prepared to play in his ball field.* 13.) *Explore the concept of "submission" during the investigation.* 14.) *If the religious leader cites materials or*

sources outside of the Bible – find them. 15.) Ask for a “demonstration.” 16.) Confront the religious leader with evidence. 17.) Objectivity and respectfulness is critical. Each is accompanied by a rationale. While the primary emphasis is on physical abuse, the tips are transferable to incidents of the sexual abuse of minors. 41 endnotes.

Villiers, Janice D. (1996). Clergy malpractice revisited: Liability for sexual misconduct in the counseling relationship. *Denver University Law Review*, 74(1):1-64.

By an associate professor, St. John's University School of Law, Jamaica, New York. Focus is sexual misconduct by a clergyperson in the role of a counselor or advisor to an adult parishioner. Extensively researched and lucidly organized. Introductory sections are an excellent summary of the social, emotional, cultural, and clinical contexts. Documents the incidence of the problem as national in scope and transcending of denomination. Provides an overview of court actions against individual clergy and churches, legislative approaches, judicial approaches, and ecclesiastical responses. Discusses issues of power, fiduciary relationships, and professional standards of care. Identifies six factors “that aggravate the imbalance of power between the parties: the counselee's initial vulnerability; the counselor's control of the environment; the confidentiality of the relationship; the leverage gained from unilateral self-revelation; the spiritual superiority or worthiness associated with clergy; and, finally, the counselee's desire to achieve salvation.” 379 footnotes from a wide variety of sources.

Von Barga, II, Drew P. (2014). [Note] Nittany Lions, clergy, and Scouts, Oh my! Harmonizing the interplay between memory repression and statutes of limitations in child sexual abuse litigation. 37 pp. [Retrieved 07/29/15 from Social Science Research Network: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2417762]

Von Barga is a student, College of Law, Michigan State University, East Lansing, Michigan. Responding to what he calls the epidemic of child sexual abuse (CSA) in the U.S.A., he addresses problems in state laws related to statutes of limitations in civil cases seeking to hold the offender and negligent third parties accountable: “This note exposes a dual threat that precludes many [CSA] survivors from attaining the full measure of justice.” In the introduction, cites as perpetrators of “sexual atrocities on America's youth” the example of Jerry Sandusky, a football team coach at Penn State University, State College, Pennsylvania, and “[m]ost notoriously, church workers, including clergy and religious leaders, in addition to Boy Scout leaders...” Part 1 “briefly explains the broad issue concerning [CSA], then delves much deeper by narrowly identifying the various component parts that, in the aggregate, contribute to the overarching statute of limitations [SOL] issues within [CSA] litigation.” The 4 component parts include memory repression, which he describes as “the fundamental concept that is used to characterize the psychological manifestations an individual may experience after a traumatic event...” [His references include Elizabeth F. Loftus, a controversial cognitive psychologist, who has researched “false memories,” and challenged the validity of “recovered memories” of persons reporting to have been sexually abused as children.] States that the strong disposition of survivors is “to internally repress memories of the incident as a dissociative defense mechanism,” which interferes with their ability to present claims in civil court within the SOL. Part 2 discusses the “dual threat” as the clinical phenomenon of “memory repression” and SOLs that do not take into account that phenomenon. Cites 6 states that do not permit the tolling of SOLs on the basis of repressed memory syndrome. Notes that while some states do permit such tolling for offenders, they do not permit it for third party defendants. States: “There is no cognizable reason why memory repression should apply as a tolling mechanism against a perpetrator, but not against third-party defendants.” Part 3 reviews research on memory repression in CSA survivors, including clinical studies, what he terms non-clinical studies, and random surveys. Based on the review, his “unmistakable conclusion... is that a subpopulation of [CSA] survivors do, indeed, experience periods of memory repression that entirely disable their ability to recall traumatic life experiences, such as [CSA].” Part 4 calls for state legislators to recognize memory repression as a psychological disorder that interferes with [CSA] survivors pursuing civil litigation. Proposes a model statute to “create a consistent statutory time period and tolling/discovery rule standard to govern in [CSA] litigation irrespective of whether the defendant actually perpetrated the [CSA] or

is a third-party defendant as a result of mandatory reporting failures.” Part 5 is a 2-paragraph conclusion. 238 footnotes.

Wallace, Jennifer L. (1994). Fiduciary theory imposes higher duty and direct liability on church for clergy sexual misconduct – *Tenantry v. Diocese of Colorado*, 863 P.2d 310 (Colo. 1993). *Suffolk University Law Review*, 28(1, Spring):331-339.

By a law student. A summary of and case comment upon the decision in *Tenantry v. Diocese of Colorado* in which the Supreme Court of Colorado considered for the first time whether a bishop and diocese (Episcopal) owed a fiduciary duty to a parishioner victimized sexually by a priest, and whether the bishop and diocese breached that duty in failing to act on the parishioner’s behalf. The court upheld the plaintiff’s claim based on liability related to breach of fiduciary duty, and negligent hiring and supervision, but rejected vicarious liability as a basis. Potential implications of the decision are noted.

Wallace, K. Lianne. (1994). [Note] Privileged communications in sexual assault cases: Rhode Island’s treatment of clergyman-parishioner and psychotherapist-patient communications. *Suffolk University Law Review*, 28(2):433-464.

From Part 1, an introduction: “This Note discusses the extent to which Rhode Island has addressed the issue of testimonial privileges in civil and criminal sexual assault cases. It examines with particularity the balancing dynamics in the two most sensitive counseling relationships for sexual assault victims – their relationships with their psychotherapists and clergymen. This Note then explores trends in other jurisdictions and any possible effects on Rhode Island practice.” States: “Privileged communications evoke controversy because the societal demand for secrecy in certain communicative relationships challenges, and at times quells, the truth-seeking function that forms the very essence of our legal system. Nowhere is the struggle of justifying a privilege more sensitive than in sexual assault cases.” Part 2 is an historical of privileged communications and briefly considers: the judiciary’s reliance on a balancing test as a “retreat from absolute privileges and the trend toward judicially created qualified privileges.”; the unwillingness of Congress in the 1970s to enact federal legislation regarding privileges; issues related to the Due Process Clause of the U.S.A. Constitution’s Fourteenth Amendment and the Confrontation Clause of the Sixth Amendment; development of the clergy-parishioner privilege and Rhode Island’s 1985 legislative enactment, the privilege in sexual assault cases, and recent issues regarding the privilege; development of the psychotherapist-patient privilege, recent issues regarding the privilege, and statutory conflict in Rhode Island law. Part 3 is an analysis of the current situation: “A synthesis of decisions involving privileges reveals one clear constant: Absolute privileges are the exception to the rule. Countervailing interests of public policy favoring protection and judicial demands mandating disclosure result in a complete matrix of privileged communication rules.” Part 4 is a 1-paragraph conclusion. States: “Rhode Island, although relatively young in privilege precedent regarding psychotherapists and clergymen, can be expected to follow the majority of jurisdictions, not wavering from a traditional privilege application and analysis. Consequently, Rhode Island will likely continue employing the in camera process, barring discovery of privileges only when not posing an obstacle to the effective administration of justice.” 154 footnotes.

Walsh, Walter J. (2008). [Article] The priest-penitent privilege: An hibernocentric essay in post-colonial jurisprudence. *Indiana Law Journal*, 80(4, Fall):1037-1089.

Walsh is an associate professor, School of Law, University of Washington, Seattle, Washington. Describes the article as an essay in critical jurisprudence. Traces the history “of the Irish-American priest-penitent privilege from its radical inception” in the 1813 case in New York of *People v. Philips*, which involved a Roman Catholic priest in New York City and an Irish Catholic constituency, and established the evidentiary privilege in the U.S.A. The article “examine[s] the evidentiary evolution of the American priest-penitent privilege beyond... *Philips*.” States that the article is “the first history... to identify [the privilege’s] primary ideological impulses and to explain its fascinating postcolonial deviation from the English common law,” calling it a story which “exposes the conflicting jurisprudential values of America’s emerging republican democracy.” Identifies the legacy of *Philips* as establishing a broad constitutional principle of the

free exercise of religion and the “clergy privilege – a guarantee that a religious minister may not be forced to reveal confidences received in the course of spiritual counseling.” Calls the decision in *Philips* “a startling postcolonial recognition of minority religious and cultural freedom and equality.” Defines “hibernocentric” as “seen from an Irish standpoint,” particularly a “postcolonial perspective” which “identifies and rejects those political, aesthetic, and intellectual structures and canons that are imperialist in original and form,” and applies it to the context of the law: “an hibernocentric postcolonial jurisprudence perceives many dominant legal rules as historically anglocentric and for that reason suspect.” Part 1 summarizes the history of *Philips*, focusing on the William Sampson, the attorney who intervened in the case “as amicus curiae” to represent the priest, Fr. Anthony Kohlmann. Sampson was “an Irish Protestant dissident,” who had been imprisoned, disbarred, and ultimately banished” by the English establishment in colonial Ireland or his support of an “egalitarian, democratic society.” Describes Sampson as contending “that recognition of a priest-penitent evidentiary privilege was necessary to honor American constitutional guarantees of religious freedom and equality.” His argument shifted reliance away from English common law, which at the time did not support the privilege. In the tradition of the early 19th century legal culture, Sampson published a report of the case, which became the historical record: Sampson, William. (1813). The Catholic Question in America: Whether a Roman Catholic clergyman be in any case compellable to disclose the secrets of Auricular Confession. Decided at the Court of General Sessions, in the City of New York. With the Arguments of Counsel, and the unanimous opinion of the Court, delivered by the Mayor, with his reasons in support of that opinion. New York, NY: Edward Gillespy. Through bibliographic history, Part 2 traces “precedential influence of *Philips*” in the period before the U.S.A. Civil War, and Part 3 from the Civil War through the 19th century. Part 4 considers the early 20th century, focusing on the influence of John Henry Wigmore’s authoritative academic treatise on evidentiary privilege and his utilitarian criteria to justify the priest-penitent privilege. Sharply critiques “Wigmore’s anglocentric treatment,” unreliable and unsupported scholarship, and overstatements, calling it a “reductionist and inaccurate history of both English and American judicial precedent.” Part 5 surveys the *Philips* influence after World War II. Notes in 2 paragraphs the introduction of U.S.A. state statutes which impose mandatory reporting obligations of knowledge of child abuse or suspicions of a child being at risk on those who by role hold evidentiary privilege exemptions, e.g. physicians, and in some states include clergy. Comments: “These reporting statutes raise anew the central question of the clergy privilege’s fundamental basis in religious freedom. Does the clergy privilege exist at the mere discretion of state legislatures, or does it instead rest on some stronger, constitutional foundation? A major modern test of the clergy privilege’s constitutional dimensions seems imminent.” Part 6 considers the legacy of Sampson’s rationale in *Philips* in the contemporary context. Notes: scholars’ varying justifications; contemporary problems, including variations in courts’ application of the privilege, and variations in the language of state statutes; failure of constitutional and evidentiary scholars’ to “fully come to grips with the intricate and interdependent relationships between ideology, power, and legal doctrine.” Calls the Sampson’s work an early expression of modern human rights jurisprudence. Ends by stating the history of the *Philips* case “exposes the political quality of legal doctrine, and offers the means for the destruction of dominant power through an alternative social vision and the rhetorical elevation of subversive legal theory.” 280 footnotes. [Footnote 213 contains an extensive list of articles regarding the privilege since World War II, primarily from legal literature. Footnote 225 contains a list of articles regarding the privilege and mandatory reporting of child abuse, primarily from legal literature.]

Weinhold, Jennifer K. (2009). [Note] Beyond the traditional scope-of-employment analysis in the clergy sexual abuse context. *University of Louisville Law Review*, 47(3):531-559.

Weinhold is a student, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky. In the introduction section, her position is that “[t]he most compelling explanation for the connection between child [sexual] abuse and church.. is that religious institutions are closed systems with very little oversight from outside authority. ...it is clergy members’ unfettered access to children – coupled with an absolute lack of accountability – that spawned the abused scandal in the first place.” She “proposes that churches be strictly liable for the sexual abuse of children perpetrated by their clegy members and announces an alternative theory of vicarious

liability for clergy sexual abuse victims using the aided-by-agency principle articulated in the Restatement (Second) of Agency section 219(2)(d).” [A restatement of law is a published treatise on a subject in U.S.A. law; it is a secondary authority which distills case law to reveal trends in common law that can be restated as principles to apply, and, on occasion, recommend a rule of law.] Part 1 is “background regarding the problem of clergy sexual abuse and the inadequacy of direct liability and traditional notions of vicarious liability as a means of compensating victims.” Describes the difficulty of a plaintiff seeking to hold a church as a clergyperson’s employer “vicariously liable for a clergy member’s sexual abuse of a minor.” States: “To recover from an employer under a theory of *respondeat superior*, a plaintiff must show that the employee’s intentional tort fell within the scope of his or her employment... Most jurisdictions insist that a clergy member’s sexual abuse of a minor unequivocally falls outside the scope of employment because such conduct is contrary to the interests of the employer, the church.” Cites a decision, *Fearing v. Bucher*, 977 P.2d 1163 (Or. 1999), by the Supreme Court of Oregon which “found that a [Roman Catholic] priest’s conduct in molesting a child could fall within the scope of his employment... The court’s finding was based on the possibility that a trier of fact could focus the analysis not on whether the actual sexual assault of the minor fell within the scope of employment, but whether the priest’s acts leading to the sexual assault fell within the scope of employment. ...the court correctly refocused the analysis on the priest’s ‘grooming’ of the child...” Because no other jurisdiction has adopted the Court’s *Fearing* analysis, she cites the “need for an alternative approach to victim recovery.” Part 2 “analyzes the Restatement’s legislative history, as well as case law, to determine the scope of the aided-by-agency principle articulated in the Restatement (Second) of Agency [1958],” and “focuses on the inadequacy of various narrowing principles created to limit the scope of the aided-by-agency principle.” Describes the Restatement (Second) as creating an exception to the traditional scope-of-employment analysis, the basis of which, “in the clergy sexual abuse context, is only appropriate in a narrow set of circumstances.” States: “Rather than focus the analysis on the traceable manifestations of authority given to the employee that *proximately caused* the plaintiff’s eventual injury, these courts concentrate on whether the principal actually gave the employee specific authority to commit a sexual assault. This arguable misapplication of the apparent-authority principle aptly demonstrates the need for an alternative for clergy sexual abuse claims premised on a theory of vicarious liability.” A section “analyzes two cases [of sexual abuse] decided by the Vermont Supreme Court involving the application of section 219(2)(d).” The decision in the cases, the 1st of which involved a police officer and the 2nd of which involved a pastor of a church, concerned “‘job-created authority, particularly where the tort involves sexual abuse’ – and particularly where the sexual abuse is against a minor,” and the principle of “aided-by-agency.” Part 3 “analyzes whether the Restatement (Third) of Agency adequately incorporated the aided-by-agency principle when it superseded the Restatement (Second) in 2006 and examines the effects of the third Restatement’s changes.” States: “The [Third’s] drafters’ failure to adequately incorporate the section 219(2)(d) exception into the Restatement (Third) of Agency nullifies its function as an exception to the traditional scope-of-employment analysis.” Part 4 states that because “courts have had difficulty articulating an effective narrowing principle in the clergy sexual abuse context and therefore often refuse to enforce section 219(2)(d) as a viable theory of liability,” she “proposes a new interpretation of the aided-by-agency principle in the clergy sexual abuse context, the application of which results in strict liability for churches in situations of clergy-perpetrated abuse that fall within the ambit of the proposed narrowing principle.” She proposes 2 factors: the nature of the victim (such as age, propensity to trust a person espousing religious views, and vulnerability in light of circumstances), and “the degree to which the church has control over or condoned the activity that proximately caused the abuse.” The latter factor could include a church’s policies, role expectations, and a pastor’s job description, e.g., prohibiting a pastor from being alone with a minor. Applies her narrowing principle to the Vermont case on the sexual abuse of a minor by a pastor, *Doe v. Newbury Bible Church*, 933 A.2d 196 (Vt. 2007). Concludes that because the church was in a position to have prevented 2 of the 3 acts of abuse, it would have been liable for those 2. Also “proposes that courts rely on the Restatement (Second) of Agency with respect to vicarious liability because the Restatement (Third) of Agency failed to adequately incorporate the breadth of the aided-by-agency rule articulated in section 219(2)(2), which would allow for victim recovery

in the clergy sexual abuse context.” The conclusion section is a 2-paragraph summary of her position. 136 footnotes.

Weinstein, Barron L. (2009). Sexual misconduct claims: A policyholder’s perspective of key coverage issues. *The Brief* [published by American Bar Association Tort Trial & Insurance Practice Section], 38(2, Winter):49ff. [Retrieved 07/07/09 from GenderWatch academic database.]

Weinstein is a partner, Meredith, Weinstein & Numbers, LLP, in northern California. Overview of the unique challenges presented to counsel for the insurance policy holder in cases of claims of sexual abuse. As relevant factors, cites large cases “such as the recent widely publicized claims against the Roman Catholic Church” due to the involvement of “a large number of carriers with policies at several primary and excess layers covering many years of alleged acts of abuse.” Also cites the factor of claims that “frequently involve allegations of repeated acts of abuse over a period of many years.” Notes that, like environmental tort claims, “sexual abuse claims can trigger numerous insurance policies that were in effect during the years of abuse.” Also notes the impact of “recent legislation in some [U.S.] states [which] has suspended otherwise applicable statutes of limitations and allowed plaintiffs to bring previously barred claims. For these claims, finding old insurance policies that were in effect when the abuse took place can be difficult or impossible, sometimes resulting in significant coverage gaps.” Describes sexual abuse claims as “highly charged emotionally” which threaten the reputation and existence of organizations whose employees are accused: “Hence the sensitive nature of abuse claims, and that they often attract wide media attention, can make it trickier to negotiate and resolve both the coverage issues and the underlying abuse claims themselves.” Focuses on 5 of the most common “coverage-related issues that commonly arise from these unique features of sexual abuse claims, namely (1) lost policies, (2) exclusions for expected or intended injury, (3) trigger of coverage, (4) number of occurrences, and (5) intercarrier disputes.” Makes practical recommendations for how to address each issue. Regarding expected or intended injury exclusions, very briefly summarizes the “widely cited decision” of *Diocese of Winona v. Interstate Fire & Casualty Co.*, “a [federal] case involving particularly egregious facts” regarding a Roman Catholic priest who abused children and a Minnesota diocese. In the conclusion, states that “[t]he myriad coverage issues in such cases quickly become negotiating weapons used by each carrier to seek to shift the liability to the other carriers and the policy holder.” 29 endnotes.

Wells, Catharine Pierce. (2003). Churches, charities, and corrective justice: Making churches pay for the sins of their clergy. [From an issue based on a symposium, “The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty.”] *Boston College Law Review*, 44(4/5, July/September):1201-1228.

By a professor of law, Boston College Law School, Chestnut Hill, Massachusetts. In the context of the Roman Catholic Church’s Archdiocese of Boston, Massachusetts, and its issues regarding compensating victims of clergy sexual abuse, including the possibility of declaring bankruptcy, she considers the question: “What difference does it make that, under state law, the defendant is a public charity rather than a commercial enterprise?” Part 1 discusses charities, their commercial and civic aspects, and the role of charities in U.S.A. political life in “the maintenance of a free, diverse, and prosperous democracy.” Discusses the legal relationship between government and charity, characterizing it as a model of “oversight rather than regulation; empowerment rather than constraint.” Part 2 considers the detriments of charities, specifically liability for tortious conduct of employees. Examines legal doctrine of charitable immunity and 4 rationales used to justify it, and 3 functions of tort law – corrective justice that holds the offender accountable for wrongful conduct, deterrence and regulatory effect, and compensation for victims for injuries. Part 3 applies “the charities law of Massachusetts to the sexual abuse cases in the Catholic Archdiocese of Boston” and examines 3 components – the Archdiocese is entitled to charitable status under law, it is eligible to receive benefits of the state’s charitable immunity statute, and its charitable status creates an oversight role for the state’s Attorney General. Concludes that “the legal and moral propriety of involving the charitable immunity statute in such a situation is still an open question.” and that “...although the legal situation is complex, the moral situation is less so. The Church may find that its legal obligations amount to less than what the victim must have in order to get on with his life. This means that the Church ought to consider some kind of non-legal

response to the victims – one that is particularized to the injury in each individual case... Under these circumstances, we must applaud the Church's recent efforts to settle those cases." 98 footnotes.

_____. (2005). Who owns the local church? A pressing issue for dioceses in bankruptcy. *Seton Hall Legislative Journal*, 29(2):375-398.

Presents an analysis of the application of bankruptcy laws in the U.S.A. to Roman Catholic Church dioceses in relation to "the sexual abuse scandal." Part 1, an introduction, cites confusion and controversy regarding the application, and identifies as contributors the "melding of various difference sources of law including bankruptcy law, trust law, and Canon law... Individually, each of these laws is relatively straightforward; however, when they overlap, the result can be confusing." Part 2 describes the treatment of a charitable organization in bankruptcy, and contrasts it to the circumstances of a bankrupt commercial business. Part 3 offers her "decision tree for sorting out [4] ownership questions" arising between a parish and a diocese. Part 4, the longest section, discusses each of the 4 ownership questions. Part 5, the conclusion, notes the relevance of ownership questions in ecclesiastical schism cases, and clarifies that she has used "a neutral principles of law approach" in her analysis. 64 footnotes.

White, David V. (1994). When the wolf tends the flock: Clergy misconduct and marital counseling. *Illinois Bar Journal: The Magazine of Illinois Lawyers*, 82(April):194-196, 223.

White, a lawyer, is an associate in the Springfield, Illinois, office of Heyl, Royster, Voelker & Allen. Very briefly explores primary issues raised in attempts to recover civil damages in recent cases of *clergy misconduct* that involve contexts of marital counseling and "a wrongful sexual relationship." Part 2 considers issues involving "the First Amendment [of the U.S.A. Constitution] establishment and free exercise clause implications." Notes: "The most common issue is whether [the clergy's] conduct is religious and therefore entitled to the protection of the free exercise clause." Briefly describes the leading cases of *Strock v. Pressnell* and *Destefano v. Grabrian*. Part 3 evaluates potential causes of action, including: *clergy malpractice*, counseling malpractice, breach of fiduciary duty, and other potential causes of action. Reviews state and federal case law regarding the theory of *clergy malpractice*, notes the lack of legislative or court actions to establish the theory as a cause of action for a civil suit. States: "...it seems doubtful that courts will embrace this theory." Regarding the theory of counseling malpractice, notes that Illinois state law excluded clergy from its Sexual Exploitation in Psychotherapy Act. States: "...case law indicates that courts will generally not hold clergy to the standards of counseling professionals, unless the cleric is a professional counselor and has been engaged as one." Reviews case law regarding actions related to breach of fiduciary duty in cases in which clergy sexualized a pastoral role relationship. Part 4 is the conclusion: "Although clergy malpractice and counseling malpractice suits in this setting have generally failed, traditional tort theories, which have long proved adaptable to new facts, hold greater promise. These theories present the least likelihood of state entanglement with religion and provide a familiar, comfortable framework within which courts can work." 70 footnotes.

Whittaker, Lennard K. (2000). [Article] The priest-penitent privilege: Its constitutionality and doctrine. *Regent University Law Review*, 13(1):145-168.

Whittaker is a "[s]hareholder, Garza & Whittaker, P.C., Roma, Starr County, Texas." Notes at the outset that the constitutionality of the priest-penitent privilege "has never been directly addressed" by the Supreme Court of the U.S.A. He "espouses that the priest-penitent's existence is better than its non-existence, that it is constitutional, and that it enjoys the support of many doctrines." Part 1 is a 6-paragraph history of the privilege. Part 2 is a brief discussion of the privilege. 3 sentences describe its status in federal law; categorizes the states statutes as: statutes that create a penitent's privilege, statutes that follow the proposed federal rules of evidence privilege, and "'other' state statutes." Part 3 is an analysis of proponents' different positions regarding the constitutionality of the amendment: the Establishment Clause and the Free Exercise Clause of the First Amendment. Under the Establishment Clause, he describes the *Lemon Test*, the *Larson*

Test, and the Historical Analysis Test. Under the Free Exercise Clause, he describes the Supreme Court's "strict scrutiny standard when analyzing the burden placed on an individual's religious belief." Part 4 discusses legal doctrines to justify the privilege: instrumental approach, based on John Henry Wigmore's treatise; non-instrumental approach; *Jaffe* Rationale; theory of Roman Catholic Cardinal Anthony Bevilacqua; Whittaker's Web Theory; Whittaker's *Antigone* Rationale. Part 5 is a 3-paragraph conclusion. 179 footnotes.

Wilbourn, Beth. (1996). Suffer the children: Catholic Church liability for the sexual abuse acts of priests. *The Review of Litigation*, 15(1, Winter):251-266.

Wilbourn is not identified. Explores the Roman Catholic Church's liability for child sexual abuse. Section 1 is a brief review of child sexual abuse committed by Catholic clergy and the Church's common responses, including patterns of reassigning and/or treating and reintegrating offenders. Cites several cases, including a Minnesota case against the notorious Fr. James Porter, *Does 1-22 v. Roman Catholic Bishop* (1993). Makes the observation: "The Church's propensity for forgiveness has led it to misjudge the severity of child sexual abuse and the extent to which priests continue to engage in such activity." Section 2 examines the legal theories of *respondeat superior*, or vicarious liability, and negligent hiring and supervision as a basis for imposing liability on the Church. Also examines case law. Notes the reluctant attitudes of courts to impose criminal and civil liability on priests and churches, "leaving victims of horrific acts uncompensated and unhealed." Cites a 1994 Fifth Circuit Court of Appeals decision, *Tichenor v. Roman Catholic Church*, as typical of judiciary reluctance. Section 3 explores recent legal trends that make it more favorable for victims to hold the Church accountable. Notes some progress in cases involving theories of negligent hiring and supervision; states that there has been less movement in cases using the doctrine of *respondeat superior*. Numerous footnotes.

Winters, Paul. (2009). [Comment] Whom must the clergy protect? The interests of at-risk children in conflict with clergy-penitent privilege. *DePaul Law Review*, 62(1, Fall):187-226.

Winters is not identified by occupation or geography; refers to himself in the text as one who was a Presbyterian pastor. The Comment critiques the Illinois legislature's Abused and Neglected Child Reporting Act (ANCRA), "which listed professions required to report cases of child abuse or neglect," and was amended in 2002 "such that members of the clergy in Illinois were designated 'persons required to report.' However, of the over forty professions listed as mandated reporters by statute, only members of the clergy are specifically exempted from the reporting requirement when information concerning child abuse is received in a privileged context." Part 1 is introductory. Notes that among the U.S.A. states, "there has not been a uniform approach to resolve the tension between the two competing goods – the privacy of the penitent parishioners and the well-being of the at-risk children – with which the member of the clergy must wrestle." Part 2 "situates ANCRA in its state and national contexts" by very briefly reviewing "a complex landscape of religious, constitutional, and state legislative history." The state legislative history includes enactment in 1974 of the federal Child Abuse Prevention and Treatment Act, which "made funding available to the states for prevention and treatment programs aimed at child abuse and neglect. To be eligible for such a grant, states had to implement programs related to child abuse and neglect that mandate 'reporting by individuals required to report such instances.'" The legislative history focus is the Illinois ANCRA law and its language regarding clergy, and its application in a case involving the communications of a Roman Catholic priest, who was charged with sexual assault of a minor female, and an intervention committee of his diocese. Part 3 "analyzes ANCRA and its shortcomings in two areas: (1) problems stemming from ambiguity in the statute and (2) problems stemming from violations of the First Amendment Religion Clauses." Identifies as ambiguous the phrasing in ANCRA as conditions placed on clergy receiving confessions: "in his or her professional character or as a spiritual advisor in the course of the discipline enjoined by the rules or practices of such religious body or of the religion which he or she professes." Cites different interpretations of the language by courts in non-Illinois jurisdictions. Considering "the inseparability of the *role* of the clergymember and the *identity* of the clergymember" [italics in original], he states: "From the point view of the typical member of the clergy, nearly every conversation may be perceived as occurring in the context of acting as

spiritual advisor in the course of the discipline enjoined.” States that in the context of child abuse, the “attendant ambiguities are intolerable... ANCRA’s statutory defect in this regard is fatal.” Regarding the First Amendment of the U.S.A. Constitution, he argues that “abrogation of the clergy exemption does not raise Free Exercise Clause problems. Instead, the exemption is itself a violation of the Establishment Clause.” Part 4 considers “the gains a society receives by abrogating the exemption” and “provides an overview of specific ways in which abolition of the clergy exemption strategically enables clergymembers to play an important role in child protection and is justified because the interests of at-risk children trump those of penitent abusers.” His position is that “[w]hile the notion of [clergy] disclosing [penitents’] confidences is disturbing, even more disturbing are the devastating effects experienced by victims of child abuse.” Part 5 “advances the idea that a neutral ‘any person’ child protection statute, which clearly abrogates all privileges, including the clergy-penitent privilege, should be enacted in Illinois and nationwide.” He proposes that 43 states should adopt child abuse reporting statutes similar to the 7 that “currently mandate the reporting of child abuse by ‘any person’ who becomes aware of it and expressly abrogate privilege in cases of child abuse.” Briefly identifies the advantages of the ‘any person’ mandate. Part 6 is a 1-paragraph conclusion. 281 footnotes.

WisBar Legal Resources (State Bar of Wisconsin). (1998). No. 96-0329, State of Wisconsin. *Miriam T., Jared T., Jr. and Johnny T., Plaintiffs-Appellants v. Church Mutual Insurance Company and Grace Pentecostal Church, Inc., Defendants-Respondents, Howard L. Bracy and Pentecostal Assemblies of the World, Defendants*. [World Wide Web: WisBar Legal Resources website. Posted 1998, 6 pages. <http://www.cs.wisbar.org/WisCtApp2/1q98/96-0329>].

Trial decision of the Court of Appeals of Wisconsin that dismisses the plaintiffs’ appeal of a Wisconsin circuit court ruling in a case involving clergy sexual misconduct. The plaintiffs based their claims on 2 legal principles, negligent supervision and *respondeat superior*. The circuit court rejected the claim of negligent supervision under Wisconsin law on the basis of First Amendment; the appeals court upheld that decision. The circuit court rejected the claim of *respondeat superior* on the basis that the offending pastor’s sexual misconduct constituted acts outside the scope of his church employment; the circuit court upheld that decision.

Wood, John Trevor. (1997). [Note] Causes of action in Missouri against the church and clergy for sexual misconduct in *Gibson v. Brewer*. *UMKC Law Review*, 65(4, Summer):1027-1052.

By a student, University of Missouri-Kansas City School of Law, Kansas City, Missouri. A formal Note that analyzes various tort causes of action against churches and clergy in 2 cases in Missouri, *Gibson v. Brewer* and *Gray v. Ward*, comparing them to similar claims in other jurisdictions. Proposes “that when the church does nothing to correct these problems, the civil courts should assert authority on the presumption that there is no Canon law issue or First Amendment Establishment Clause immunity.” Discusses issues regarding: negligent hiring; negligent failure to supervise; breach of fiduciary duty; *respondeat superior*; and, professional standard of care. 200+ footnotes.

Yellin, Jacob M. (1983). The history and current status of the clergy-penitent privilege. *Santa Clara Law Review*, 23(1):95-156.

Yellin was admitted to the California State Bar in 1981. Part 1 is a very brief introduction. Part 2 “trace[s] the history of the [clergy-penitent privilege in law] through the common law and in the United States.” Begins with the pre-Protestant Reformation period, concentrating on Europe, and notes that there “is a virtual consensus of opinion that the clergy privilege did exist in England before the Reformation.” Part 3 traces the privilege in England after the Reformation, noting “the virtually unanimous opinion” that it was not no longer recognized in this period. Part 4 regards the development of the privilege in the U.S.A., beginning with the 1813 case of *People v. Phillips* in the New York Court of General Sessions, in which the court declined to compel a Roman Catholic priest “to reveal what he had heard during his administration of the sacrament of penance on the grounds that forcing him “would violate the free exercise of religion [of the New York State Constitution].” Briefly discusses the 1817 case of *People v. Smith*, another New York case, in which a Protestant minister was found “not bound by the seal of the confessional” because his

denomination's practice differed from that of the Catholic Church. These cases led to a New York State statute, the first in the nation that created the privilege for clergy in the context of confession. Part 5 discusses the legal arguments for the privilege, contrasting it with exceptions for the application of the privilege to attorneys, physicians, psychotherapists, and spouses. Identifies four policy justifications for the clergy-penitent privilege. Part 6 reviews how the term *clergy* is variously defined in states' statutes that contain the privilege is created. Part 7 considers varying statutory language and courts' interpretations of the requirement that the communication be expressed to a cleric "'in his [sic] professional character.'" Part 8 is a lengthy discussion of varying statutory language and courts' interpretations of the requirement that the communication "must be made in the course of discipline enjoyed by the rules of [the cleric's] church." Part 9 very briefly examines varying statutory language regarding to whom the privilege belongs – the cleric, the penitent, or both. Part 10 very briefly reviews the privilege in the federal courts. Part 11 explores the limits of the privilege and uses a variety of sources, including the landmark California Supreme Court ruling in 1976 in the case of *Tarasoff v. Board of Regents of the University of California*, stating: "The protective privilege [of confidentiality in a psychotherapist-patient relationship] ends where the public peril begins." Also cites positions regarding clergy duties regarding confidentiality from the Lutheran Church of America, College of Chaplains, American Baptist Church, and Roman Catholic Church. Yellin states: "It is difficult to reach a firm conclusion on the limit of the clergy privilege. There are factors, such as the calculus of the societal benefit-harm approach, which dictate that the clergy privilege be treated similarly to other professional privileges – like the psychotherapist's privilege – and thus be denied where harm is threatened to a third person." Also notes the case of a penitent who threatens self-harm. Part 12 is a conclusion in which he presents 7 recommendations regarding the privilege and a 5-part model statute "recommended for adoption in all jurisdictions," the 5th of which states: "If the communicant threatens harm to any person, the Clergyperson may, but is not required to disclose the communication to avoid occurrence of that harm." [He does not address the topic of sexual boundary violations by clergy, e.g., sexual abuse of minors and disclosure to legal authorities.] 243 footnotes.

Young, Stephanie D. (1989). Sexual molestation within America's parishes and congregations: Should the church be 'Thy priest's keeper'? *West Virginia Law Review*, 91(4, Summer):1097-1125.

Young is a member of the student board of editors of the journal, College of Law, West Virginia University, Morgantown, West Virginia. Explores "those circumstances in which a church that employs ministers or other religious leaders who engage in [sexual misconduct with minors] can be held civilly liable." Introduction notes that recent cases of "sexual molestation committed by religious leaders and priests" illustrate the continuing erosion of shelters that kept U.S.A. churches and religious societies from civil liability. Cites a 1986 California case involving 7 Roman Catholic priests, a 1984 California case involving a Baptist Sunday school teacher, and a 1986 Louisiana case involving a Roman Catholic priest. Section 2 "considers the gradual breakdown of traditional religious protections in both the law and in public policy." Briefly examines the First Amendment and the doctrine of charitable immunity. Section 3 "analyzes the various causes of action which have been asserted against the church for the acts of its ministers and religious leaders." Her "review of applicable decisions indicates that in order to assert liability against the church, the church must have acted recklessly in that it knew or should have known that injury would result therefrom." Briefly considers: emerging theories of church culpability, including *respondeat superior*, negligent hiring, and negligent supervision; Roman Catholic canonical law agency; clergy malpractice; intentional infliction of emotional distress. Section 4 "seeks to make some prediction regarding the likelihood and scope of tort liability against the church for the sexual misconduct of these individuals." Suggests theories "upon which to hold churches liable for the actions of their leaders": doctrine of *respondeat superior*; negligence in the selection and supervision of church employees; intentional infliction of emotional distress. Concludes emphatically: "Religious organizations and officials should be held accountable for the immoral behavior of the clergy they have employed or appointed." She foresees that eventually the church can "be held to such a degree of accountability." 166 footnotes.

III. UNPUBLISHED PAPERS & PRESENTATIONS

For an entry, description, and annotation that is based on first-hand examination, the basis is stated. Unexamined entries are listed without a source; among the variety of sources for unexamined entries are an author's citation of the paper or presentation in a published work or a *curriculum vitae*, the program of a conference, etc.

Ackerman, Alissa, Khan, Bilal, & Terry, Karen. (2008). Can environment and offense patterns predict cohort membership? [Paper presented at the annual meeting of the American Society of Criminology, St. Louis, Missouri, November 12-15, 2008.]

Abstract: "Data on child sexual abuse in the Catholic Church suggest both that there are different typologies among priests who had allegations of abuse, and that the environment impacts the attributes of manifested abuse patterns. To date, however, no analysis has been conducted to determine whether there are significant changes in offense patterns based on temporal variables. In this paper, we describe the manner in which the influence of situational variables on abuse patterns has changed over time. Towards this end, we draw upon contemporary data mining techniques to explore the extent to which aggregate statistics of a cleric's abuse incidents can serve as an accurate predictor of the year the cleric was ordained, the decade the priest began offending in, and the decade the priest committed the majority of their offenses."

Altobelli, Tom. (2002). Mediation in sexual abuse cases: To be or not to be? [Paper presented at "Pathways Towards Dispute Management," the 6th National Mediation Conference, Canberra, Australia, September, 18-20, 2002.]

Altobelli is affiliated with the University of Western Sydney in Australia. Prompted by "[r]ecent high profile events in the Australian media involving both the Anglican and Catholic churches [that] have drawn attention, at least in legal and dispute resolution circles, to the issue of the appropriateness of mediation and similar processes to deal with disputes arising out of allegations of sexual abuse." Describes some major issues and arguments on the topic in the alternative dispute resolution community. States: "The fundamental message of this paper, however, is that a *zero tolerance policy* is the best policy to adopt. ...except in rare circumstances sexual abuse cases should never be mediated. The public interest in transparency and accountability prevails over any private interest in dispute resolution and renders any form of alternative dispute resolution inappropriate." Based on anecdotal "reports of the use of mediation to resolve sexual abuse claims that have arisen in the USA and Canada, specifically in the context of clergy and in health care," notes the lack of clarity about the use of the term *mediation*. States that the power imbalance in a sexual abuse case is not altered in the mediation process. Among subtopics discussed are: the goals of mediation vs. the goals of the victim of sexual abuse; privacy of mediation vs. public interest; the satisfaction of the survivors with the outcomes of mediation; legal vs. moral duties of a mediator; possible components of a new model of mediation for sexual abuse cases that involves disclosure and accountability for the sake of public safety. Concludes: "Any attempt to use private processes to deal with allegations of sexual abuse within an organisation, even a Church, must be subject to public scrutiny. For as long as procedures for dealing with complaints of abuse remain confidential, be they investigative or facilitative, the public has reason to be concerned." Lacks references. [An abbreviated version was published; see this bibliography, Section IIa: Altobelli, Tom. (2002).]

_____. (2003). Institutional processes for dealing with allegations of child sexual abuse. [Paper presented at a conference, "Child Sexual Abuse: Justice Response or Alternative Resolution," Adelaide, Australia, May 1-2, 2003.] [Abstract retrieved 11/27/07 from Australian Institute of Criminology: <http://www.aic.gov.au/conferences/2003-abuse/altobelli.html>]

Abstract: "Institutional processes for dealing with allegations of child sexual abuse, such as the Catholic Church's Towards Healing statement, fail to recognise that the public has a legitimate

interest in ensuring that the processes used to investigate complaints and offer assistance to victims are transparent, rigorous and accountable. These institutional processes inadequately balance the public interest with the private interests belonging to the stakeholders in these claims. The need for confidentiality that is invoked in seeking to protect private interests directly undermines public confidence in the process. Greater recognition needs to be given by institutions to the legitimacy of the public interest, and this legitimacy needs to be reflected in the processes used. The role of such processes in educating the public and thus having a preventative function needs also to be recognised. At the same time the public needs to recognise the legitimacy of claims by stakeholders to use confidential processes until clear findings have been made in relation to allegations. The paper suggests a new model for dealing with claims within institutions arising out of allegations of sexual abuse, that moves closer to finding that elusive balance between the public and private interests. The model involves both internal changes to institutional procedures and an external change, namely the appointment of an independent ombudsperson who would have the power to review on a random basis any institutional process. The paper also argues that no institutional process should rely on litigation if it becomes necessary to adjudicate a contentious issue, and that no process should rely on mediation, because of its confidentiality and inherent power imbalance.”

Anderson, Jeffrey. (1996, November 9). How to find healing and hold church leaders accountable employing a legal strategy. [Presented at the 1st International SNAP Conference, Washington, D.C.]

Baars, Conrad, & Terruwe, Anna. (1971, November). The role of the Church in the causation, treatment and prevention of the crisis in the priesthood. [Paper presented in 1971 to the National Conference of Catholic Bishops in the U.S.A. A revised form of a paper entitled, Human growth in the priesthood, presented to the World Synod of Roman Catholic Bishops, Rome, Italy, in 1971. Accessed 11/07/16 at the World Wide Web site of A. W. Richard Sipe: http://www.awrsipe.com/Docs_and_Controversy/1971-11-Conrad%20Baars%20Paper.pdf]

The preface, apparently by A. W. Richard Sipe, states: “Dr. Baars was later associated with the House of Affirmation which treated clergy sex offenders for several years before it was forced to close down. Dr. Baars [sic] data and his recommendations were a prophetic statement of what has unfolded since the mid-eighties. This paper is but one of many pieces of evidence that the [Roman] Catholic Bishops were adequately warned of the impending disaster and chose to ignore the warnings.” Baars and Terruwe identify themselves as psychiatrists whose clinical practices include “a total of forty years and approximately 15,000 patients – 10% of whom were priests and religious.” They state: “In general, we estimate that 10-15% of all priests in Western Europe and North American [sic] are mature; 20-25% have serious psychiatric difficulties, especially in the form of neuroses and chronic alcoholism, or a combination of both; and 60-70% suffer from a degree of emotional immaturity which does not prevent them from exercising their priestly function, but precludes them from being happy men and effective priests whose fundamental role is to bring the joy of Christ’s love and to be the appointed affirmers of men.” They call the *crisis in the priesthood* as “an illness, severe in some, moderate to slight in others,” which is rooted in “non-affirmation,” which they cite as the cause of “emotional immaturity and illness in priests.” They discuss the origins of non-affirmation, its treatment, and its prevention. States: “In our clinical practices we have seen many priests with obvious identity problems. Priests who were uncertain in their attitude toward life, felt unloved, lonely and depressed, whether they realized it or not, awkward in their interpersonal relationships. Psychosexual immaturity expressed in heterosexual or homosexual was encountered often... Our clinical observations over may [sic] years have convinced us that priests in general, and some to an extreme degree, possess an insufficiently developed or distorted emotional life... A bishop must be familiar with the special needs of persons, and realize, for instance, that a non-affirmed individual when frustrated in his search for affirmation will attempt to affirm himself through acquisition of material goods, sexual exploits, power, fame or notoriety.” Concludes with 10 practical recommendations. Lacks references.

Balboni, Jennifer, & Bishop, Donna. (2006, November 1). Knights, social workers, and mercenaries: The attorney-client relationship in clergy sexual abuse litigation. [A paper presented at the annual meeting of the American Society of Criminology, Los Angeles, California.] [Abstract retrieved 09/01/09 from All Academic, Inc.: http://www.allacademic.com/meta/p127189_index.html]

Abstract: "This paper will explore attorney and client perspectives on clergy sexual abuse litigation using data from in-depth interviews with litigants, attorneys, paralegals, and other advocates involved in a recent mass tort action in the Archdiocese of Boston. Our focus is on perceptions of justice and fairness, and on the mismatch between attorney and client goals. Clergy sexual abuse survivors sought the establishment of truth, sexual abuse prevention efforts, and substantive changes within the church, while their attorneys focused on pecuniary settlement. The complex mix of gratitude and disdain that characterizes the dynamic relationship between attorneys and clients is discussed. The viability of alternative settlement options is explored."

Baker, Dwight P. (2013). Accusations of abuse in mission school settings: Defining the issues and sources of information. [Unpublished paper presented at the annual regional conference of the Northeast Region of the Evangelical Missiological Society, Flushing, New York, March 16, 2003.]

Baker is affiliated with the Overseas Ministry Study Center, New Haven, Connecticut.

Bermisa, Leonila, V. (2004). Facing the reality of clergy sexual misconduct in the church: A step toward justice and healing. [Presented at the second Ecclesia of Women Conference, Yogyakarta, Indonesia, November 16-19, 2004.] [Retrieved 09/02/09 from International Network of Societies for Catholic Theology; <http://www.uni-tuebingen.de/INSeCT/cd/asia-tululacruz.html>]

Bermisa is with the Maryknoll Sisters of Saint Dominic, a Roman Catholic religious order.

Boynton, Lois A., & Straughan, Dulcie M. (2003). Appalling sin or despicable crime: An exploration of media frames surrounding the Catholic Church priest sexual abuse scandal. 23 pp. [Presented to the Religion and Media Division of the Association for Education in Journalism and Mass Communication, Kansas City, Missouri, July, 2003.]

Abstract: "This paper examines newspaper coverage of revelations about Father John Geoghan's sexual abuse of boys and the Church's cover-up attempts. The study employs quantitative and qualitative analysis of stories to examine the scope of scandal coverage, sources used by reporters, and whether stories provided an analysis of the crisis or focused on the events."

Brickman, Christine M. (2005). Sexual misconduct of Roman Catholic priests: A rational choice perspective. [Presented at the annual meeting of the Religious Research Association/Society for the Scientific Study of Religion, Rochester, New York.]

Briggs, Freda, Hawkins, Russell M., & Williams, Mary. (1994, July). A comparison of the early childhood and family experiences of incarcerated, convicted male child molesters and men who were sexually abused and have no convictions for sexual offences against children. [Retrieved 07/16/11 from the World Wide Web site of the Criminology Research Council, Australia: <http://www.criminologyresearchcouncil.gov.au/reports/30-92-3.pdf>]

The authors are affiliated with the University of South Australia, Magill Campus, South Australia, Australia. Reports on the results of a non-experimental comparison study into factors that determine which victim of childhood sexual abuse becomes an adult offender and which does not. A self-report, forced-choice and open-ended questionnaire was administered to males (n=84) who had been convicted of, and were incarcerated for, molesting children, including acts of incest, and to males (n=95) who had been sexually molested in childhood and had not become child molesters. The offender group consisted of inmates in South Australia, New South Wales, and Western Australian Correctional Centres. 93% of the offenders had been sexually abused in childhood. The open-ended questions were analyzed quantitatively. Regarding the demographic of religion: affiliation was identified as Roman Catholic (21%), Protestant (14%), Other (19%), and None (41%). Reports types of sexually abusive behaviors committed against the participants

in childhood, their relationship to those who committed the abuse, gender of the offender, and duration of abuse by: 1.) age of participant when abuse was committed – before the age of 6, between 6-10, between 11-15, and ≥ 16 ; and, 2.) whether the abuse was committed by a child ≥ 4 years or an adult. Of those abused by adults when they were between 6-10, 70% “were repeatedly annally raped over several years (20% of these by priests and church leaders...)... Religious figures were responsible for about one third (36%) of the sexual abuse involving this age group.” Of those abused by adults when they were between 11-15, reports: “In the case of prisoners abused by males, religious figures were prominent (33% of reports involved housemasters in Christian Brothers schools and 17% were Roman Catholic priests.),” the group that was most frequent. States: “The most brutal and sadistic offenders were the Brothers in religious orders, priests, a foster father and men in paedophile rings.” In this age group of non-offenders, the most frequent group of abusers were religious figures: “29% of men claimed to have been abused by Roman Catholic priests, 10% by Christian Brothers, 10% by church youth leaders, 10% by Ministers of Religion—other denominations.” Regarding details of the sexual abuse experienced by respondents, reports that: “The overall reported rate of sexual abuse by a priest was 15% and there were no differences between prisoners and non offenders on this variable.” Regarding the effects of childhood abuse, reports that one respondent stated: “I felt flattered. After all the priest was God’s representative.” Regarding negative reactions, reports: “The greatest confusion of all however related to abuse by men in religious orders who subjected boys to appalling acts of sexual and physical violence and degradation in the name of God.” Regarding feelings of entrapment, reports: “Documentation produced by an offender shows that a social worker employed by state authorities (Western Australia) recorded a foster parent’s complaint that he and his brother were being sexually abused by Christian Brothers and that he and his brother replicated the abuse in the foster family. The authorities did not investigate the complaint.” Reports that: “A Salvation Army Officer provided a new kitchen for an impoverished widow. The boys hated the frequent abuse but loved the inducements and realised that they could not stop one without losing the other.” States: “With minimal education, no history of family life and normal socialisation and no experience of heterosexual relations, it was very easy for victims in schools run by Brothers to be recruited for the Brotherhood.” Regarding feelings of guilt and self-recrimination, reports: “The only prisoners who registered strong angry feelings about their abusers were those who were degraded, dehumanised and abused in residential institutions by employees of religious organisations and social welfare departments... And those abused by priests and Brothers were angry with the Catholic Church which was perceived as protecting its own devious members who were wrecking children’s lives.” Regarding non-offenders, reports that in a sub-group of 21 that was excluded from the study because they had committed abusive practices in adolescence, reports that: “Most commonly, the juvenile offences which came to light in the non offender group involved the abuse of younger boys under the instructions and control of clergy and Brothers in religious orders (12 cases).” Regarding the response when abuse was reported, states: “Two mothers were ‘supportive as a personal level’ but failed to report the abuse to the authorities because it involved priests and reporting ‘might damage the Catholic Church.’ Other parents feared that reporting would result in a backlash from the local Catholic community. This was a serious concern when the parents owned businesses and relied on local goodwill. The parents in one case reported the abuse to a senior church administrator. The priest was ‘sent to a retreat for a few months until the fuss died down’. No further action was taken... A trusted grandmother said that God would rip off the victim’s arms and legs if he told anyone else about what the priest had done to him. Victims of religious Brothers and Social Welfare Department employees suffered the most prolonged and violent abuse and they were brutalised whenever they tried to report offences... A boy reported a Brother to his housemaster and was reprimanded for being ‘dirty minded’... A boy in a Catholic College told a fellow student of his abuse and learned that his friend had also been victimised by the same Brother. They reported it but no action was taken.” Included among reasons for not reporting abuse was: “One boy was abused by the priest responsible for the hostel to which he had been sent to recover from drug abuse following earlier sexual abuse. He knew that it was wrong but feared that he had more to lose by reporting given that the priest found him employment and accommodation.” Of those who feared violence and retribution from the offender, states: “All but one of the men [18% of non-offenders, 9% of prisoners] were residents in cottage homes or boarding schools run by Brothers in religious

orders.” Among the responses as to how to stop offenders from offending were: “Victims felt that, without a realistic personal safety education program, it was ‘unreasonable to expect kids to resist and report priests. They present themselves as God’s representatives, carrying the ultimate authority. Catholic boys are the most vulnerable of all because they are taught to obey higher authority in their catechism’. Victims abused by priests and brothers were unanimous in their demands that, ‘the leaders of the Catholic Church should be made to understand that child sexual abuse is not a trivial matter’ and the ‘so called celibate priests must be kept right away from kids.’” 36 references.

Brubaker, David. (1991, June 6). Not in our family! When the organizational family turns incestuous. [Paper presented at the 5th annual National Conference on Peacemaking and Conflict Resolution, Charlotte, North Carolina.]

Brubaker is active in the Mennonite church. Describes characteristics of organizational settings in which sexual abuse by a leader can occur.

Bush, Bernard J. (1992, March 13). The theology of child sexual abuse and the spirituality of recovery. [Presented at a workshop, Sexual Abuse of Children By Clergy and Religious Personnel, Hartford, Connecticut.]

Camargo, Robert J. (1994, July 18). Clergy sexual involvement with young people: Distinctive characteristics and prediction implications. [Presented at the 23rd International Congress of Applied Psychology, Madrid, Spain.] [Abstract retrieved 09/03/09: <http://74.125.93.132/search?q=cache:boiuhs5R340J:www.ucm.es/info/Psyap/23ICAP/abstract/general2.html+%22Clergy+sexual+involvement+with+young+people:+Distinctive+characteristics+and+prediction+implications.%22&cd=2&hl=en&ct=clnk&gl=us>]

Abstract: “This symposium presentation will present the findings with regard to the distinctive characteristics of youth-sexual male clergy in a population of sexually active former residents of an Ontario [Southdown, Aurora, Ontario, Canada] residential treatment centre for the religious. Sixty-eight percent of the youth-sexual group were Diocesan Priests, 67% did Parish work, and 65% were classified as Passive/shy. The youth-sexual group had significantly lower D and Si and higher Es MMPI scores than the non-sexual ‘controls’” and they also had lower Mf scores than the exclusively adult homosexual group. They also had significantly lower Factor-analyzed Factor scores on Factor scores on Factor ‘Neurotic Introversion’ and higher on ‘Inconsistency’ and ‘Diocesan Priest’ than all the other groups; and they had lower ‘Effeminacy’ Factor scores than the adult homosexual or bisexual activity groups. On discriminant analysis the youth-sexual group was uniquely higher on Passivity/low in Anger; high on Diocesan Priest/low on Religious Order; Father affiliation; and low on F MMPI scale scores. The results underlined both the plausibility of and the methodological difficulties with prediction of potential youth-sexual behaviour in male clergy. In this light, recent findings with regard to prediction of chronicity/frequency of youth-sexual activity will also be presented.”

_____. (1995, August). Factor, cluster and discriminant analyses of sexually active clergy: The youth molesters identified. [A paper presented at the 103rd Annual Convention of the American Psychological Association, New York, New York.]

_____. (1999). Residential treatment of sex offending clergy at the Southdown Institute. [Presented at the Association for the Treatment of Sexual Abusers, 18th Annual Meeting, Lake Buena Vista, Florida, September 22-25, 1999.]

Camargo, Robert J., & Loftus, John Allan. (1992, August 17). Child sexual abuse among troubled clergy: A descriptive summary. 33 pp. [A paper presented at the 100th Annual Convention of the American Psychological Association, Washington, D.C.] [Available from: Resources in Education (ERIC Document Reproduction Services No. ED 354-420), Greensboro, NC: ERIC/CASS University of North

Carolina. Retrieved 09/05/09 on the World Wide Web from Education Resources Information Center: http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/13/7e/5b.pdf

The study examined child sexual abuse committed by clergy. "An initial description of a typical, male religious professional who has engaged in age-inappropriate sexual behavior is offered. The study also sought to identify any unique characteristics of this group. The study setting was Southdown, a Canadian institution assisting clergy and other religious professionals in dealing with spiritual, emotional, and psychological issues in their own lives in ministry. Files from 1,322 resident males residing at Southdown were reviewed. Results indicated that the prevalence of such sexuality in the general population of priests and clergy and may not be as extensive as currently publicized; those persons who do undertake age-inappropriate sexual activity do so relatively often, with no obvious signs of neurotic symptomatology, and with a tranquil passivity; the group of individuals with age-inappropriate sexual activity (AI) is clearly distinct from the adult homosexually active group; all study groups were significantly distinct on the basis of masculinity and femininity ratios on 2 of the 5 factors examined; and the AI group was the lowest on both masculinity and femininity factors." Numerous tables and numerous figures.

_____. (1993, August 20). Clergy sexual involvement with young people: Distinctive characteristics. [Paper presented at the 101st Annual Convention of the American Psychological Association, Toronto, Canada.]

Carr, Thomas F. (2011). Clergy sexual abuse: What we have learned from survivors and family members. [Presented in a brief session at the 19th World Family Therapy Congress of the International Family Therapy Association, Noordwijkerhout, Netherlands, March 30-April 2, 2011.]

Abstract: "As stories of clergy sexual abuse have shaken North America, South America, and Europe over the past 18 years, the Pastoral Response Assistance Team, a multidisciplinary group of clinicians, lawyers, religious women and others based in Boston Massachusetts where the crisis exploded in 2002, have worked tirelessly at helping those affected. We will illustrate through examples from survivors and their families: the need to differentiate mental health issues from spiritual issues and identify modalities for treatment, the importance of considering a variety of treatment modalities when addressing the issue of clergy abuse, the importance of considering how each of the five senses affects the victim, and how to devise treatment utilizing this information (for example, being aware that a certain scent might be a trigger to trauma). We will construct a paradigm that utilizes the "context of time" and the "developmental stage" of the victim at the time of abuse, the time of disclosure, and the time of treatment. We will also outline the impact of media coverage on individual survivors and families, and demonstrate how the media can be effectively utilized in education and treatment."

Carr, Thomas F., Albert, Melvin F., & Peck, Elsie E. (2010, June 4.). Clergy sexual abuse. What brought the legal system, mental health and religion together. [Presented at the 3rd International Conference on Community Psychology, Puebla, Mexico, 2010.]

Describes the work of the Pastoral Response Assistance Team, Inc. (PRATI), in the Roman Catholic Church's Archdiocese of Boston, Boston, Massachusetts. PRATI is "a multidisciplinary group of clinicians, lawyers, women religious and others from Greater Boston, united in trying to help those affected by this crisis [i.e., the scandal of clergy sexual abuse in the Catholic Church worldwide]." [From the lead presenter's notes in the PowerPoint used in the presentation.]

Cavanaugh, J. C., Haywood, Thomas W., Goldberg, J., Wasyliw, Orest E., & Kravitz, Howard M. (1995, October). Developmental factors in cleric sexual misconduct. [Abstract published in *Scientific Proceedings* of the 26th Annual Meeting of the American Academy of Psychiatry and the Law, Seattle, Washington.]

Cisneros, Josue. (2007). Shame and scandal in the family: Pink herring, moral panic, and the sexual abuse crisis in the Catholic Church. [Presented at the annual meeting of the National Communication

Association, Chicago, Illinois.] [Abstract retrieved 09/04/09 from All Academic, Inc.: http://www.allacademic.com/meta/p_mla_apa_research_citation/1/8/7/1/8/p187185_index.html]

Abstract: "This essay traces the rhetoric of the 2002 child sexual abuse scandals in the Catholic Church. It argues that news discourse appealed to homophobia to create a 'homosexual panic.' This discourse served as a 'pink herring,' diverting attention from clergy abuses and the role of the Church by scapegoating gay men. An analysis of this media coverage problematizes scholarly focus on gay visibility by outlining the continued disciplining of sexual identity."

Coldrey, Barry M. (No date). Reaping the Whirlwind: A Secret Report for the Executive of the Christian Brothers – Sexual Abuse from 1930 to 1994. Unpublished monograph.

Coldrey is a member of the Congregation of Christian Brothers, a Roman Catholic order, and a professional historian. Context is Australia. A confidential report to the head of the Christian Brothers. Extracts were read in the New South Wales, Australia, Supreme Court in December, 1994, during a case that was brought against the Christian Brothers. [See the description in Memorandum by VOICES, Appendix 7, First Report, Session 1997-98, Select Committee on Health, House of Commons, London, England. Accessed 12/09/12 at: <http://www.parliament.the-stationery-office.co.uk/pa/cm199798/cmselect/cmhealth/755/755ap12.htm>] [See this bibliography, this section, following entry.]

_____. (1998, July 8). Appendix 23. Letter from Dr Barry Coldrey to the Clerk of the Committee. Select Committee on Health First Report, House of Commons, The United Kingdom Parliament. [Retrieved 11/30/18 from:

<https://publications.parliament.uk/pa/cm199798/cmselect/cmhealth/755/755ap32.htm>]

Quotes excerpts from Coldrey's correspondence regarding Reaping the Whirlwind: A Secret Report for the Executive of the Christian Brothers – Sexual Abuse from 1930 to 1994, an unpublished monograph. [See this bibliography, this section, prior entry.]

Courtin, Judy. (2013, July 25). Sex crimes and the Catholic Church: Will a Parliamentary inquiry and a Royal Commission deliver justice to victims, survivors and their families? 24 pp. [Paper presented at the annual conference of the Castan Centre for Human Rights Law, "Human Rights 2013," Monash University, Clayton, Victoria, Australia, July 25, 2013.] [Accessed 11/24/15 in PDF at the World Wide web site of Monash University: http://www.monash.edu/__data/assets/pdf_file/0020/138161/courtin-paper.pdf]

Courtin is with the Faculty of Law, Monash University, Clayton, Victoria, Australia. "I have been asked to address whether the Victorian Inquiry into the Handling of Child Abuse by Religious and Other Organisations and the recently established national Royal Commission into child abuse will deliver justice to survivors of [Roman] Catholic clergy sex abuse and their families." Based on her research with "about 70 people from Victoria and [New South Wales]," which included primary victims/survivors, secondary victims (family members, partners, loved ones), legal professionals (solicitors, prosecutors, civil and criminal barristers, judges), and non-legal advocates. Briefly outlines "some of the inherent problems or concerns with the [Australian] criminal and civil options for victims." Among the criminal option concerns: an approximate 6% conviction rate in cases of child sexual assault that are reported to police, and a rate of 0.06% of all cases; the "'secondary legal trauma' of a victim going through a trial and cross examination"; evidentiary problems related to delays in disclosing the crime. Among the civil option concerns: statute of limitations that do not match time needed for disclosure of the crime; the lack of a Roman Catholic Church entity to sue, based on what is popularly known as the "'Ellis defence'"; a bishop or archbishop as the corporation sole, which exempts a successor from being "held liable for any of the wrongs of his predecessor" who is dead; the conservative approach in Australian law to the doctrine of vicarious liability, which "contrasts sharply with the recent advancements in the [United Kingdom] and Canada, where Catholic Archdioceses have been held vicariously liable for the sexual assaults on children by one of its priests." Identifies a number of problems with the Church's 2 complaint processes, the Melbourne Response, unique to the Melbourne Archdiocese, and Towards Healing process, which applies to the rest of Australian Catholics. States: "The

overall experiences of victims who have been through these processes are horrific and wrenching. It is to be noted, too, that the victims' evidence in this research is very firmly buttressed, or supported by, the evidence from the legal professionals, who... have represented about 2200 catholic [sic] clergy victims of sexual assault... More than half, 56%, of the primary victims associated with the secondary victims who were interviewed, had died by suicide or died prematurely in the years following catholic [sic] clergy child sexual assaults." Based on her research, describes 8 factors or criteria to which the Victorian Inquiry and the Royal Commission must attend "if justice is to be forthcoming." The factors are: 1.) accountability of the offender and the Church hierarchy; 2.) acknowledgement by the offender and by the Church of the crimes and their impacts; 3.) acknowledgement of secondary victims; 4.) apology, which consists of elements necessary for it to be meaningful – acknowledgment of the wrong done, accepting responsibility for the wrong that was done, expression of sincere regret or remorse, assurance that the wrong will not recur, reparation through concrete measures; 5.) financial compensation; 6.) the truth to be told, from both the viewpoint of the victim and of the hierarchy; 7.) counseling and healing for primary and secondary victims; 8.) prevention. Concludes by calling upon federal and state governments "to do what is really, their fundamental duty." Lacks references.

Daly, Kathleen. (2012). Reconceptualizing sexual victimization and justice. 20 pp. [Paper revised from plenary presentation at the 14th World Society of Victimology Symposium, The Hague, May, 2012.] [Retrieved 06/05/16 from the World Wide Web site of Griffith University: https://www.griffith.edu.au/__data/assets/pdf_file/0004/474898/Victimisation-and-justice-2012-FINAL-PRE-PRINT.pdf]

Daly is a professor, School of Criminology and Criminal Justice, Griffith University, Brisbane, Queensland, Australia. "This essay arises from two decades of researching and writing on victims' experiences in the aftermath of crime and their desires of justice. It reflects my interests to move across the fields of domestic and international criminal justice, to understand diverse contexts of sexual victimization, and to consider the ways in which context matters for justice, from a victim's perspective. I wish to broaden the meanings of 'justice' for victims by identifying a wide range of justice mechanisms, both in law and civil society, and to devise a robust method to assess and compare them. The Victimization and Justice Model presented here encapsulates these themes with three components: justice mechanisms, victimization contexts, and victims' justice needs (or interests)." A section discusses the political context for the attempt "to identify and compare justice mechanisms in responding to sexual victimization in diverse contexts of violence." She suggests steps to move beyond problems in the current context: 1. Debate and clarify justice goals. She notes the lack of "a common metric to assess and compare justice mechanisms," and advocates for pragmatic, rather than symbolic, justice. 2. Focus on early stages in the criminal justice process when victims initially disclose, suspects are initially interviewed, and investigations are conducted. 3. Do not rely on criminalization and penal strategies as ways to assist victims. 4. Lift the bans on sexual offense eligibility for informal justice mechanisms, which include conferences or mediation. 5. Identify a menu of options for victims, which include multiple pathways rather than a single pathway of formal criminal justice. Rejecting the "oppositional contrast of retributive and restorative justice" as dated and not allowing for "a more sophisticated understanding of justice practices," the next section describes her Victimization and Justice Model, which views justice mechanism as residing on a continuum from *conventional* to *innovative*. Describes *conventional* as the type of responses concerned with items like "improvements to evidence gathering, prosecution and trial, and supports for victims in legal contexts," among others. Describes *innovative* as not restricted to criminal justice proceedings, and could include "mediated meetings or conferences of victims and offenders; informal justice mechanisms; truth-telling or truth-seeking; reparations packages having material elements (compensation, other forms of assistance) and symbolic elements (apologies, days of remembrance, and memorials); and people's tribunals, documentary and street theatre, and other types of art and activist projects in civil society." Her focus for "theoretical and empirical tasks should be to determine the degree to which conventional and innovative justice mechanisms can address victims' justice needs or interests." Notes that the goal of "a solid and defensible theoretical and empirical literature" is impeded by the lack of criminology having a consistency of

key terms, specifically citing “reparation, restoration, restitution, retribution, and restorative justice.” Presents her *Sexual Violence and Justice Matrix*: Column 1 consists of types of contexts of offending-victimization (*individual, organizational, institutional, symbolically closed communities, and collective*); Column 2 is the context of a country at peace, and uses the categories of *relations, place, and problem* to describe the corresponding context in Column 1; Column 3 is the country context of a conflict, post-conflict, or post-authoritarian regime, and uses the categories of *relations, place, and problem* to describe the corresponding context in Column 1. E.g., the *organizational* context in Column 1 intersects with Column 2 to list “religious” and a “state official,” including “clergy,” as examples of the *relations* category; the *institutional* context in Column 1 intersects with Column 2 to list “religious” as an example of the *relations* categories, and among the list of *places* is “residential schools,” which would capture sexual abuse by clergy or religious-affiliated personnel as has occurred in religious-sponsored schools. In her explication of the *Matrix*, she cites her “research of 19 major cases of institutional physical and sexual abuse of children in Australia and Canada,” which included religious-affiliated institutions. She rejects the use of “satisfaction” as a key measure of victims’ experiences with a criminal justice proceedings or recovery from crime. This also rejects “therapeutic jurisprudence” because it “offers a limited range of options for victims.” Calling for “a radical reconceptualization,” she advocates for the construct of “justice needs (or interests).” Prefers “justice interests” over “justice needs” because the latter has a psychological connotation, while the former “connotes a victim’s standing as a citizen in a justice activity,” and is a better way to assess whether a particular justice mechanism has the capacity to address a victims’ interests in relation 5 elements: 1.) Participation. 2.) Voice. 3.) Validation. 4.) Vindication. 5.) Offender Accountability. The last paragraph is a concise summary of her major points. 12 endnotes; 61 references.

Dodgson, P., & Anderson, Dana. (2004). Integration of psychological testing and sexual interest assessment in clergy abusers. [Presented at the Association for the Treatment of Sexual Abusers, 23rd Annual Research and Treatment Conference, Albuquerque, New Mexico.]

_____. (2005). Assessing risk for sexual abuse and misconduct in clergy seminarians. [Presented at the Association for the Treatment of Sexual Abusers, 24th Annual Research and Treatment Conference, Salt Lake City, Utah.]

Doyle, Thomas P. (2008, July 13). The survival of the spirit while mired in the toxic wastes of the ecclesiastical swamp. 25 pp. Paper presented at the annual SNAP (Survivors Network of those Abused by Priests) conference, Chicago, Illinois. [Accessed 09/26/18 at the World Wide Web site of Catholica Australia: http://www.catholica.com.au/gc2/td/pdf/SurvivalOfTheSpirit_Doyle.pdf]

From the preface: “There are two dimensions of religious based trauma that directly impact the overall effects of clergy sexual abuse [particularly by Roman Catholic priests]: the emotional and mental conditioning of the victim, which directly influences susceptibility to abuse and, the same conditioning with the added element of a toxic spirituality which shapes the impact of abuse on the victim.” States that preventing “the lasting effects of trauma from clergy sexual abuse [CSA] involves more than awareness of the *modus operandi* of sexual predators in clergy clothing. It must also take into account the enabling aspect of religious conditioning that leads to a post-abuse feeling of alienation from God as well as society... Long term prevention probes deeply into the systemic factors that enable [CSA] and produce the unique traumatic effects of this abuse on the believing victims.” Notes that survivors of CSA “by Catholic clergy or religious have experienced spiritual trauma as well as emotional and psychological trauma. Draws upon 24 years of experience “of direct communication with victims of [CSA]” and his “own experience of along [sic], challenging and often painful struggle for spiritual survival.” Very briefly provides a socio-historical context for CSA of “children and other vulnerable persons by Catholic clerics,” beginning with the 4th century C. E. States: “The official voice of the Catholic Church has consistently framed [CSA] as a moral/volitional issue in keeping with its fundamental teaching on human sexuality... The fallacy of considering clergy abuse only in terms of sin is that it serves as an excuse to overlook the criminality of the act. It also serves as a distraction from the need for accountability on the part of the abuser as well as the ecclesiastical system that formed, enable and

in the end, covered for the abusive cleric.” Identifies “[t]he response of Church officials to sexual abuse victims and to the public” as an important contributing factor to “the traumatic effects unique to clergy abuse victims.” Describes Catholic victims of CSA as twice betrayed, by the cleric offender and by “the institutional Church [which] prepares victims for their spiritual trauma by its teaching about the nature of the priesthood... They have been taught that to doubt or question a cleric is to offend God and thus commit a sin.” Describes 4 sources for the pain of survivors’ trauma: the act of CSA, Church officials refusing to believe survivors who disclosed the abuse, Church officials’ negative responses to survivors, and the loss of support from the Church for survivors and their families. A section addresses how part of the spiritual trauma “is directly related to the belief system of the victims which is usually a mixture of authentic doctrine and irrational beliefs that are nourished by the Church itself.” These include beliefs about: the nature of God, the nature of the Church, the doctrine of forgiveness, and the identity of the Catholic priest. States that these combined, with a priest’s power over his victims, “contribute to the creation of a toxic bond between victim and perpetrator, commonly known as a *trauma bond*.” [italics in original] Concludes that traditional Catholic spirituality “is essentially a dependent spirituality” in which “[laity] occupy the passive role with clerics as the actors.” A section identifies symptoms of spiritual trauma, which include: “...the radical change in feelings towards priests,” loss of capacity “to participate in the sacramental liturgies and other familiar rituals” which leaves a void due to spiritual loss, despair from loss of God, toxic guilt and immobilizing fear, loss of spiritual security due to “radical disillusionment” with the Church and “the concept of a loving God,” and emotional effects. A section on healing the spiritual trauma identifies as the “immediate concern” that of the survivor’s concept of a priest. States: “De-mythologizing the concept of the priest necessarily leads to a re-imaging of the notion of God.” The next step “is separating the visible, institutional Church from” the re-imagined concept of God or a Higher Power. Following topics include: responding to the loss of religion, affirming the Church’s responsibility for a pre-conditioning “that is related not only to the grooming for the abuse itself but also for their subsequent guilt and shame in responding to the violation of their bodies and souls,” and finding an authentic spirituality. 44 endnotes.

Farrell, Derek, & Taylor, Maye. (1997, July). Working with survivors of clergy sexual abuse and the utilisation of EMDR as a specific treatment modality. [Paper presented at the Annual Conference of the EMDR International Association, San Francisco, California.]

_____. (1998, July). Working with survivors of clergy sexual abuse and the utilisation of EMDR as a specific treatment modality and the significance of cognitive interweave. [Paper presented at the Annual Conference of the EMDR International Association, Baltimore, Maryland.]

_____. (1999). Idiosyncratic trauma characteristics experienced by survivors of sexual abuse by clergy. [Presented at the 6th European Congress of Psychology, Rome, Italy.]

_____. (2000, July 24). Sexual abuse by clergy and why it is different – A review of survivors experiences. [Presented at the 27th International Congress of Psychology, Stockholm, Sweden.]

From the abstract: “Sexual abuse by Clergy appears to create unique trauma characteristics, where distinctions exist between this and other types of perpetrated sexual abuse. Such traumatic experiences have the potential to shatter survivor’s religious beliefs in a variety of ways, creating significant theological, spiritual and existential conflict. This paper is based upon a research programme examining the long-term characteristics of this type of abuse in relation to PTSD, highlighting ways in which Church establishments themselves have the potential to further traumatize and compound survivors traumatic symptoms.” Abstract published: (2000).

International Journal of Psychology, 35(3/4, June/August):45.

Fortune, Marie M. (1996, September 21). Trouble for the shepherds: Ezekiel 34. [Presented at a workshop, Boundary Issues and Violations in the Clergy, sponsored by The Menninger Clinic, Topeka, Kansas.]

Fox, Karen L. (1994, January). Hearing the voice of survivors of sexual misconduct. [Paper presented at a symposium, Rabbi's Sexual Misconduct: Collegial Response and Methodology of Teshuvah [Repentance] and Communal Healing, of the Pacific Association of Reform Rabbis.]

Frawley-O'Dea, Mary Gail. (2004). When sexual abuse survivors sue: Clinical implications. [Presented at the annual meeting of the Law & Society Association, Chicago, Illinois.] [Abstract retrieved 09/05/09 on the World Wide Web from All Academic, Inc.:

http://www.allacademic.com/meta/p_mla_apa_research_citation/1/1/7/3/0/p117306_index.html]

Abstract: "This paper presents psychological perspectives on the impact of sexual abuse survivor lawsuits. Using the contemporary sexual abuse scandal in the Catholic Church as an example, the clinical implications of litigation for survivors, abusers, abuse enablers, and the wider society are examined. Since the Catholic sexual abuse crisis was made public in early 2002, thousands of survivors of clergy sexual abuse initiated lawsuits against their abusers and other Church officials believed to have turned blind eyes to sexual abuse by priests. It is indisputable that these lawsuits have been one crucial (if not the most crucial) factor in forcing the institutional Church to confront sexual abuse by its clergy. In addition, the media attention surrounding this litigation has helped to raise society's consciousness about the devastating consequences of the sexual violation of minors. Some survivors have found a voice and a sense of personal empowerment by taking action against those that harmed them. They also have obtained funds which, if used wisely, can enhance the quality, creativity, and productivity of lives derailed years ago by sexual and relational betrayal. At the same time that litigation against the Church has had a powerfully positive impact, it also raises equally powerful psychological impediments to the growth and healing of survivors, the internalization of shame by abusers, the acceptance of full responsibility and the need for change by the institution, and the willingness of the wider society to remain engaged with and empathic towards the reality and wide ranging sequelae of the sexual violation of minors. The rest of this paper discusses more completely the psychological ramifications of litigation by adult sexual abuse survivors. "Case" material – clinical work with survivors, discussions with Church representatives and citizens not directly involved in the scandal – are used to support the theoretical points made."

_____. (2011, August). Soul murder: The spiritual sequelae of clergy sexual abuse with a focus on Roman Catholicism and Orthodox Judaism. [Paper presented at a symposium, Clergy Sexual Abuse – Advances in Prevention, Recovery, and Treatment of Survivors, at the 119th annual convention of the American Psychological Association, Washington, D.C. An 11:05 audiofile is on the World Wide Web site of the American Psychological Association, retrieved 04/08/13:

http://www.apatraumadivision.org/program/2011_clergy/frawley-odea_audio.mp3]

Gabbard, Glen O. (1996, September 20). Psychodynamic understanding of boundary violations in the clergy. [Presented at a workshop, Boundary Issues and Violations in the Clergy, sponsored by The Menninger Clinic, Topeka, Kansas.]

Gaboury, Dennis A. (1993). Child sexual abuse in the Roman Catholic Church: The victim's perspective. [Unpublished manuscript.]

Garland, Diana R. (2009, November 9). Social workers as change agents in religious communities: Researching clergy sexual misconduct with adults. [Paper presented at the 55th annual meeting of the Council on Social Work Education, San Antonio, Texas.]

Ganzevoort, R. Ruud. (2003, January 21). Violence within the church. [Paper for the 2nd International NOSTER (Netherlands School for Advanced Studies in Theology and Religion) Conference, Soesterberg, Utrecht, The Netherlands. Presented at the 15th International School of Theology, New Brunswick Theological Seminary, Doorn, Utrecht, The Netherlands. (2004, June 30).] [Accessed 09/27/19: http://www.ruudganzevoort.nl/pdf/2003_Violence.pdf]

Ganzevoort is an associate professor of practical theology, Theological University Kampen, Kampen, The Netherlands. Using the construct of *religious violence* from scholar René N. Girard's application of his mimetic theory in Violence and the Sacred (1997 English translation of the 1972 original, *La Violence et la sacré*), he explores Protestant "congregations' responses to violence in their midst" by using "the case of sexual violence in a Christian congregation." Uses Larry Kent Graham's Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling (1992) to identify briefly the sequence of 4 stages of a congregation's response. E.g., notes that upon disclosure, "The claimed victim may become the scapegoat of the community, or the alleged perpetrator may become the object of an unbearable witch-hunt. Many voices express the wish to return to the state of innocence or ignorance, back to the silence before the storm." States: "...we need to note that the four stages reflect a spiral of violence and counter-violence." The next section challenges the "prevailing view of violence [as] that it is an unexpected intrusion into the church... [and] not something inherent in the congregation, the Christian tradition, or the Bible, but alien." The next section "challenge[s] the idyllic concept of the religious congregation by discussing the way churches deal with 'the stranger.'" States: "Both victim and perpetrator of my earlier example can also become the stranger in a community, which is evident from expressions like scapegoat or witch-hunt. Such terms indicate that a person is expelled from the community." The final section is his "claim that the struggle against violence demands the awareness that violence is an essential feature of the congregation, that is: of our religion and of ourselves." 10 footnotes.

Gedge, Karin Erdevig. (1995, January 6). Keeping silence: Women and clerical sexual misconduct in nineteenth-century trial pamphlets. 17 pp. [Microfiche]. Micropublished by Theological Research Exchange, P.O. Box 30183, Portland, OR, 97294. [A paper presented at the American Society of Church History, 15th Annual Meeting, Chicago, Illinois.]

[Based on first-hand examination of the microfiche document.] Gedge is with the Department of History, Quinnipiac College, Hamden, Connecticut. Examines 19th century secular trials involving clergy sexual misconduct as reported in 24 trial pamphlets, a popular 19th century literary form that combined the didactic colonial execution sermon and a titillating, sensational exposé. Concludes that "most women were denied vindication and most clergymen, while not altogether exonerated, nonetheless escaped with their reputations only slightly tarnished and their pastoral careers only temporarily interrupted." [The parallels to late 20th century ecclesiastical cases are fascinating.]

Geoly, J. (1999). Cleric sexual misconduct: Legal liability and church responses. [Presented at the Association for the Treatment of Sexual Abusers, 18th Annual Meeting, Lake Buena Vista, Florida, September 22-25, 1999.]

Gilligan, Philip. (2014, April 10). Rhetoric, review and *recognitio*: Exploring the failure of the Catholic Church in England and Wales to satisfy survivors of sexual abuse by clergy. Paper presented at the workshop, Sexual Abuse in the Church and Other Institutional Settings. Oñati, Spain. [Received 09/09/18 from the author, personal correspondence.]

Gilligan is a visiting research fellow, Department of Social Work and Social Care, University of Bradford, West Yorkshire, England. He examines the Roman Catholic Church in England and Wales in regard to its hierarchy's "response to cases where its clerics have perpetrated sexual abuse against children." Draws upon publications, research, his advocacy efforts, and informal networking with survivor groups, among others. Starts from the findings and recommendations of what is popularly known as the Nolan Report – Independent Review on Child Protection in the Catholic Church in England and Wales. (2001). A Programme for Action: Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales. London, England: Catholic Bishops' Conference of England and Wales. – and what is popularly known as the Cumberlege Report – The Cumberlege Commission. (2007). Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church: The Cumberlege Commission Report. London, England: Incorporated Catholic Truth Society. He contrasts the positive public endorsement of the progress made by the Bishops Conference of England and

Wales (BCEW) to implement changes with criticisms of the “real outcomes” of BCEW’s actions and inactions, including the Catholic Office for the Protection of Children and Vulnerable Adults, the Catholic Safeguarding Advisory Service, and the National Catholic Safeguarding Commission. Provides case examples of priests in the dioceses of Salford, Arundel and Brighton, and Cardiff. Considers data regarding the laicization of priests convicted of criminal offenses against children in England and Wales, 1995-2012. Describes survivors’ perspectives regarding the responses of the Church in England and Wales. Characterizes the current position of the Church “as one in which:

- What was recommended by Nolan and accepted by the bishops in 2001 has not yet been fully implemented;
- What was recommended by Cumberlege and accepted by the bishops in 2001 has not yet been fully implemented;
- National procedures appear to differ in detail from those that might have been expected if the Nolan recommendations were being followed;
- Bishops remain free to act in these matters as they choose; limited only by their accountability to the Holy See, pressure from public opinion and the dictates of their conscience;
- Survivors remain extremely dissatisfied with the response of the Church in England and Wales.” 71 references.

Green, Jack. (1999). Unique aspects of cognitive behavioral treatment. [Presented at the Association for the Treatment of Sexual Abusers, 18th Annual Meeting, Lake Buena Vista, Florida, September 22-25, 1999.]

Green is with the Isaac Ray Center, Rush-Presbyterian-St. Luke’s Medical Center, Chicago, Illinois. Includes a description of cognitive behavioral treatment of clergy sexual offenders at the Center’s Sexual Behaviors outpatient clinic.

Haggett, Louise. (1999). Is a sexual abusing Roman Catholic priest a pedophile? The case for ephebophilia. [Paper presented at the Society for the Scientific Study of Religion and Religious Research Association Conference, Boston, Massachusetts, November 5-7.]

_____. (2000). Is a sexual abusing Roman Catholic priest a pedophile? The case for ephebophilia. [Paper presented at the 70th Annual Meeting of the Eastern Sociological Society, Baltimore, Maryland, March 2-5.]

Hanson, Karl, Kafka, Martin P., & Marshall, W. (2003). Confronting clergy sexual abuse: Consulting at the Vatican. [Plenary presentation, 22nd Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, New Orleans, Louisiana, October 8-11, 2003.]

Hardy, Daniel W., Haywood, Thomas W., Kravitz, Howard M., Grossman, Linda S., & Wasyliv, Orest E. (1993, October 22). Clerical misconduct with minors: Psychosocial issues. [Abstract published in *Scientific Proceedings* of the 24th Annual Meeting of the American Academy of Psychiatry and the Law, San Antonio, Texas.]

Hart, Curtis. (1995, February 18). Teaching and learning about boundary violations, sexual misconduct. [Presented at a teleconference sponsored by Telemedicine, 90 Gerrard St., W., Toronto, Canada.]

According to the WorldCat academic database, subjects include “sexual misconduct by clergy.”

Haywood, Thomas W., Grossman, Linda S., Wasyliv, Orest E., & Kravitz, Howard M. (1993, August). Sexual functioning in cleric alleged child molesters: A comparative study. [Presented at the 101st Annual Convention of the American Psychological Association, Toronto, Canada.]

Haywood, Thomas W., Cavanaugh, James L., Hardy, Daniel W., & Kravitz, Howard. (1994). Cleric misconduct with minors: Minimization and self-reported sexual functioning. [Presented at the annual conference of the Association for the Treatment of Sexual Abusers, San Francisco, California.]

Haywood, Thomas W., Kravitz, Howard M., Wasyliw, Orest E., & Wilson, R. L. (1994, August 14). Clerical sexual misconduct and distortion in self-reported sexual functioning. [Presented at the 102nd Annual Convention of the American Psychological Association, Los Angeles, California.]

Haywood, Thomas W., Liles, S., Kravitz, Howard M., & Wasyliw, Orest E. (1998, October). Minimization and cognitive distortion in cleric and noncleric alleged child molesters. [Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Annual Meeting, Vancouver, British Columbia, Canada.]

Irons, Richard. (1996, September 20). Behaviorally disruptive clergy. [Presented at a workshop, Boundary Issues and Violations in the Clergy, sponsored by The Menninger Clinic, Topeka, Kansas.]

Irons, Richard. (1996, September 21). Re-entry issues for the boundary violator. [Presented at a workshop, Boundary Issues and Violations in the Clergy, sponsored by The Menninger Clinic, Topeka, Kansas.]

Isely, Paul J. (1996, November 8). The Catholic Church and child sexual abuse: An historical and contemporary examination. [Presented at the 1st International SNAP Conference, Washington, D.C.]

Jankowski, Stacie. (2008). Scandal is a sin: How Church and victims framed the Boston Catholic priest abuse scandal. [Paper presented at the annual meeting of the Association for Education in Journalism and Mass Communication, Chicago, Illinois.] [Abstract retrieved 09/04/09 from All Academic, Inc.: http://www.allacademic.com/meta/p_mla_apa_research_citation/2/7/2/5/3/p272535_index.html]

Abstract: "This study examined the framing of causes and solutions by the Catholic Church and abuse victims during the Catholic priest abuse scandal in the Boston Archdiocese from 2001-2003. A random sample of news articles from The Boston Globe and the Boston Herald was analyzed according to source, frame, valence, and thematic or episodic mentions. The analyzed stories were then compared both within the newspaper and between the newspapers."

Jones, Ruth. (2004). The extra-judicial resolution of child abuse. [Presented at the annual meeting of The Law and Society Association, Chicago, Illinois, May, 2004.]

Abstract: "In the context of sexual abuse in the Catholic Church, Ruth Jones explores the extra-judicial resolution of sex crimes against children. In the current sexual abuse scandal, the church hierarchy primarily received allegations of abuse from parents and adult survivors. In her presentation, Jones will analyze the normative response of parents and adult survivors to seek resolution of child abuse cases outside of the secular agencies charged with investigating sex crimes against children. In examining why parents and victims initially turned to the church, Jones will contrast criminal justice punishment objectives with the religious goal of redemption to identify how and when other intuitions can assist victims of abuse."

Joregenson, Linda M. (1996, September 20). Legal ramifications of clergy boundary violations. [Presented at a workshop, Boundary Issues and Violations in the Clergy, sponsored by The Menninger Clinic, Topeka, Kansas.]

Kantor, Viktoria, Weindl, Dina, Knefel, Matthias, Moy, Yvonne, Butollo, Asisa, Jagsch, Reinhold & Lueger-Schuster, Brigitte. (2013). "What if ..." — survivors personal views on the impact of institutional abuse in Catholic Church in later life). [Oral poster presentation at the 13th European Conference on Traumatic Stress, sponsored by the European Society for Traumatic Stress Studies, Bologna, Italy, June 8, 2013.]

Kantor is with the Clinical Unit, Institute of Applied Psychology, University of Vienna, Vienna, Austria. The others are with the Faculty of Psychology, Unit of Clinical Psychology, University of Vienna, Vienna, Austria. "Background: In 2010, numerous adult survivors of institutional abuse (IA) committed by members of the Austrian Catholic Church disclosed their experiences to

a specifically established victim protection commission. In cooperation with this commission a research project at the University of Vienna assessed the survivors with standardized questionnaires. Although these instruments provided interesting results, a deeper insight into the very personal consequences of IA was needed because previous research paid no attention to these issues. The primary aim of this study was to understand survivors' perceptions of the effects of IA on their later life. Qualitative research based on phenomenography was carried out to explore survivors' explanatory approach toward their experiences. *Method:* Specially trained clinical psychologists conducted 47 semi structured in-depth interviews with 39 male and 8 female survivors of IA (Age M=58.66, range: 38–80). All interviews were tape-recorded and transliterated verbatim. For in-depth analysis, quantitative content analysis (Mayring, 2010) was used. The main interview features were: (1) personality before/after the IA; (2) “what if” the IA had not had happened; (3) feelings of shame and guilt; (4) breaks in life according to IA. *Results:* All participants experienced physical, emotional, and/or sexual violence by members of the Catholic Church. Almost all participants described personality changes related to the IA. They also reported small to large consequences of the IA on their lives' path (e.g., effects on interpersonal relationships, career, etc.). Feelings of shame and guilt were especially prevalent in cases of sexual violence. *Conclusion:* These constructs resulting from the analysis of narratives are discussed in the light of recent findings. Our results contribute to a better understanding of the effects of IA and have important implications for psychotherapy and clinical work.”

Karlin-Neumann, Patricia. (1994, January). Dealing with rabbis who have committed acts of sexual misconduct. [Paper presented at a symposium, Rabbi's Sexual Misconduct: Collegial Response and Methodology of Teshuvah (Repentance) and Communal Healing, of the Pacific Association of Reform Rabbis.]

Kelly, J., Cavanaugh, James L., Liles, S., Serritella, J., & Goedert, R. (1991). Clergy and sexual misconduct: Clinical, legal, and divine intervention. [Abstract published in *Scientific Proceedings* of the 22nd Annual Meeting of the American Academy of Psychiatry and the Law, Lake Buena Vista, Florida, October 17-20, 1991.]

Knefel, Matthias, Kantor, Viktoria, Weindl, Dina, Butollo, Aaisa, Jagsch, Reinhold, Moy, Yvonne, & Lueger-Schuster, Brigitte (2013). Perspectives on overlapping psychopathological symptoms and PTSD diagnosis in a sample of adult survivors of institutional abuse: A comparison of DSM-IV versus DSM-5 criteria. [Oral poster presentation at the 13th European Conference on Traumatic Stress, sponsored by the European Society for Traumatic Stress Studies, Bologna, Italy, June 8, 2013.]

All are with Department of Clinical Psychology, Faculty of Psychology, University of Vienna, Vienna, Austria. “*Background:* Institutional abuse (IA) has very severe consequences in terms of psychopathological symptoms for adult survivors. Not only PTSD but many other psychological disorders have been observed in studies of those adults who lived in an institution and experienced various forms of abuse (sexual, physical, emotional). Questions of interest in this context are: Is PTSD an adequate measure to describe the existing underlying psychopathology? Which psychopathological symptoms are else present and in how far do they overlap? Are different people diagnosed with PTSD using the new DSM-5 criteria compared to DSM-IV criteria? *Method:* 184 adult survivors of IA committed by members of the Austrian Catholic Church filled in self-report questionnaires: The PTSD Checklist—Civilian Version (PCL-C), the Brief Symptom Inventory (BSI), and the Coping Inventory for Stressful Situations (CISS), among others. New DSM-5 criteria were operationalized via single BSI and CISS items that covered diagnosis relevant symptoms. *Results:* In our sample, 89 persons (48.4%) fulfilled the DSM-IV criteria for PTSD. All of them also reported other psychopathological symptoms (BSI) such as anxiety and depression. 84.9% of all 184 persons showed clinical relevant symptoms on at least one out of ten symptom dimensions (nine BSI subscales and PTSD). Using DSM-5 criteria (B-E), prevalence dropped to 40.2% (74 persons). 16 persons did not fulfil PTSD criteria any longer; only one person fulfilled DSM-5 criteria without fulfilling DSM-IV criteria. All of those 16 persons scored positive on at least one BSI scale, indicating other psychological problems. *Conclusion:* These findings allow a very comprehensive view at psychopathology following IA.”

PTSD does not seem to be a sufficient diagnosis for psychopathology of survivors of IA. DSM-5's PTSD criteria are narrower and diagnose fewer people with PTSD than DSM-IV. Clinical implications are being discussed."

Konrad, U. (2013). Victim protection in Austria—an overview of the work of the Independent Victims Protection Commission (UOK). [Oral poster presentation at the 13th European Conference on Traumatic Stress, sponsored by the European Society for Traumatic Stress Studies, Bologna, Italy, June 8, 2013.]

Konrad is with the Independent Victims Protection Commission, Austria. "In 2010 the 'Independent Victims Protection Commission (UOK)' was established after reports of violence and sexual abuse in institutions of the [Roman] Catholic Church against children shocked the public. In this presentation, I will report on the structure and tasks of the UOK. The main objective of the UOK is to collect and administer reports of these cases ("clearing"). It provides legal and psychological support for the survivors. Other important tasks are the active and preventive protection of victims accompanied by campaigns to raise awareness and inform the public. The UOK is formed by professionals from different fields (law, psychiatry and psychology, education, and media) and is led by the former governor of Styria. In total, the UOK registered and archived 1,439 allegations and was able to process 1,221 allegations. From 2010 until the end of December 2012, the UOK completed 904 cases. Survivors contacted the UOK from all Austrian regions. The UOK developed guidelines for compensation: after the first assessment interview at the UOK, the clearing phase is initiated with up to 10 hours of interviews and supportive counseling with a psychologist. The victims are able to choose freely the psychologist they want to work with. More than 100 psychologists, specialized in trauma psychology, work with the UOK. Furthermore, there are also lawyers available to the survivors for legal advice and procuration. After the clearing phase, the survivors are offered further psychological treatment paid by the Catholic Church. Also financial compensation between 5,000 and 25,000 Euros are given. Since 2010, more than 23,500 hours of psychological treatment have been provided and more than 8 million Euros have been paid to the survivors. The guidelines and the procedure of case-management as well as the individual process management will be presented. Recommendations for further commission work will be discussed."

Laaser, Mark. (1990, May 20). Pastoral sexual abuse and working with clergy. [Paper presented at National Conference on Sexual Compulsivity/Addiction, Minneapolis, Minnesota, 1990.]

Lawson, Martin S. (1994, January). Duty of rabbi to disclose knowledge of sexual misconduct of a colleague. [Paper presented at a symposium, Rabbi's Sexual Misconduct: Collegial Response and Methodology of Teshuvah (Repentance) and Communal Healing, of the Pacific Association of Reform Rabbis.]

Liberty, Patricia L. (1995). Reconnecting spirituality. [Presented at the Annual Conference of The Linkup, Chicago, Illinois, September 1-4, 1995.]

[Based on first-hand examination of a copy of the manuscript.] Liberty is a Baptist minister and is with Associates in Education and Prevention in Pastoral Practice, P.O. Box 63, 44 Main St., North Kingstown, Rhode Island, 02852. Outlines an approach to healing one's spirituality following harm from clergy sexual abuse. Topical sequence includes: differentiating between spirituality and religion; assessing spiritual woundedness; grief as part of the healing process; reshaping and reclaiming images of God; creating healing rituals. Includes 2 guided exercises. Based on her work with survivors. [Important as 1 of the few resources that focuses exclusively on the spiritual harm of clergy sexual abuse.]

Littler, Craig R., & Randall, Julian. (2007, May). Organizational control and the Catholic Church: A case study. 189 pp. [Discussion paper #2007-21. University of Aberdeen Business School, Aberdeen, Scotland.] [Retrieved 02/10/08 from the World Wide Web:
<http://auraserv.abdn.ac.uk:9080/aurabistream/2164/144/1/ISSN+0143-07-21.pdf>]

Littler is with the University of St Andrews, St Andrews, Scotland. Randall is with the University of Aberdeen, Aberdeen, Scotland. "This paper presents an analysis of the problem of child-abusing priests in the [Roman] Catholic Church using data from the USA, UK and Ireland. The apparent scale of this issue raises crucial theoretical as well as policy issues. This paper explores various organizational explanations, linking it to traditional methods of 'confessional control' of organizational members." Notes others' alternate explanations of the problem: inadequate or incompetent recruitment, mismanagement of presented problems, permissive society, and homosexual priests. "This paper seeks to extend theory [about organizational structures and organization control] by introducing the notion of 'confessional control' and suggesting that this is crucial to understanding." Notes the limited academic literature on church organization "is marked by an almost complete absence of study of internal processes or the processes of church management," a gap addressed by the paper. Their methodology relied on multiple types of sources for a database of nearly 4,000 Catholic priests. Presents a subsample of 100 cases from 3 countries in which priests "have been apprehended... and charged with offences of abuse against minors." States: "The preliminary data suggest that deviant behaviour by priests was handled by a recycling method... [This method] shows as a trend at least across three countries and twelve dioceses. It formed part of the praxis or policy of the Church." Sketches the historical development of the Church as an organization. Describes employment relationships in the Church as "marked by the notion of vassalage" between the priest and his bishop, a legal-rational framework "reinforced with the ultimate sanction of divine representation..." Very briefly identifies sections of the Church's canon law regarding procedures for bishops regarding deviant employees. Identifies the priest's confessional relationship with the bishop as setting up reciprocities based on indebtedness of the priest, a bishop's control based on knowledge and concealment, and trust. Discusses the concept of confession as "central to understanding the nature of the relevant organizational processes." Presents a typology of the confession with and without absolution. Concludes: "The priority [in the context of a priest's confession of offenses, including sexual ones] was given to maintenance of hierarchy and continued social inclusion within a permanent employment process. The process of recycling priests was part of a long-persisting pattern applied to child abuse cases." Critiques the processes of confessional control as dysfunctional "from the perspective of the wider community leading to organization-society conflicts " and due to a culture of secrecy that paradoxically "both generates control and leads to lack of control. ...[It] could even be said to play into the hands of serial offenders..." Calls for further research. 80+ references.

Litvinoff, Laura, Perilo, Anthony, & Mercado, Cynthia. (2009). Cross-group comparisons: Sexual abuse, professional misconduct and boundary violations in the church. [Paper presented at the American Society of Criminology annual meeting.]

Abstract: "An expansion of the John Jay College (2004, 2006) examination of the prevalence and incidence of [Roman Catholic] clergy sexual abuse, the current study examines whether there are distinct patterns of sexual misconduct that distinguish clergy who perpetrate abusive acts against children from those who engage in other forms of professional sexual misconduct and from those who have not engaged in any form of sexual perpetration or misconduct (John Jay College, 2004; 2006). Preliminary demographic and clinical data on clergy (N=52) have recently been collected from one of the designated collection sites. Various types of information were collected from clergy members from each referral category. Included in all clergy files are assessment documents pertaining to sexual, psychological, and interpersonal functioning. Our analyses will compare clergy who have been referred for allegations of child sexual abuse and those who have been referred for allegations of other types of boundary violations (sexual and non-sexual). With these pilot comparisons, we hope to shed some additional light on the problems of sexual abuse and misconduct in the Catholic Church and contribute to the further development and testing of a screening instrument to be used in the Church."

Lueger-Schuster, Brigitte, Weindl, Dina, Kantor, Viktoria, Jagsch, Reinhold, Moy, Yvonne, Butollo, Asisa, & Knefel, Matthias (2013.) Survivors of institutional abuse committed by the Austrian Catholic Church—a study on the posttraumatic outcome and prevalence of abusive acts. [Oral poster presentation

at the 13th European Conference on Traumatic Stress, sponsored by the European Society for Traumatic Stress Studies, Bologna, Italy, June 8, 2013.]

Lueger-Schuster is with the "Clinical Unit, Institute of Applied Psychology, University of Vienna, Vienna, Austria. The others are with "Faculty of Psychology, Unit of Clinical Psychology, University of Vienna, Vienna, Austria." *Background:* Since the 1990s, Austrian survivors of institutional abuse (IA) have been demanding acknowledgment and criminal investigations. In April 2010, an Independent Survivors' Protection Commission was established to redress and support the survivors. This study analyzed the data of 450 survivors of IA, who disclosed to the commission. *Objectives and Methods:* The prevalence of IA committed by clerical professional workers and the abuse-related disorders were analyzed. Different kinds of data collection were used. Four-hundred fifty (age $M=55$ years, range 25–80) survivors gave written informed consent to scientifically analyze their clearing documents. These documents comprised written reports (passive participation), including psychological assessment given by mental health professionals. Of these 450 survivors, 185 completed self-report questionnaires (BSI, PCL-C, and instruments measuring resilience). *Results:* We present results from the analysis of the clearing documents and the questionnaire data. IA was experienced with an average age of 10 years. 75% of the sample was men. From the 185 who filled in the questionnaires almost 50% suffered from PTSD. 82% of the 185 reported intrusions and 71.6% reported a clinical relevant psychopathological symptom distress. More boys than girls suffered from childhood sexual abuse, whereas girls were more exposed to acts of violence. However, the prevalence of PTSD is higher in the females. Those with less PTSD symptoms were more optimistic and resilient. No differences were found in demographic factors and the numbers and types of exposure. *Conclusion:* IA always leaves a mark on the survivors. The results shed light on the complex dynamics of IA and its consequences on psychopathological outcome. Further research on the complex relationship of IA and its psychological consequences is needed to enhance the development of specialized treatments."

Lytton, T. D. (2006, July 6). Tort claims, framing, and agenda access: The case of clergy sexual abuse litigation. [Presented at the annual meeting of The Law and Society Association.] [Abstract retrieved 09/01/09 from All Academic, Inc.:

http://www.allacademic.com/meta/p_mla_apa_research_citation/0/9/5/1/1/p95115_index.html]

Abstract: "By all accounts, the prevalence of clergy sexual abuse and its cover-up by church officials represents a massive institutional failure. Obscured by all of this attention to the church's failure is the largely untold story of the tort system's remarkable success in bringing the scandal to light in the first place, focusing attention on the need for institutional reform, and spurring church leaders and public officials into action. Tort litigation framed the problem of clergy sexual abuse as one of institutional failure, and it placed that problem on the policy agendas of the public, the Catholic Church, law enforcement, and state governments. This paper examines these framing and agenda-setting effects of clergy sexual abuse litigation. It argues that private lawsuits can have a powerful and beneficial effect on public policy."

Marshall, William L., Hanson, R. Karl, & Kafka, Martin P. (2003, October). Cofronting clergy abuse: Consulting at the Vatican. [Plenary presentation at the 22nd Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, St. Louis, Missouri.]

Marx, Jeffrey A. (1994, January). Healing the congregation in the aftermath of clergy sexual misconduct. [Paper presented at a symposium, Rabbi's Sexual Misconduct: Collegial Response and Methodology of Teshuvah (Repentance) and Communal Healing, of the Pacific Association of Reform Rabbis.]

McAlister, Laura Preede. (1994, October 11). Calling the church to purity: A study of church discipline. 19 pp. [Microfiche]. Micropublished by Theological Research Exchange, P.O. Box 30183, Portland, OR, 97294. [Paper presented at the Northeast regional meeting of the Evangelical Theological Society.]

[Based on first-hand examination of the microfiche.] McAlister is not identified. Essay suggests that lack of inaction by the evangelical church to discipline clergy for sexual misconduct is due to

lack of understanding and courage. Assigns responsibility to seminaries and denominations to do preventive education; also assigns responsibility for acting out to unrealistic demands on and expectations of clergy, and to women who pursue clergy as desirable targets. Briefly mentions practical techniques of prevention. Concludes with a call to clergy to develop moral character and a strong personal relationship to God to prevent them from yielding to temptation. Draws her arguments solely from published sources. References.

McGlone, Gerard J., & Viglione, D. J. (2002, September). Dependency and narcissism among sexually offending and non-offending Roman Catholic clergy. [Paper presented at the 17th International Congress on the Rorschach and Other Projective Methods, Rome, Italy.]

_____. (2002, September). Latest Rorschach assessment findings between sexually offending and non-offending Roman Catholic clergy. [Symposium presentation at the 17th International Congress on the Rorschach and Other Projective Methods, Rome, Italy.]

_____. (2003). A new norm? Rorschach assessment of Roman Catholic clergy. [Paper presented at the annual conference of the Society for Personality Assessment, San Francisco, California.]

McGlone, Gerard J., et al. (2002, October). Latest assessment findings on sexually offending and non-offending Roman Catholic clergy. [Presented at the 21st Annual Conference of the Association for the Treatment of Sexual Abusers, Montreal, Quebec, Canada.]

The sample consisted "of 158 [Roman Catholic] priests treated at Saint Luke Institute [in Maryland]." Source: Rossetti, Stephen J. (2012). "Learning from Our Mistakes: Responding Effectively to Child Sexual Abusers." Chapter 3 in Scicluna, Charles J., Zollner, Hans, & Ayotte, David John. (Eds.). Toward Healing and Renewal: The 2012 Symposium on the Sexual Abuse of Minors Held at the Pontifical Gregorian University. New York, NY: Paulist Press, pp. 45-46.

Mercado, C. C., Tallon, Jennifer A., & Terry, Karen J. (2009). Serial clergy abusers: Characteristics and patterns of priests with multiple allegations of sexual abuse. [Presented at the annual meeting of the American Psychology – Law Society, Jacksonville, Florida.] [Abstract retrieved 09/01/09 from All Academic, Inc.:

http://www.allacademic.com/meta/p_mla_apa_research_citation/2/2/9/3/7/p229372_index.html]

Abstract: "This talk will compare and examine priests having only one allegation of sexual abuse with those having a moderate (2-3), high (4-9), or exceptionally high (10+) number of allegations. Of the total (N = 3,674) clerics in this sample, findings revealed that the 3.7% (n = 137) who had ten or more victims accounted for a disproportionate 24.8% of the abuse. Those priests who abused the most victims began perpetrating offenses at an earlier age and were more likely to have male victims than those who abused fewer victims. The heterogeneity of clergy offending patterns will be discussed."

Metcalfe, Franz. (1997, November 7). We think your behavior is harming the Buddhardharma, a Zen intervention. [Paper presented at the annual meeting of the Society for the Scientific Study of Religion and the Religious Research Association, San Diego, California.]

Montana, Steve, & Thompson, Gary. (2002). Clergy sex offenders: Psychological profiles and a comparison between post-treatment non-relapsers and relapsers. [Presented at the Association for the Treatment of Sexual Abusers, 21st Annual Conference, Montreal, Quebec, Canada.]

Montana, Steve, & Thompson, Gary. (2005, November). Risk assessment for priest sex offenders: Developing a risk assessment tool to measure relapse risk. [Paper presented at the annual research and treatment conference of the Association for the Treatment of Sexual Abusers, Salt Lake City, Utah.]

Nason-Clark, Nancy. (1991, November 9). Broken trust: The case of Roman Catholic priests in Newfoundland charged with the sexual abuse of children. [Presented at the annual meeting of the Society for the Scientific Study of Religion and the Religious Research Association, Pittsburgh, Pennsylvania.] [Accessed 10/26/12 at the World Wide Web: <http://rra.hartsem.edu/sssr/SSSR/PROGRAMS/91.html>]

Omerod, Neil. (1996). 'A little breathless and a little late.': Catholic policy on sexual abuse. [Presented at the 1st Australian and New Zealand Conference on Sexual Exploitation by Health Professionals, Psychotherapists and Clergy, University of Sydney, Australia, April 12-14, 1996.]

Orsi, Robert A. (2018). Violence, memory and religion among survivors of clerical sexual abuse. [A lecture sponsored by the Department of Religion and Classics, University of Rochester, Rochester, New York, November 8, 2018.]

Orsi is a professor of religious studies, and holds a chair in Catholic studies, Department of Religion, Northwestern University, Evanston, Illinois. His focus is the experiences of survivors who, in childhood, were sexually abused by Roman Catholic priests, and what those experience reveal about Catholicism itself. His historical inquiry also draws upon ethnography, including as a key source upon his relationships with survivors.

Perillo, Anthony, & Mercado, Cynthia C. (2009). Specific risk assessment in Catholic Church sexual abuse: A comparison to general sex offender research. [Presented at the annual meeting of the American Psychology – Law Society, Jacksonville, Florida.] [Abstract accessed 09/04/09 at All Academic, Inc.: http://www.allacademic.com/meta/p_mla_apa_research_citation/2/2/9/3/7/p229373_index.html]

Abstract: "This study examines the validity of specific risk assessment literature with sexual abusers in the Catholic Church. Data were coded from 4,392 clergy with documentation of child sex abuse. Specific risk models predicted having multiple victims (vs. a single victim) and victim gender (all-male or all-female vs. cross-gender). Compared to community sex offender research, our models were stronger in predicting repeat offending and victim gender. Significant predictors within our models, however, differed from those in community samples. Current risk assessment literature may help guide clergy risk, but further research is necessary to account for differences in Catholic Church abusers."

_____. (2009). Patterns of age and recidivism among clergy sexual abusers. [Presented at the annual meeting of the American Psychology – Law Society, Jacksonville, Florida.] [Abstract accessed 09/01/09 at All Academic, Inc.:

http://www.allacademic.com/meta/p_mla_apa_research_citation/2/2/9/3/7/p229375_index.html]

Abstract: "Because of unique circumstances within the Catholic Church, standard cutoff ages in risk assessment tools (such as Static-99) are of little value when assessing clergy sexual abusers. The present study examines patterns of age and recidivism among sex abusers in the Catholic Church. Recidivists (priests with reports of abuse after previous Church discipline) and non-recidivists will be compared in terms of age when the Church issued discipline. Logistic regression will be used to examine both linear and nonlinear trends. It is expected that clergy will be at increased risk to recidivate until at least age 50."

Phipps-Yonas, Susan. (2013). [Abstract] Psychological trauma related to sexual abuse by clergy. *Journal of Sexual Medicine*, 10(Supplement 5, September):334.

Phipps-Yonas is not identified. Oral presentation to the 21st Congress of the World Association for Sexual Health, Porto Alegre, Brazil, September 21-24, 2013. "Abstract: It has been well established that being sexually abused is harmful to victims' psychological health and places them at risk to experience myriad negative consequences, psychosocially and physically, throughout their lives. When the perpetrator of the abuse is a member of the clergy, the damages also include victims' spirituality. The presenter has evaluated dozens of individuals who were sexually assaulted by Roman Catholic priests or Protestant ministers over the past 27 years. She will describe the traumagenic dynamics associated with such a history, highlight the particular toll extracted when the betrayal involves a religious institution, and provide several case studies."

Plante, T. C., Manuel, G., & Bryant, C. (1994). Catholic priests who sexually abuse minors: Intervention, assessment and treatment. [Paper presented at the 13th annual conference of the Association for the Treatment of Sexual Abusers, San Francisco, California.]

Rassenhofer, Miriam, & Zimmer, Andreas. (2013). Testimonials of victims of sexual abuse in the Roman Catholic Church—comparison of data collected by the victim hotline of the Roman Catholic Church in Germany and the contact point of the German Independent Commissioner. [Oral poster presentation at the 13th European Conference on Traumatic Stress, sponsored by the European Society for Traumatic Stress Studies, Bologna, Italy, June 8, 2013.]

Rassenhofer is with “Department of Child and Adolescent Psychiatry/Psychotherapy, University of Ulm, Ulm, Germany.” Zimmer is with “Diocese Trier, ZB 1.3.2 Counseling Services, Germany.” “*Background:* As reaction to the “German abuse scandal” in 2010, caused by the disclosure of former cases of child sexual abuse in some Catholic and pedagogical institutions, the Roman Catholic Church in Germany as well as the Independent Commissioner, assigned by the German Government, established telephonic contact points for victims of sexual abuse. The hotline of the Catholic Church included internet counseling by psychological experts. The contact point of the Independent Commissioner aimed at collecting information for the political process. Burdened callers were referred to counseling services. *Objective and method:* Both contact points were accompanied by research processes, information, and experiences callers transferred in conversations were documented and analyzed. This presentation focuses on description and comparison of testimonials of victims in the context of the Roman Catholic Church given to the two contact points. The two samples are compared concerning demographic aspects as well as characteristics and dynamics of abuse. Furthermore, psychosocial consequences that were reported by the victims are presented and contrasted. *Results:* From the victim hotline of the Roman Catholic Church resulted N=753, from the contact point of the Independent Commissioner N=413 analyzable data sets of victims who reported sexual abuse within a Catholic context. While callers of the Catholic hotline were predominantly Catholics or former members of the Roman Catholic Church (95%), this group only represents a relatively small part of the population of victims that addressed themselves to the contact point of the Independent Commissioner (9%). Testimonials given to the two contact points are relatively similar. Callers were mostly middle-aged and mainly informed about repeated abuse in the past by a male offender. Often victims reported even several psychosocial problems as consequences of the abuse. *Discussion:* Testimonials of victims deliver further insight into the dynamics of sexual abuse. Prevention and intervention strategies can be derived.”

Ray, Kenisha Edwards, & Friedman, Bruce D. (2012, December 4). Understanding the cultural effects of child abuse in later life. [Presentation at Session 10.4, Abuse and Maltreatment, at the Gerry Schwartz and Heather Reisman 3rd International Conference on Pediatric Chronic Diseases, Disability and Human Development, Jerusalem, Israel, December 3-5, 2012.]

Ray is identified as affiliated with California State University, Bakersfield, California. Friedman is director, Department of Social Work, California State University. Given that “[c]ultural factors prevent the reporting of child sexual abuse, especially when that culture is classified as a minority,” a qualitative study of “African American adults who had been sexually abused as children [was conducted] to understand how the abuse affected them and their transition into adulthood. The study also sought to understand whether perceptions of early intervention would have helped address the residual symptoms from the sex abuse... The cultural barriers included the culture of ‘silence’ and perceptions about the role of women... The recommendations for early intervention include mental health professionals working more closely with clergy and the religious community in identifying child sexual abuse and enabling earlier interventions.”

Reisman, Judith A. (2002; 2003). Reliance of the U.S. Catholic Church on the Discredited Field of “Human Sexuality” on Sexology Advisors Whose “Scientific” and Moral Foundation Deviates Radically From That of the Church: With Particular Focus on Three Sexuality “Reassessment” Institutions,

Research, Methodologies and Agents of Change. [Accessed 01/19/08 at the World Wide Web site of The Institute for Media Education: <http://www.drjudithreisman.com/archives/cathreport.pdf>]

By the president, The Institute for Media Education, Scottsdale, Arizona. Described as a “white paper.” A collection of materials that was “prepared for a select group of [U.S. Roman] Catholic Bishops attending the June 2000 Dallas meeting...”

Remster, Brianna, & Donnelly, Patrick. (2006). An organizational analysis of the sexual abuse crisis in the Catholic Church. [Presented at the 2006 annual meeting of the American Society of Criminology, Los Angeles, California.] [Accessed 09/04/09 at the World Wide Web from:

http://www.allacademic.com/meta/p_mla_apa_research_citation/1/6/8/1/3/p168139_index.html]

Abstract: “The child abuse crisis in the Catholic Church has been the subject of considerable media attention, law suits and two major research projects. In 2004, the National Review Board for the Protection of Children and Young People released a study entitled *A Report on the Crisis in the Catholic Church in the United States*. In addition to this, the John Jay College of Criminal Justice of the City University of New York published empirical data on the nature scope of the abuse problem in dioceses and religious orders across the country in its report, *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002*, was also released in 2004. This study will take the John Jay study a step further. John Jay computed a total number of abusers and victims of clergy in the United States during the time period of 1950-2002. While the John Jay study did not report abuse data at the diocesan level, the US Conference of Catholic Bishops recommended that dioceses report their own abuse cases. This was able to locate and collect usable data on 78 of the 1985 dioceses. This pilot study examines the abuse crisis using the concepts of occupational and organizational deviance for 16 dioceses. It examines the relationship of various organizational characteristics of dioceses with rates of sexual abuse.”

Rice-Smith, Elizabeth. (1990, September 15). Sex in G-d's name: Violations in traditional and New Age religious practices. [Presented at a conference, Sex Between Clinicians and Patients: Clinical, Ethical, and Medico-Legal Perspectives. Harvard Medical School, Massachusetts Mental Health Center, Waltham, Massachusetts.]

Robinson, Edward Anthony. (1994, July). Shadows of the lantern bearers: A study of sexually troubled clergy. [Presented at the 23rd International Congress of Applied Psychology, Madrid, Spain.]

Robinson, Edward Anthony, Greer, Joanne Marie, Estadt, Barry K., & Thompson, Gary. (1994). Psychometric discrimination of ephebophilic, pedophilic and sexually compulsive clergy. [Unpublished manuscript, Saint Luke Institute, Suitland, Maryland.]

Robinson, Edward Anthony, Montana, Steve, & Thompson, Gary. (1993). A descriptive study of sexually abusing clergy. [Presented at the 12th Annual Conference of the Association for the Treatment of Sexual Abusers, Boston, Massachusetts.]

Robinson, Tony, Montana, Steve, & Thompson, Gary. (1994, July 18). A descriptive study of the psychological profiles of clergy who sexually abuse adolescents. [Symposia presentation at the 23rd International Congress of Applied Psychology, Madrid, Spain.] [Abstract accessed 09/04/09 on the World Wide Web at: <http://www.ucm.es/info/Psyap/23ICAP/abstract/general2.html>]

Abstract: “The problem of child Sexual Abuse perpetrated by clergy has received a great deal of attention in recent years. Because clergy members have a position of unique trust and respect in the community, sexual offenses committed against minors are particularly distressing events to the victim, the victim's family and the community. The group of clergy who sexually abused minors were separated into Pedophiles (attraction to prepubescent children, n=29) and Ephebophiles (attraction to adolescent children, n=72). Comparison groups were established: Sexual Disorder NOS - Compulsive Sexuality (n=30); Alcohol Dependence (n=40); and Controls (not Sexually Disorder and not substance abuse diagnosed, n=31). Their MMPI-II, MCMI-II, Rorschach profiles

and Psychosocial data were compared. On the MMPI-II, the Sexually Disordered groups were elevated higher than the Alcoholic and Control groups on the Hysteria and Psycho-deviate scale scores. On the MCMI-II, all groups were highly dependent and compulsive; but again, the Sexually Disordered groups more so than the Alcoholics and Controls. On 10 selected Rorschach variables, the Sexually Disordered, as groups, scored clinically on 8 of the 10 measures (Alcoholics - 6 and Controls - 4). This exploratory study indicated that Ephebophile clergy generally test similarly to Pedophile clergy. On psychological tests, Sexually Disordered clergy often present with typical MMPI-II and MCMI-II profiles but projective test, such as the Rorschach Ink-blot test, appear more disturbed, perhaps revealing underlying and unresolved conflicts. These clergy often come from dysfunctional families and have histories of difficulties with their Sexual development: the "Compulsives" more so than the Paraphiliacs."

Robinson, Tony, Taylor, Gerardine, & Watson, D. (1999). Clinical trends noticed in a group of Australian clergy who committed sexual boundary violations against children or adults in their care. [Paper presented at the 18th annual meeting of the Association for the Treatment of Sexual Abusers, Lake Buena Vista, Florida, September 22-25, 1999.]

Ross, Susan A. (2007). Steps toward reconciliation: Justice and the voices of women. [A lecture presented in the Chapel Lecture Series, Loyola University of Chicago, Chicago, Illinois, April 16, 2007.]
 Ross is a professor of theology and director, Ann Ida Gannon, BVM Center, for Women and Leadership, Loyola University of Chicago, Chicago, Illinois. Among the topics discussed is that of Roman Catholic nuns in Africa whom priests had pressured for sex, and the nuns' protest.
 [Based on others' descriptions.]

Rossetti, Stephen J. (2002). The Catholic Church and child sexual abuse. [Presented at the 21st Annual Conference of the Association for the Treatment of Sexual Abusers, Montreal, Quebec, Canada.]

Schechter, Isaac. (2009). Abuse in the Orthodox Jewish community: Research, clinical and systems findings. [A paper presented to the annual NEFESH International Conference.]
 NEFESH International is The International Network of Orthodox Mental Health Professionals.
 The paper is based in part on data from a grant of the Department of Social Services, Rockland County, New York, to educate and survey the rabbinic community of Rockland County regarding mandated reporting.

Schoener, Gary Richard. (1997). Who gets into trouble? A typology of offending clergy and issues of rehabilitation and restoration. [A paper presented to Kurs Om Seksuelle Overgrep I Kirkelig Sammenheng, Church of Norway, at Stavanger, Norway, September 1-2, 1997. This is a later version of a chapter in Schoener, Gary Richard, Milgrom, Jeanette Hofstee, Gonsiorek, John C., Luepker, Ellen T., & Confroe, Ray M. (Eds.). Psychotherapists' Sexual Involvement with Clients: Intervention and Prevention. Minneapolis, MN: Walk-In Counseling Center, 1989.]

[Based on first-hand examination of a copy of the manuscript.] Overview that combines several topics and includes historical and clinical perspectives. Differentiates between rehabilitation, discipline, and restoration. Discusses types of treatment in relation to types of offenders as understood by various typologies, and differences between models. Very complete reference set.

_____. (2001, November). Boundary violations by professionals: Intervention & prevention. [Presented at a pre-conference workshop sponsored by LINKUP and Crisci, Kussin & Mayer at Toronto, Ontario, Canada.]

[Based on first-hand examination of a copy of the manuscript.] Focus is on sexual misconduct by health care professionals, psychotherapists, clergy, and teachers against patients, clients, parishioners, and students, respectively. Topically organized. Addresses: scope of the problem; varieties of types of sexual misconduct; evaluating a complaint, which includes the source of the complaint; complaint investigation, which includes false and misleading complaints, and *Twilight Zone* cases; treating the victims/survivors of professional misconduct, which includes advocacy

versus psychotherapy, reporting issues and challenges, trust and safety, general rules, the spouse and family as associate victims, group therapy, 1-day workshops, reading materials, individual therapy, and a processing session between victim and offender; rehabilitation of professionals who violated boundaries, which includes background/history, attempting to classify professionals who offend on the basis of etiological factors, impaired trainees and students, rehabilitation and misuses, objections to rehabilitation, discipline, the model of assessment of a professional who offends as used by Schoener's Walk-In Counseling Center, cognitive-behavioral approaches, psychodynamic approaches, sexual addiction as an assessment and treatment model, sex offender evaluation and treatment as a model, models' common features and differences, remedial boundaries training, evaluation, possible outcomes of a rehabilitation plan, supervision as part of a rehabilitation plan, assessment of the supervisee, supervision methods and accountability, supervising the practitioner under disciplinary order, and danger signals and a supervisee; prevention. 27 references. Inconsistent citation of statements and facts.

_____. (2004, October 23). Sexual misconduct and wellness. 8 pp. [Presented at a training event, "Promoting Wellness in the Profession of Psychology," Association of State and Provincial Psychology Boards at Atlanta, Georgia. Accessed 06/16/17 at the World Wide Web site of Walk-in Counseling Center: http://walkin.org/sites/default/files/SexualMisconductWellness_0.pdf]

Schoener, a licensed clinical psychologist, is executive director, Walk-In Counseling Center, Minneapolis, Minnesota. In the context of the profession of psychology, discusses issues related to "professionals who have had sex with clients or who have a sexual impulse control disorder," specifically topics regarding programs of rehabilitation. Topics include: lack of preparation or expertise which qualifies a clinician to assess the "fitness for duty or return to work" of a professional who is impaired or under disciplinary order; 13 reasons for "failure to maintain professional boundaries or having sexual contact with a client."; misuses of rehabilitation; a model of an assessment process and its methodology, which "involves a parallel assessment of both professional history and functioning and personal history and functioning."; outcomes and re-entry to professional practice; assessment of ability to return to work; assessing students and trainees. 13 references. [While the context of sexual boundary violations in faith communities is not addressed, the material is relevant for faith communities which lack models, protocols, and procedures for determining the rehabilitation of a clergy person or similar leader who has committed a violation.]

Shupe, Anson, Simel, Dana, & Hamilton, Rhonda. (2000). A descriptive report on the National Clergy Abuse Policy Project. [Paper presented at the annual meeting of the North Central Sociological Association, Pittsburgh, Pennsylvania.]

Sidebotham, Theresa Lynn. (2013). Protecting children and organizations from child sexual abuse: An overview of legal and practical issues. [Revision and expansion of her original paper: (2013, March). Getting it right, healing the wrong: Protecting children and organizations from child sexual abuse. Paper presented at the annual regional meeting of the Rocky Mountain Region of the Evangelical Missiological Society, Littleton, Colorado, March 22, 2013.]

Sidebotham is an attorney, Telios Law PLLC, Denver, Colorado. "This paper examines the current landscape of child sexual abuse [in the context of faith communities], then addresses prevention of abuse and wise approaches to investigations. Finally, it discusses sex abuse litigation... This paper focuses on child sexual abuse in religious organizations, particularly mission organizations." Part 1 concerns the current context in the U.S.A. Divides reports of child sexual abuse into the categories of *present* and *historic*. States: "In sum, any organization that has worked with children over time should assume that historic cases exist, even though unknown. Any organization currently working with children should assume that abuse is an ongoing risk." Part 2 addresses prevention, emphasizing: sexual misconduct and behavior policies; screening, e.g., criminal background checks, application forms, and references; training of staff, volunteers, adults, and children; organizational audits. Part 3 discusses approaches to investigating reports of child abuse. Factors addressed include: organizational culture, fact-finding teams, role of attorneys, privacy and privilege, outreach to victims, issues related to truth, balancing conflicting

interests of parties, “Third Culture Kid” issues, zero tolerance, media, and responsibilities of leadership. Part 4 discusses litigation. Part 5 is a 4-sentence conclusion. 52 footnotes.

Sipe, A. W. Richard. (1996, September 20). The boundary of celibacy: A way of loving or an invitation to disaster? [Presented at a workshop, Boundary Issues and Violations in the Clergy, sponsored by The Menninger Clinic, Topeka, Kansas.]

Skokauskas, Norbert. (2012). Abuse of trust: Institutional child abuse in Ireland. *Neuropsychiatrie de l'Enfance et de l'Adolescence*, 60, (5, Supplement, July):S124. [Abstract of a paper presented at the 20th World Conference of the International Association for Child and Adolescent Psychiatry and Allied Professions, Paris, France, July 21-25, 2012.]

Skokauskas is with the Department of psychiatry, Trinity College, Dublin, Ireland. “In 2009, there were 400 children in residential care in Ireland. This is in contrast to 1960s, when approximately 3000 children were in residential care. In Ireland in the 20th century majority of Residential Homes were managed by either Catholic Religious Congregations or voluntary organisations, whereas by 2010, the vast majority of homes were managed directly by the State or its agents. This paper addresses the issue of the institutional child abuse in Ireland. Despite the fact that institutional child abuse reached its peak in 1970s and 1980s, only in 2009 a major investigation by The Commission to Inquire into Child Abuse (also known as Ryan’s commission) was finished [1]. According to Ryan’s commission, Industrial Schools in Ireland were intended to provide basic industrial training to young people to enable them to take up positions of employment as young adults. In reality, the industrial training afforded by all schools was of a nature that served the needs of the institution rather than the needs of the child. Physical and emotional abuse and neglect were features of the institutions. Sexual abuse occurred in many of them, particularly boys’ institutions. Schools were run in a severe, regimented manner that imposed unreasonable and oppressive discipline on children and even on staff. Sexual abuse was endemic in boys’ institutions. The situation in girls’ institutions was different. Although girls were subjected to predatory sexual abuse by male employees or visitors or in outside placements, sexual abuse was not systemic in girls’ schools. Cases of abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution [1]. Ryan’s Report had a major impact in Ireland and triggered a discussion about new childcare guidelines. Reference [1] The Commission to inquire into child abuse. Commission report; 2009.”

Stapleton, Anne F., & Nason-Clark, Nancy. (1992, November 6). The power and the pedestal: Roman Catholic women in Newfoundland reassess their beliefs and attitudes in the aftermath of scandal. [Presented at the annual meeting of the Society for the Scientific Study of Religion and the Religious Research Association, Washington, D. C.]

Tallon, Jennifer, Terry, Karen, Vollman, Brenda, & Starfield, Bonnie. (2005). Child sexual abuse in the Catholic Church: An analysis of the data. [Presented at the annual meeting of the American Society of Criminology, Toronto, Ontario, Canada.] [Accessed 09/04/09 on the World Wide Web at: http://www.allacademic.com/meta/p_mla_apa_research_citation/0/3/3/3/p33339_index.html]

Abstract: “The Bishops’ study, conducted by researchers at John Jay College of Criminal Justice, was initiated by the National Review Board and the Office of Child and Youth Protection for the [Roman] Catholic Church. The aim was to examine the nature and scope of child sexual abuse by Catholic priests and deacons from 1950-2002. The results, released in February 2004, showed that 4,392 priests had allegations of abuse against 10,667 victims. Since that time, researchers at John Jay have further analyzed the data set in regard to: comparing single/multiple offenders, analyzing differences by region, treatment of offenders, response of the church, and reporting of offenses. This paper gives an overview of these analyses.”

Terry, Karen J., & Ackerman, Alissa. (2009). Situational crime prevention strategies and child sexual abuse: Findings from the Catholic Church. [Presented at the annual meeting of the American Psychology

– Law Society, Jacksonville, Florida.] [Abstract accessed 09/04/09 at All Academic, Inc.: http://www.allacademic.com/meta/p_mla_apa_research_citation/2/2/9/3/7/p229374_index.html]

Abstract: “Though research on child sexual abuse is often offender specific, Smallbone and Wortley (2006) suggest that research should also focus on the situation in which the abuse occurs. Here, their situational crime prevention (SCP) framework is used to assess abuse patterns by Catholic priests. The results support the assertions by Smallbone and Wortley that a situational component to sexual abuse exists. The discussion outlines steps taken by the Catholic Church, legal aspects of utilizing SCP, and use of this technique for offenders suffering from a psychological diagnosis and those who, for a variety of reasons, regress to sexually abusing children.”

Terry, Karen J., & Tallon, Jennifer. (2006, November 4). Factors that influence reporting of child sexual abuse. [A paper presented at the annual meeting of the American Society of Criminology, Los Angeles, California.] [Accessed 09/04/09 on the World Wide Web at:

http://www.asc41.com/Annual_Meeting/2006/Print%20Program%202006.pdf and

http://www.allacademic.com/meta/p_mla_apa_research_citation/1/2/5/9/1/p125918_index.html]

Abstract: “The literature on child sexual abuse notes several factors that have an effect on timely reporting of the abuse, including gender, victim/perpetrator relationship, acts committed, length of the relationship, and victim relationship to family. However, prior research does not indicate which of these factors is most significant in impeding or delaying the reporting of sexual abuse. Additionally, there is a dearth of literature on what eventually leads to the reporting of the event after a delay. The study on the nature and scope of child sexual abuse in the [Ropman] Catholic Church indicates that yet another variable, the media, may be the most significant effect on the reporting of child sexual abuse after a long delay. The results of this study do not indicate, however, that media effect cause people to come forward sooner to report, merely that it causes more people to report abusive events.”

Thompson, Gary, Montana, Steve, & Pulido, D. (2006, September). Differences in relapse risk among priest child molesters: Implications for policy decisions in the Catholic Church. [Presented at the annual conference of the Association for the Treatment of Sexual Abusers, Chicago, Illinois.]

Tucker, J.S., & Lobo, A.F. (1998). Forensic considerations in the evaluation of seminary students and clergy for sexual misconduct. [Presented at the Fifth International Conference on the Treatment of Sex Offenders, Caracas, Venezuela, March 23-28, 1998.]

Ukeritis, Miriam D. (2005, November 4). Clergy who violate boundaries: Sexual abuse and misconduct in a sample of Canadian men. [Presented at the annual meeting of the Religious Research Association/Society for the Scientific Study of Religion, Rochester, New York.] [Accessed 09/04/09 from the World Wide Web at: <http://www.sssrweb.org/2005meeting.pdf>]

In 2003, Ukeritis, a member of the Sisters of St. Joseph of Carondelet in the Roman Catholic Church, and a therapist, was named director of research, The Southdown Institute, Aurora, Ontario Province, Canada, a residential treatment center serving clergy and religious.

Wasyliw, Orest E., & Haywood, Thomas W. (1999, September 24). Profiling cleric offenders: Strategies for assessing honesty, personality, and risk. [Presented at the 18th Annual Research & Treatment Conference, Association for the Treatment of Sexual Offenders, Orlando, Florida.]

Wasyliw, Orest E., Haywood, Thomas W., & Grossman, Linda S. (1995, August 14). Rorschach sensitivity to psychopathology in cleric alleged sex offenders. [Presented at the 103rd Annual Convention of the American Psychological Association, New York, New York.]

_____. (1995, October). Denial in priests accused of sex offenses. [Abstract published in the *Scientific Proceedings* of the 26th Annual Meeting of the American Academy of Psychiatry and the Law, Seattle, Washington.]

Waterstradt, Carolyn. (2011, May 21). From tears to triumph: An autoethnographic reaction to women's spirituality after clergy sexual abuse. [Paper presented at the 7th International Congress of Qualitative Inquiry, Champaign, Illinois, May 21, 2011.]

Waterstradt, a survivor of clergy sexual abuse, is a psychotherapist, Muskegon, Michigan.

Abstract: "This paper is an autoethnographic response to individual interviews with seven women who were sexually abused as adults by members of the clergy. The focus of the interviews was the participants' spiritual healing. The interviews are interpreted through my experience as the researcher and as a survivor of clergy sexual abuse who was pursuing a career in the church until the abuse occurred. While exploring the spiritual healing of the participants, I come to terms with my own spiritual wound and find meaning in my midlife career change."

Weiss, Mark, Leshner, Michael, Neustein, Amy, & Dratch, Mark. (2006, November 2). Betraying the Trust: Rabbis and Sexual Abuse. [Presented at a webinar sponsored by National Alliance to End Domestic Abuse in the Jewish Community, an initiative of Jewish Women International, Toronto, Canada. Available through the National Alliance, accessed 07/27/16 at: <http://www.jwi.org/national-alliance-faqs/?rq=sexual%20abuse>]

On the evaluation form, the presenters are identified as: Weiss is a child survivor and advocate; Leshner, an attorney, represents six alleged victims; Neustein is a sociologist and Jewish woman who studies sex abuse in the Jewish community; Dratch, a rabbi, is past vice president, Rabbinical Council of America, and "head of JSafe: an organization to help Jewish victims of domestic violence and sex abuse."

Wexler, Audrey F., Moulden, Heather, Firestone, Philip, Nunces, K., & Dixon, K. (No date). Religious leaders who commit sexual offences: Offender, offence and victim characteristics. [30 Powerpoint slides.] [Accessed 09/05/09 at:

<http://courseweb.edteched.uottawa.ca/psy3171/personalwp/PDF/ViCLASHandout.PDF>]

All authors are affiliated with the School of Psychology, University of Ottawa, Ottawa, Canada. Moulden is also affiliated with the Sexual Behaviour Clinic and Forensic Service, Royal Ottawa Hospital, Ottawa, Canada. 30 Powerpoint-style slides. "This study is designed as an exploratory study to provide much needed information on clergy sexually offend against children and adolescents. Information from the Royal Canadian Mounted Police (RCMP) crime reports was used to compile descriptive information of the offender, offence and the victim. This information is unique because it contains a wealth of information about the attributes of offenders and their offences across Canada, whereas the majority of empirical studies of clerics who sexually offend tended to focus on psychopathology and sexual deviance of clerics in treatment." Participants were 34 male clergy "who had been charged with a sexual offense against a child or adolescent." Over 47% of the victims were living in a residential school at the time the offense was committed. The mean number of victims per offender was 3. The offender profile is described as: "The average clergy sex offender has an apparent age of 37 years and is a single male. His sexual orientation of practice is most likely to be defined as homosexual and/or child molester. He is most likely to come into contact with a potential victim through using or abusing his position and relationship with them as their clergy. His primary motivation is sexual and he is not likely to have substance abuse, psychological, or sexual problems." The victim profile is described as: "Clergy are most likely to offend against adolescent (12-16 yrs.) males with slim builds. Victims are usually living in either residential schools or with their parents at the time of the offense. At the time of the offense victims are most likely sleeping, engaged in a school activity or in bed. Victims are unlikely to resist these offenders, however when they do, clergy sex offenders are most likely to stop pursuing sexual contact." 4 references.

Wick, Jane E. (August, 1995). The congregation as a victim: The effects of clergy sexual misconduct on the congregation. [Manuscript available from the author.]

[Based on first-hand examination of a copy of the manuscript.] By an executive presbyter, Presbyterian Church (U.S.A.). Addresses clergy sexual misconduct in relation to the congregation. Discusses issues of: secrecy and disclosure; reaction patterns post-abuse disclosure; spiritual issues; healing processes. Designed to educate and inform. Identifies trust as the single most necessary factor in the healing of a congregation post-discovery. Often conversational in tone and anecdotal in style. Moves between general and particular. Lacks citations for sources, facts, and assertions. Unpaginated.

Young, John, & Griffith, Ezra. (1992, November 6). Clergy sexual misconduct. [Presented at the annual meeting of the Society for the Scientific Study of Religion and the Religious Research Association, Washington, D. C.]

IV. ARTICLES FROM SECULAR NEWSPAPERS, NEWSWEEKLIES, MAGAZINES, NEWSJOURNALS, NEWS SERVICES, NEWSLETTERS, AND THE WORLD WIDE WEB, AND SECULAR BROCHURES AND PAMPHLETS

Daily newspaper media sources are generally excluded from this bibliography for practical reasons due to large quantity, lack of access, and concerns about accuracy and completeness.

Allen, Glen. (1989). A breach of faith: Sex charges against Newfoundland priests. *MacLean's: Canada's Newsweekly Newsmagazine*, 102(March 13):16-17. [Accessed 07/24/07 at LexisNexis Academic database.]

Magazine-style article that briefly reports on responses in the province of Newfoundland, Canada, to the arrests and/or convictions of 5 Roman Catholic priests in the St. John's archdiocese since 1988 for sexual offenses against male minors. The cases are a separate from cases involving the St. John's Mount Cashel Orphanage operated by the Christian Brothers, a Roman Catholic order, which are being investigated by the provincial justice department. Includes comments from an archdiocesan spokesperson.

_____. (1989). A church in crisis: Sex scandals shake Newfoundlanders' faith. *MacLean's: Canada's Newsweekly Newsmagazine*, (November 27):66. [Accessed 12/12/04 at LexisNexis Academic database.]

Magazine-style article that briefly reports on reactions among people in the province of Newfoundland, Canada, to the provincial government's Hughes inquiry "which is revealing the questionable past of St. John's Mount Cashel Orphanage" in relation to the physical and sexual abuse of minors by members of the Christian Brothers, a Roman Catholic lay order: "Charges involving sex with young boys have been laid against eight Christian Brothers." Describes a variety of reactions that include: growing prejudice against homosexuals, decreased trust of the Roman Catholic Church's authority, decreased attendance at mass, confusing homosexuality with pedophilia, accusing the media of Catholic-bashing, and welcoming "the issue of sexual abuse within the church 'come out in the open.'"

Allen, Glen (with Wangersky, Russell). (1990). Breaking the faith: A report shocks Newfoundland's Catholics. *MacLean's: Canada's Newsweekly Newsmagazine*, (July 30):16ff. [Accessed 12/12/04 at LexisNexis Academic database.]

Magazine-style article that reports that Archbishop Alphonsus Penney, head of the Roman Catholic Church's St. John's archdiocese in Newfoundland province, Canada, has submitted his resignation as archbishop. This follows "the release of a devastating 575-page, church-initiated report on the abuse of boys by priests and [Penney's] ineffectiveness in dealing with it... In fact,

the 65-year-old archbishop's shortcomings are a dominant theme of the report, prepared by a five-member commission headed by former Newfoundland lieutenant-governor Gordon Winter." The report made 55 recommendations, including: "...compensation for victims and their families; improved services for victims; an examination of the tradition of celibacy, and of the church's attitudes towards sexuality in view of the report's observation that 30 per cent of North American clergy are homosexual; and ensuring that priests convicted of sex crimes never again be given responsibility for children." The commission, appointed by Penney in 1989, was "convinced that senior church officials had embarked on a cover-up of allegations against some of the more than 20 priests or former priests who have subsequently been charged with, or convicted of, sexually abusing boys. Said the commissioners: 'The archdiocesan leadership did in fact have knowledge of deviant or sexually inappropriate behavior among some Roman Catholic clergy... since the mid-1970s. This was long before victims publicly disclosed that they had been abused as children.'" The report also "said that Penney, in addition to his negligence, may have violated the provincial Welfare Act by not reporting suspected child abuse to appropriate authorities."

Alessi, Christopher, & Zevi, Nathania. (2010). Child abuse in Orthodox Brooklyn. *The Brooklyn Ink*, (February 4):unpaginated. [Accessed 06/26/16 at the World Wide Web site of *The Brooklyn Ink*: <http://thebrooklynink.com/2010/02/04/6308-child-abuse-in-orthodox-brooklyn-chipping-away-at-a-wall-of-silence/>]

Article in a "news source devoted to covering the streets of Brooklyn," a borough of New York, New York. The staff are students at the Graduate School of Journalism, Columbia University, New York, New York. States at the outset: "In Brooklyn's ultra-orthodox [sic] Jewish neighborhoods, the rabbinical leadership's muted response to a wave of sexual abuse allegations has come under increasing scrutiny." Reports that 26 "alleged molesters were arrested – 8 of them convicted – throughout orthodox Brooklyn in the last year." States that parents of hundreds of children are not reporting crimes to police because of a fear "of offending the powers that be and the possibility of being ostracized from a notoriously insular community... They are keeping quiet because a Jewish law, Mesirah, states that a Jew cannot report a fellow Jew to the secular authorities. This law has been cited repeatedly by ultra-orthodox rabbis who do not want victims to report instances of sexual abuse to the police, but rather only to the rabbinical courts, called the Beth Din." Cites 2 cases as "help[ing] to pave the way for" a shift in the "ultra-orthodox world" in the U.S.A. The 1st is that of Rabbi Avrohom Mondrowitz of Chicago, Illinois, who was arrested in Israel 24 years after having fled to Israel "in order to evade charges of child molestation in Borough Park," a neighborhood in Brooklyn, where he worked as a rabbi and child psychologist, and as a consultant to "the influential Jewish non-profit, Ohel Children's Home & Family Services." In was indicted by a Brooklyn grand jury for molesting "dozens of young boys in the neighborhood." The other "landmark case" is "that of Rabbi Yehuda Kolko, a teacher of the prestigious Yeshiva-Mesivta Torah Termimah in Brooklyn," who was arrested in 2006 on charges of child sexual abuse. Among those interviewed are: Rabbi Yosef Blau, "the Mashglach Ruchani, or spiritual supervisor at Yeshiva University," New York, New York; Mark Weiss, a self-identified victim of Mondrowitz; Vicki Polin, executive director of The Awareness Center, Inc., "an advocacy group for victims of sexual abuse in Baltimore," Maryland; Rabbi Nuchem Rosenberg from the "orthodox Williamsburg" neighborhood in Brooklyn who ostracized for his support of sexual abuse victims; Pinny Taub, a self-identified victim of a Yeshiva teacher in Borough Park; Rabbi Asher Lipner, "a Flatbush-based mental health professional and advocate for sexually abused children," who reports "he was molested as a teenager by a rabbi at the Ner Israel Rabbinical College in Baltimore."; Rabbi Mark Dratch, founder of J-Safe, an advocacy group; Dov Hikind, who represents Borough Park in the New York State Assembly.

Anonymous. (1985). Painful secrets: Priests accused of pederasty. *Time*, 125(26, July 1):51.

Article in the weekly magazine reports that Fr. Gilbert Gauthé, 40-years-old, a Roman Catholic priest in Louisiana, "is expected to face trial on 34 criminal counts involving sexual abuse of boys... In 1984, in depositions for ten civil suits brought by the victims' families, Gauthé said that he had committed sexual acts with 35 or more boys over eleven years." Reports that he was suspended from priestly function in 1983. Notes the Gauthé case "is one of 15 deeply painful and

perplexing cases that have surfaced during the past month in which priests have been charged with pedophilia.” Cites cases in Boise, Idaho, White Lake, Wisconsin, Rhode Island, San Diego, California, and Portland, Oregon. Mentions that some families have filed civil suits. Adds that “the U.S. bishops’ conference, meeting in Minnesota [two weeks prior], discussed the problem behind closed doors and asked a committee to study sexual abuse by priests.”

Anonymous. (1987). Petersburg, Va. pastor charged with alleged sexual abuse of 6 girls. *Jet*, 72(June 15):10.

Briefly reports that Rev. Clyde L. Johnson, Sr., pastor of the 2,000-member First Baptist Church in Petersburg, Virginia, is on trial in Alexandria, Virginia, for allegedly abusing 6 girls, 10-to-16-years-old, from the congregation. He faces 30 felony counts, including rape and sexual battery, for actions committed against them in his church office and car from 1973 to 1986. The 51-years-old African American is also pastor of Loving Union Baptist Church outside of Petersburg.

Anonymous. (1987). Va. Minister convicted of sex crimes gets 120 years: Case of C. L. Johnson. *Jet*, 72(October 5):51.

Briefly reports that Rev. Clyde L. Johnson, Sr., “once one of Virginia’s most powerful black figures....” was sentenced to 120 years in prison following conviction on 15 counts of sexual misconduct.

Anonymous. (1989). White Harlem minister convicted of sex abuse. *Jet*, 76(11, June 19):32.

Briefly reports that Rev. Thomas Streitferdt, 60-years-old, the pastor of True Church of God in East Harlem, New York, New York, has been convicted of the rape and sexual abuse of 3 female parishioners. The incidents took place in his church office in 1986 and 1987. According to prosecutors, he told some of his victims that if they did not have sex with him, they might go to hell. Reports that despite his conviction, Streitferdt, who is white, is enthusiastically supported and believed innocent by many parishioners who are black. While awaiting sentencing, he continues as the pastor of the church.

Anonymous. (1993). The secrets of St. Lawrence. *Time*, 141(23, June 7):44.

Briefly describes a report by a private, independent investigation commissioned by the Capuchins, a Roman Catholic order, into allegations of sexual misconduct at its St. Lawrence Seminary, Mount Calvary, Wisconsin. States that 9 friars are accused of sexual offenses by at least 21 persons who were students at the school between 1988 and 1992: “The complaints against six ranged from enticement to intercourse with the children, offenses that would have produced criminal charges if they had been reported.” States that when several students told staff of incidents while enrolled, “the staff did little nor were the boys’ parents typically notified.” Notes that a former brother faces a criminal trial, and a civil damage suit has been filed against the order. Notes that Fr. Gale Leifeld, a Capuchin identified by students as an abuser and who was promoted to principal of St. Lawrence, later became academic dean of Sacred Heart School of Theology in Wisconsin, and was removed after he was accused of sexually harassing seminarians.

Anonymous. (1996). [Canada Notes section] Seeking redress. *MacLean’s: Canada’s Newsweekly Newsmagazine*, 109(7, February 16):35. [Accessed 06/26/07 at LexisNexis Academic database.]

Briefly reports: “Fifteen child abuse victims at a native residential school in Port Alberni, B.C. [British Columbia], launched a suit against the school’s former supervisor, 78-year-old Arthur Henry Plint, the federal government and the United Church of Canada. The victims are seeking unspecified damages for sexual assaults that took place at the school in the 1960s. Last March, Plint was sentenced to 11 years in prison after pleading guilty to 18 charges of indecent assault dating from 1948 to 1968. In passing sentence, B.C. Supreme Court Justice Douglas Hogarth described Plint as ‘a sexual terrorist’ and said that the Indian residential school system was ‘nothing but a form of institutionalized pedophilia.’”

Anonymous. (1998). [World: Europe] Austrian bishops label cardinal a paedophile. *BBC News*, (February 28). [Accessed 12/27/14 at the World Wide Web site of BBC News: <http://news.bbc.co.uk/2/hi/europe/60823.stm>]

“The [Roman] Catholic Church in Austria has released a statement which says the paedophile accusations leveled at the Archbishop of Vienna, Hans Hermann Gröer, are ‘in essence true.’ The statement was issued by the country’s top four bishops.” The article states that Gröer “was forced to resign after accusations that he molested a pupil in a shower at a Catholic boys school 22 years ago.” Also reports that new charges were made against him in the previous December “by a monk who said the former archbishop had molested him as a child.”

Anonymous. (2001). Call for Vatican accountability. *We!*, (July 10):Unpaginated. [Accessed 03/14/04 from Contemporary Women’s Issues academic database.]

A very brief article in a weekly newsletter that is published by Isis International’s office in Manila, Philippines. Isis International is a feminist nongovernmental organization founded in 1974. Reports that about 47 organizations from around the world “have initiated a campaign calling for the accountability of the Roman Catholic hierarchy on reports of sexual abuse of Catholic nuns by priests.” Notes that, recently, abuse incidents have been reported from 23 countries, including ones in Africa, South America, and Europe, and India, Philippines, and the U.S. The Call for Accountability Campaign calls upon the Vatican to take a number of steps, including: reveal its measures to eliminate violence against women by Catholic clergy, cooperate with civil authorities by providing evidence and assisting with prosecution, provide reparations for victims of sexual abuse and exploitation by Church officials, provide medical care for nuns who brought attention to abuses and lost their communities and/or jobs, reinstate nuns dismissed due to pregnancy and provide financial support for the care of children fathered by priests, adopt a policy of sexual conduct with steps to eliminate violence against women in the Church and society, and issue a public policy from the Holy See for all forms of violence against women that were committed by Church officials.

Anonymous. (2002). Philippines Church apologises for sex abuse. *BBC News World Edition*, (July 8):Unpaginated. [Accessed 12/16/15 at the World Wide Web site of the BBC: <http://news.bbc.co.uk/2/hi/asia-pacific/2116154.stm>]

Reports that the Roman Catholic Church of The Philippines has apologized “for sexual abuse by hundred of its priests over the last 20 years.” States: “According to the president of the Catholic Bishops Conference, Archbishop Orlando Quevedo, about 200 of the country’s 7,000 priests may have committed ‘sexual misconduct’ – including child abuse, homosexuality and affairs – over the past two decades.” Reports that the Bishops Conference stated that “it was now drafting guidelines on how to deal with such offences by its clergy... The guidelines will include encouraging victims of assaults to file criminal charges...”

Anonymous. (2004). [Obituary section] Billy James Hargis. *The Economist*, 373(8406, December 18):135.

Reports on the death of Billy James Hargis, at age 79. Hargis was 1 of the first televangelists in the U.S.: “At the height of his fame, he made daily broadcasts on 500 radio stations and 250 TV channels.” His Christian Crusade ministry was ardently anti-Communist, promoted a literal interpretation of scriptures, and established missions, orphanages, and clinics, including in Africa. In 1964, the Christian Crusade lost its tax-exemption from the Internal Revenue Service for practices contrary to its purpose. Hargis established educational programs, including the American Christian College in Tulsa, Oklahoma. In 1974, male and female students of the college, and male members of the college choir, accused Hargis of having engaged them sexually: “He strenuously denied wrongdoing, citing the biblical love of David for Jonathan, blaming ‘chromosomes and genes’ (an unexpectedly scientific explanation) and threatening to blacklist his defamers. Later, when the scandal had caused the collapse of his college and his empire, he defended himself with a line that has since become a televangelical favourite: ‘I was guilty of sin, but not the sin I was accused of.’”

Anonymous. (2008). Reverend Arthur Allen vs. Archbishop Earl Paulk. *Atlanta*, 48(2, June):30. Magazine-style article. Includes brief information about Earl Paulk, former archbishop of Cathedral of the Holy Spirit at Chapel Hill Harvester Church in Decatur, Georgia, a charismatic church he founded with his brother. Paulk has been accused and sued by a variety of women for actions including sexual abuse of minors, and sexually exploiting a parishioner using religious rhetoric. Concludes with more recent events, including a court-order paternity test late in 2007 revealed he was the biological father of his brother's son, and that in 2008 he pleaded guilty to perjury charges regarding his sexual relationships.

Ansari, Massoud. (2003). Sexual abuse in Madrasas. *Women's Feature Service*, (July 21):Unpaginated. [Accessed 06/01/04 from ProQuest academic database.]

Reports the case of Abid Khan Tanoli, a teenager in Karachi, Pakistan, who in 2002 refused to have sex with his teacher, Qari Amin, in a Karachi *madrasa*, a school for Islamic instruction. Reports that Amin came to Abid's home and threw acid over his body, resulting in burns over at least half of his body. The incident was reported in 2003 when Abid's family approached several non-governmental organizations for support. States: "This is the first time that a local religious leader has been accused of sexual violence..." The president of Lawyers for Human Rights and Legal Aid "says that though there are several instances of child abuse in madrasas, they are hushed up or sorted out within the confines of the school. Sometimes parents are pressurised not to report them to the media, as it would give religion a bad name." Reports that Abid's attackers forced the local hospital to discharge him before his treatment had been completed. Abid's father contacted local human rights organizations and Abid was admitted to a private hospital. When the father reported the case at the Mominabad police station, he was offered a bribe to withdraw the case. Amin and 2 associates were eventually arrested.

AP(Associated Press). (1991). Presbyterians adopt guidelines to curb sex misconduct by clergy. *The New York Times*, (Section A, National Desk, Wednesday, June 12):20.

Reports the actions by the General Assembly of the Presbyterian Church (U.S.A.) to adopt its first detailed policy on sexual misconduct (491 in favor, 26 against) and to recommend that the Church remove the 3-year statute of limitations in the Book of Order, a part of the Church constitution, for sexual abuse offenses (446 in favor, 78 against).

Baker, Richard, & McKenzie, Nick. (2012). [National] Catholic University approved research into paedophile clergy. *The Canberra Times*, (National, December 19): Unpaginated. [Accessed 03/27/16 at the World Wide Site of *The Canberra Times*: <http://www.canberratimes.com.au/national/catholic-university-approved-research-into-paedophile-clergy-20121218-2blad.html>]

An article in *The Canberra Times*, a daily newspaper in Canberra, Australian Capital Territory, Australia, reports that the Human Research Ethics Committee (HREC) of Australian Catholic University (ACU), a national public teaching and researching university with multiple campuses, "approved a highly sensitive research project to analyse archives detailing child sexual abuse by [Roman Catholic] clergy and to identify common themes in their behaviour. The project, titled 'Sexual Boundary Violations Among Catholic Religious,' was conducted by staff of Encompass Australasia, which was established by the Catholic Church in 1997 to treat clergy for psycho-sexual disorders." National law required Encompass Australia to obtain approval from an institution with a HREC. The article states that it "has [been] previously reported that Encompass Australasia was used by senior church figures to harbour paedophile clergy who had been diagnosed with 'mood disorders' in order to be treated at Sydney's Wesley Private Hospital and meet private health insurance criteria. It is understood that no clergy treated by Australasia were ever reported to police, despite some admitting to sexually abusing children and others facing serious accusations. In some cases, known paedophile clergy were sent overseas after being treated by Encompass staff at the Sydney hospital." Quotes the former chief clinician of Encompass, Geraldine Taylor, who "said the research had been 'archival in nature' and examined de-identified files collected by Encompass Australasia through its treatment clinical between 1997 and 2004 in order to 'contribute to an understanding of child sex abuse...' 'Researchers did not have access to client identities, demographics or content, therefore reporting issues [to police]

were not relevant,' she said." Encompass was closed in 2008; its research application was approved by the HREC in 2004 and extended in 2007. Quotes an unnamed spokeswoman of ACU: "As to whether any information emerging from that project should have been reported to police, this would have been a matter for the administering staff of Encompass and Encompass itself, acting in accordance with the relevant law." The article states that Encompass "accepted about 1100 clergy and lay people for 'assessment' before 1997 and 2008 to determine their suitability to work with children and vulnerable adults. But several hundred clergy were treated for serious psychosexual problems during that period, including paedophilia... [Its] clinicians also treated patients suffering from depression, alcoholism, drug abuse and other mood disorders. Its clinical program was well regarded."

Barol, Bill. (1988). Who is this Rama? *Newsweek*, 111(5, February 1):58-59.

Reports that Frederick Lenz, known to his followers as Zen Master Rama, of Malibu, California, and Stony Brook, New York, has been accused of emotionally and sexually coercing former followers. Lenz is a former disciple of Hindu *guru* Sri Chinmoy. Includes statements from 2 women who were sexually exploited.

Barr, Stephen. (1996). [Society section] The sins of the Fathers. *The New Jersey Monthly*, (September):19, 21-22, 24-26, 28, 30, 159.

Barr is an editor at large. Insane. Magazine-style article. Profiles Stephen Rubino, a 47-years-old attorney from Westmont, New Jersey, who in 1994 filed a civil suit against the several Roman Catholic organizations, including the Diocese of Camden, New Jersey, and the National Catholic Conference of Bishops, alleging "sexual assaults on 34 children by 30 Camden diocese priests dating as far back as the sixties" in parishes in six communities. Rubino accused the Camden leaders "violated the state's Racketeering Influenced and Corrupt Organizations statutes by harboring pedophilic priests, a statute often used when prosecuting organized crime figures," allegations which the judge dismissed. Provides information on the status of various procedural issues in the case. Reports that Rubino, raised and educated as a Roman Catholic, has brought "nearly 70 clergy-abuse suits (about half in New Jersey)" since 1988 when he was contacted by a family friend whose son had been sexually assaulted by a priest in Barrington, New Jersey. The priest was convicted of criminal charges and sentenced to prison, "and the diocese agreed to settle the civil charges for an estimated \$2.5 million." Briefly describes other cases of his, including "his most high-profile and controversial sex-abuse case – the suit he brought accusing Cardinal Joseph Bernardin of Chicago and another priest of molesting a teenager in the seventies." The case against Bernardin was dropped after it was discredited as based on repressed memories and recovered under hypnosis. Reports that none of Rubino's suits ever went to trial due to settlements. Includes comment from Sylvia Demarest, a plaintiff's attorney in Texas, and A. W. Richard Sipe, a former priest and psychotherapist.

Barrionuevo, Alexi, & Bonnefoy, Pascale. (2011). Chilean priest found guilty of abusing minors. *The New York Times*, (Americas section, February 18). [Accessed 02/02/13 at: http://www.nytimes.com/2011/02/19/world/americas/19chile.html?_r=0]

Reports that Archbishop Ricardo Ezzati, Roman Catholic Church Archdiocese of Santiago, Chile, announced that an investigation conducted by the Vatican has found Fr. Fernando Karadima of Chile "guilty of sexually abusing minors in Chile." States that accusations by former parishioners against Karadima in 2010 "stunned Chile, a conservative and predominantly Roman Catholic nation unaccustomed to questioning its priests, especially one as revered as Father Karadima. He had trained five bishops and dozens of priests, acting as a spiritual leader and father figure for young men who later accused him of molesting them." Reports that in 2010 the Church in Chile "referred the case to the Congregation for the Doctrine of the Faith" in a 700-page investigative report. States that for the accusers, "the decision was a long-awaited vindication. One original accuser said the abuse began when he was 14." The article quotes the President of Chile.

Bayaua, Michelle. (2003). Philippines: Surviving child sexual abuse. *Women's Feature Service*, (November 24):Unpaginated. [Accessed 06/01/04 from ProQuest academic database.]

Reports the case of a teenage female, Maria, from a low income family in the Cordillera region in The Philippines who, with a sister, was sent to their uncle's to continue their education after she graduate from elementary school in 1998. After teachers at the school discovered that the uncle sexually abused Maria, they sent her and her sister to another school. At the new community, she met a Roman Catholic priest who showed her attention and had her accompany him on parish visits. On 1 visit, he made sexual advances towards her, and a month later, while visiting her on the pretext of counseling, forced her to have sexual intercourse with him. 5 months later, she fled to Baguio with her older sister. There she began to have psychotic episodes, and was transferred to Manila where she was placed in 3 different mental health centers. She was returned to Baguio and sent to the psychiatric ward of Baguio General Hospital. When private contributions for the cost of her care ran out, she was sent to her family where most considered her a disgrace to the clan. "According to the Cordillera Task Force on Violence Against Women, most [child sexual abuse] victims are girl children from [a low-income, indigenous community engaged in farming like Maria's]." Briefly describes problems with law enforcement, lack of comprehensive mental health services for victims of child sexual abuse, and lack of prosecution of abusers. Reports that "the priest who abused Maria was simply transferred to another parish." The article concludes with the fact that Maria's current status is that of a sex worker. [See also this bibliography, Section II: Felipe, Rina. (1999).]

Bennetts, Leslie. (1991). Unholy alliances. *Vanity Fair*, 54(12, December):224-229, 268, 270, 272, 274, 276, 278.

A well-written, lengthy, detailed, and disturbing journalistic account of Fr. Dino Cinel, a Roman Catholic priest in the U.S.A. In late 1988, an enormous cache of commercially produced child pornography was accidentally found in his room at a parish church in New Orleans, Louisiana, where he was on staff. Under tough state laws, mere possession of such material was a criminal offense with a mandated jail sentence. Also discovered were 160 hours of homemade pornographic videotapes in which the priest performed anal sex, oral sex, group sex, and other acts with at least 7 different male minors. The archdiocese waited 3 months before submitting the collection to the local district attorney, Harry Connick, Sr., who happened to be a longtime member of Fr. Cinel's parish. Connick did not prosecute the case until a local media investigation went public with the story in the spring of 1991. In a television interview, Connick admitted that one reason he had not acted, which was contrary to recommendations from his investigators, was that he did not want to embarrass "Holy Mother the Church." Initially, Connick filed 1 charge; public outrage at that led him to file 60 separate counts of possession of child pornography. Revelations of the cache and videotapes were followed by civil lawsuits against Cinel by 2 victims, Chris Fontaine and Ronnie Tichenor, whom Bennetts interviewed for the article. Describes how Cinel recruited and groomed them. Fontaine later discovered that Cinel had provided provocative pictures of him to a European pornographic magazine. The article also reports conflicting versions of how the archdiocese handled its original discovery. Includes comments from Cinel's lawyer and a deposition that Cinel provided. Bennetts details the Cinel case against the backdrop of the notorious Fr. Gilbert Gauthe case which occurred in the same archdiocese, and other significant cases throughout North America. Comments are included from Mark Chopko, general counsel to the U.S. Catholic Conference, National Conference of Catholic Bishops; Jeffrey Anderson, a plaintiff's attorney in St. Paul, Minnesota, who has handled numerous civil cases against priests who committed pedophilia; and, psychiatrists who treat pedophiles, including 1 who treats priest pedophiles. Lacks references.

Berry, Jason. (1993). Fathers and sins: An uneasy coalition of activists and clerics is forcing the Catholic hierarchy to confront the problem of sexually abusive priest. *Los Angeles Times Magazine*, (June 13):24-26, 28, 56-57.

Berry is a journalist and author, based in New Orleans, Louisiana. Magazine-style article. Begins with a brief story of Mary Staggs who at 26-years-old began to have flashbacks of the Roman Catholic priest, Fr. John Lenihan, who had molested her as an "early adolescent" in her parish in Anaheim, California. When the flashbacks affected her marriage, she went to the police, but the criminal statute of limitations had expired. She was able to pursue a civil damage suit. The

Diocese of Orange made an out-of-court settlement with her in exchange for dropping the suit, but Lenihan remained as pastor of a parish. To meet other survivors, she joined SNAP (Survivors Network for Those Abused by Priests), based in Chicago, Illinois. In March, 1993, she appeared on a network television show about abusive priests and told about the abuse which began when she was 13. Quotes Lenihan who minimizes his actions, places responsibility on her, and presents himself as a victim. Berry cites the case of Staggs and Leninan as “symptomatic of a clerical culture riven by sexual conflicts, now being openly challenged by those it has harmed, by victims turned activists.” Sketches the scope of the problem in the Church in the U.S.A., including: estimates of prevalence, millions of dollars spent on legal and medical expenses “in what arguably has become the worst religious scandal in American history.” States that the “anger and discontent among Catholics now is unlike anything the bishops have seen.” Notes that there is no national policy applicable to dioceses. A lengthy section discusses Catholic treatment centers, particularly the St. Luke Institute, Suitland, Maryland, and its director since 1992, Fr. Canice Connors, a Franciscan priest who was sexually molested as a child. Also quotes Leslie Lothstein, a psychologist with the Institute of Living, a non-Catholic clinic in Hartford, Connecticut, who treats priests who sexually violated minors. Describes the story of Jeanne Miller who heads Victims of Clergy Abuse Linkup, founded in 1991, and her advocacy on behalf her son who was abused by a priest in the Archdiocese of Chicago, and her attempts to hold the Church accountable, including Cardinal Joseph Bernardin. A section describes Connors’ efforts to convene a “think tank” in St. Louis, Missouri, earlier in 1993, including his efforts to include Miller and Dennis Gaboury “who was sexually abused by former Massachusetts priest James Porter.” The group’s purpose was to make recommendations to the National Conference of Catholic Bishops. Quotes a number of the participants who described the influential role of woman participations and their focus on those who had been abused, rather than prioritizing the priest abusers. The concluding section describes attempts in the Church to identify and respond to systemic issues, including celibacy, homosexuality, an all-male power structure, the relationship with the Vatican and the U.S.A. bishops over abusive priests.

_____. (2002). The priest and the boy. *Rolling Stone*, 898(June 20):60ff. [Accessed 02/29/04 from EBSCO Host academic database.]

Berry is the author of Lead Us Not into Temptation [see this bibliography, Section I.]. Magazine-style article. Presents the story of Mark Serrano who was sexually abused as a child by James T. Hanley, a Roman Catholic priest at St. Joseph’s Church, Mendham, New Jersey, while Hanley was pastor, Serrano’s family was active in the parish, and Serrano attended the church’s parochial school. Hanley came to the parish in 1972 and his contact with Serrano began in 1974 when Serrano was nine years old. Traces the grooming process that Hanley used with pre-adolescents: he routinely entertained boys in the rectory, providing them with hardcore pornographic videos, beer, and adult magazines, and telling them sexually-oriented stories. After he sexualized the relationship, Hanley imposed secrecy on Serrano. Berry writes: “Mark obeyed without thinking. Hanley was the most holy and exalted figure in the boy’s life, the father who had authority even over his biological father. His spiritual authority made him too overwhelming to even question, let alone challenge.” Berry reports that Hanley, who left St. Joseph’s in 1982, had at least 15 victims at the church. In 1984, while a junior in college, Serrano read a newspaper account of a priest indicted in Louisiana for sexually abusing boys, and then realized that Hanley’s actions against him were illegal. In 1985, Serrano reported Hanley to Bishop Frank Rodimer, head of the Paterson diocese in New Jersey. Berry reports that Rodimer described Hanley’s problem as alcohol, said he was being treated, and was being given another chance at parish ministry in Wayne, New Jersey. In 1986, Serrano and his parents began legal negotiations with the Paterson diocese for civil damages. A \$350,000. settlement was provided in exchange for non-disclosure. In 1993, Serrano met with Morris County authorities regarding Hanley’s actions, but criminal prosecution was not possible because of the New Jersey statute of limitations. Disregarding the non-disclosure agreement, Serrano gave interviews to *The New York Times* and to the *Oprah* television program, and these surfaced more of Hanley’s victims. In April, 2002, Serrano convened a meeting at St. Joseph’s between he and 8 other of Hanley’s victims and Bishop Rodimer in order to ask Rodimer to assume responsibility and hold Hanley accountable. While Rodimer declined, Berry reports one victim saying, “I got a piece of my childhood back.”

Includes a brief account of Bill Crane's experiences with Hanley. Crane was 2 years younger than Serrano, and was also involved in the St. Joseph's parish.

Birnie, Lisa Hobbs. (1994). Sins of the Father. *Saturday Night*, 109(1, February):32ff. Canadian general interest magazine. A lengthy report on events related to an interrupted Canadian criminal case against Fr. Hubert O'Connor, a Roman Catholic priest and member of the Oblate Order of Mary Immaculate who was consecrated a bishop in 1971. He was charged with rape and indecent assault of employees and students at St. Joseph's mission and residential school, near Williams Lake in British Columbia, while he was principal of the Catholic-run, government-financed school for First Nations children. Quotes a lead witness against O'Connor, a woman raised as a Catholic and sent to St. Joseph's when she was 8-years-old, and was victimized by him in 1964. Identifies 3 themes: a legal 1 involving issues of consent in a rape case, "the story of an ordained Catholic priest who admits he consistently engaged in sex contrary to his vows of celibacy and who was deemed by an unaware Catholic hierarchy suitable to be elevated to bishop," and issues related to the provincial government's handling of the criminal case that in turn raised long-standing questions about Canada's policy toward First Nations peoples "whose members had been separated as children from their parents, placed in residential schools, and left there to live a life of powerlessness under a social, cultural, and spiritual system that was foreign to them." The O'Connor investigation developed from criminal convictions and imprisonment of an Oblate priest and religious brother for the sexual abuse of male minors at St. Joseph's.

Bonavoglia, Angela. (1992). The sacred secret: Sexual abuse by the clergy. *Ms.*, 2(5, March/April):40-45. By a writer and contributor to the magazine. Magazine-style article; first person point of view. Begins with the story of Rita Milla, who, in 1977 at 16-years-old, was engaged sexually by Fr. Santiago Tamayo at St. Philomena Roman Catholic Church, Los Angeles, California. Tamayo facilitated her being used sexually by 6 other priests, eventually resulting in her impregnation. Tamayo sent her to The Philippines to give birth, but she almost died from medical complications during pregnancy. In 1984, Milla retained Gloria Allred, a prominent California, feminist attorney, who filed a multi-million dollar civil suit against the 7 priests and the Los Angeles archdiocese. (Bonavoglia writes that this was the 1st U.S.A. lawsuit brought by an adult woman against a clergyman for sexual abuse.) The priests left the archdiocese and were not brought to trial. An appellate court dismissed the suit on grounds related to expiration of the statute of limitations, and that the archdiocese was not responsible for the priests' actions because their behavior exceeded the scope of their employment. In 1991, Tamayo publicly apologized to Milla, and reported how officials of the archdiocese had instructed him to leave the country after the suit was filed. The next story is of Cathy Mahon who joined the Bethel Lutheran Church, Lester Prairie, Minnesota, in 1984. When she sought counseling from the pastor, Larry Haug, he exploited her vulnerability and sexualized the relationship. The distress, prompted in part by his attempt to silence her, resulted in 2 hospitalizations, including a suicide attempt. She discovered later that Haug had sexually engaged 6 parishioners at Bethel and his 1st church, all of whom were in counseling with him, the youngest of whom was 18. When she reported him to the denomination, Evangelical Lutheran Church in America (ELCA), he resigned the pastorate and entered a residential treatment program. Despite large medical bills resulting from her distress, the ELCA never offered her financial support. The ELCA never informed the congregation of Haug's actions, which allowed church members to blame her, and she and her children were harassed. In an out-of-court settlement, Haug and the congregation agreed to a judgment that allowed Mahon to be paid through the congregation's insurance company. After 2 years, she had not been paid. The ELCA was determined ineligible to be sued because it was not Haug's employer. Briefly reports on: the Los Angeles archdiocese blaming Milla for the priests' behavior; issue of consent; failure of the Catholic Church to discipline offenders; instances of reform in a variety of religious communities. [See a sidebar, p. 92, Breaking the sacred secret, for guidelines and resources for establishing groups to help stop sexual abuse by clergy and to find help.]

_____. (2003). New battleground for survivors of priest child sex abuse. *Ms.*, 12(4, December/January):39-40.

Reports on recent efforts by survivors of clergy child sexual abuse and advocates to change both civil and criminal laws in U.S.A. states in order to extend statutes of limitations in cases of child sexual abuse. Focuses on a successful effort to change California law that involved Nancy Sloan, a victim of Father Oliver O'Grady, a Roman Catholic priest from the diocese of Stockton, California, and Jeff Anderson, a plaintiff's attorney. Quotes Barbara Blaine, founder of Survivors Network of those Abused by Priests (SNAP), regarding delayed discovery of injury. Utilizes Sloan's case to illustrate problems for victims related to statute of limitations. After Sloan's parents reported O'Grady to diocesan officials and he admitted the molestation, he was transferred by 3 bishops and went on to abuse some 20 children, including a baby girl, was arrested for sexually abusing 2 boys, and went to jail for 7 years. While Anderson and a California attorney, Larry Drivon, won a multi-million dollar civil suit on behalf of the 2 boys against O'Grady and the diocese of Stockton, Sloan was prevented by California law from filing charges against O'Grady because of the statute of limitations. Sloan comments: "I would trade any cent I could get from these laws if I could get any of those individuals in jail who knew about it and let [O'Grady] have the opportunity to abuse somebody else." Includes contact information for updates about state campaigns to extended statutes of limitations. [See also this bibliography, this section: Smith, Anne Mollegen (2003).]

Borger, Julian. (2005). Hellfire and sexual coercion: The dark side of American polygamist sects. *The Guardian*, (June 30).

Borger is on the staff of the English daily newspaper. Reports from Manti, Utah, on the True and Living Church of Jesus Christ of Saints of the Last Days (TLC), "a polygamous and apocalyptic sect." Interviews Rachel Strong who was the youngest of 17 wives of James Harmston, "the self-declared TLC prophet. Quotes Harmston's letters to her that threatened eternal punishment for her refusing to have sexual relations with him. He told her that because of her actions, her young daughter "would have to die by some natural causes or accident to save her soul." She was taught from 11-years-old "that Jim Harmston was the reincarnation of Joseph Smith, the founder of the Mormon faith. He travelled to other planets in his sleep and spoke with God's authority. Sex with the church elders was a sacrament. 'He says orgasm and witness of the Holy Ghost are the same thing,' Ms Strong said." Strong has taken her daughter and mother and left the TLC. Cites the TLC as example of groups in the U.S.A., which practice polygamy, stating, "polygamy takes with the danger of institutionalised abuse of women and children, over whom it gives men supreme power." Calls the TLC a sect that "is one of dozens of polygamous sects which are splinters from Utah's dominant religion, the Church of Jesus Christ of Latter Day Saints, otherwise known as Mormons."

Briggs, David. (1998). An investigation in terror. *The Plain Dealer*, (October 25):Regional News, 1A. [Accessed 01/30/14 at the World Wide Web site of Missionary Kids Safety Net: http://www.mkssafetynet.net/media_coverage_102598.htm]

By a reporter for the Cleveland, Ohio, newspaper. Reports on the findings by an Independent Commission of Inquiry (ICI) that was appointed by The Christian & Missionary Alliance (CMA) denomination to examine allegations of abuse of the children of missionaries who attended the CMA's boarding school at Mamou Alliance Academy in Guinea, a country in West Africa. The commission concluded that scores "of repeated sexual, physical and psychological abuse occurred at the school [grades 1-10]...[which] served about 200 children of missionaries from the U.S.-based Missionary Alliance, Gospel Missionary Union [an independent mission-sending agency] and other missionary organizations throughout West Africa between 1950 and 1971, when it closed." The ICI worked from February, 1996, to November, 1997, "receiving written and personal testimony from more than 70 Mamou alumni as well as from several missionary parents and former Mamou staff." States: "Seven former [Mamou] staff members and two former students were found to have physical, sexually or psychologically abused children at Mamou." The report notes the physical isolation of the school, extended separation of children from their parents, and the limited communication between children and their parents, which included staff censoring children's letters: "Children expressing concerns were told they would worry their parents and endanger the eternal souls of the Africans if they interfered with their parents' work."

Such letters were rewritten, or the offending paragraphs erased.” Notes that mission agencies commanded parents “to send their children away [to a boarding school]” and “told [parents] to focus on the biblical story of Abraham, who stood ready to sacrifice his son Isaac at God’s command on top of Mount Moriah.” The report “noted the staff at Mamou had Herculean job descriptions to keep the school running and little respite. ‘The picture we have is one of days full of multiple tasks in a hardship situation, with significant isolation and loneliness, without helpful support.’” People’s experiences of serious, negative consequences from the abuse at Mamou were reported to the ICI, including 2 deaths by suicide and several attempted suicides. Quotes the concluding statement of the ICI report: “‘How did the abuse happen at Mamou? Our compelling answer: The abuse at Mamou occurred because none of the adults were accountable or took the responsibility which belonged to them and, as a consequence, the children suffered.’” The article names specific Mamou staff found to have committed abuse. The article quotes from the ICI’s report, former alumni of the school, missionaries whose children attended Mamou and were among the children who were victimized, some of the staff found to have committed abuse, CMA officials, and a Gospel Missionary Union official. Describes the CMA’s effort to investigate as “a historic turning point for a Christian community that has largely been content to dismiss child abuse as ‘a [Roman] Catholic problem,’ in reference to the well-publicized cases in recent years of pedophilia in the church.” States that what the “Mamou alumni have achieved with the help of Missionary Alliance officials who chose ‘to do the right thing’ is a groundbreaking recognition in evangelical circles that child abuse occurs everywhere.”

_____. (2001). Study puts abuse rate at 7 percent in missions’ elementary grades. *The Plain Dealer*, (March 18):Regional News, 1A. [Accessed 01/30/14 at the World Wide Web site of Missionary Kids Safety Net: http://www.mksafetynet.net/media_coverage_031801a.htm]

By a reporter for the Cleveland, Ohio, newspaper. Reports on a study of 600+ people who were formerly the children of missionaries. The study, which was conducted in 1993 by 8 unnamed, “major missionary organizations,” is “the most comprehensive survey ever made of missionary children.” While other portions of the study have not been released, “the results on sexual abuse” were released on this date: 41 (6.8%) “said that, looking back as adults, there were times during grades one through six that they experienced sexual abuse. Four percent said they were sexually abused during grades seven through 12.” The term *sexual abuse* was not defined. Sources include David Pollock, executive director of Interaction in Houghton, New York, a “group that provides ministry resources for missionary families,” and David Wickstrom, a psychologist.

_____. (2001). Mission children abused. *The Plain Dealer*, (March 18):Regional News, 1A. [Accessed 01/30/14 at the World Wide Web site of *The Plain Dealer*: http://blog.cleveland.com/pdextra/2010/04/mission_children_abused.html]

Reports that leaders of the Gospel Missionary Union (GMSU, a “more than century-old mission agency” in the U.S.A., have been unmoved by pleas for assistance, including counseling from adults, who as children of missionaries [missionary kids – MKs] in Africa were sent to the GMU boarding school in Bouake, Ivory Coast, where they were sexually abused by school staff in the 1970s, specifically a male who functioned as a “dorm parent.” Based primarily on interviews with former MKs and missionaries whose children were abused. Noting that students “were taught not to alarm their parents about events at the school,” quotes an MK who was abused regarding the rationale for the silence: “‘We would disrupt God’s work, the work of the kingdom, for our own little problems.’” When an MK went home for Easter break in 1974, she told her parents of the dorm parent’s abuse, and when asked by their parents, 3 other girls confirmed the story. 3 fathers are described as confronting the man who initially denied the abuse, then confessed, and asked for forgiveness. States: “For its part, the mission did forgive him. Not only did the mission officials forgive, but they also agreed to his plea to remain at the Ivory Coast Academy until the end of the school year to spare him the embarrassment of leaving in shame... A woman was brought in from the field to oversee the girls’ wing.” Quotes a parent of an MK who was abused: “Most of us had been raised in conservative Christian churches. You keep matters like this out of the hands of unbelievers as much as possible... We were hoping he would be restored to victory.” Reports the serious negative effects of the abuse on the primary MK interviewee, which, during her residence

at the school, was not understood as a result of the abuse. Notes: “And the idea that missionaries, held atop the Christian hierarchy as models of lives sacrificed for Christ, could sexually abuse children, was almost beyond comprehension. Instead of addressing the problem, there was a tendency to accept the suffering caused by the abuse as part of the sacrifices missionaries made for their faith.” Reports the GMU’s resistance to sponsoring a formal investigation into abuse at boarding school. Describes positive efforts by other mission agencies and church denominations to respond to abuse allegations.

_____. (2002). Lament for Christ’s body. *The Plain Dealer*, (October 15):Unpaginated. [Accessed 10/15/02 at the World Wide Web site of the newspaper.]

By a reporter for the Cleveland, Ohio, newspaper. Reports on a church service on 10/14/02 in Cleveland that was offered for victims of clergy sexual abuse in the Roman Catholic Church. “A Liturgy of Lament for the Broken Body of Christ” was organized by FutureChurch, an independent Cleveland organization, working with several local churches and religious orders. The opening hymn was written by a man who had been abused as a seminarian. One ritual involved priests and lay ministers “[laying] their hands on the heads of abuse victims and [praying] over them.” In another ritual, “victims and supporters joined in dipping their hands in the baptismal pool in symbolic gestures of hope for new life in the church and kissing a huge wooden cross to stand with Christ in solidarity with the suffering of others.”

Brown, S. Tia. (2011). Crisis of faith sex scandal negotiations end. *Jet*, 119(20, June 13):14.

Reports an out-of-court settlement in civil suits filed in 2010 against Bishop Eddie Long, the Longfellows Youth Academy, and New Birth Missionary Baptist Church, Lithonia, Georgia, Long’s 25,000 member church. The suits alleged that Long, also a televangelist, committed sexual acts against 4 males who were in their teens and affiliated with Church programs. The terms were undisclosed.

Brown, Simon. (2016). Innocence abused: How a reckless combination of Church and State harmed Pennsylvania’s children. *Church & State* [published by Americans United for Separation of Church and State], 69(5, May):7-10.

Brown is assistant director communications, American United for Separation of Church and State, Washington, D. C. Magazine-style article. Reports on a grand jury report released by Pennsylvania Attorney General Kathleen G. Kane, which follows a 2-year investigation by the Office of Attorney General into the sexual abuse of minors over at least 40 years by priests or religious leaders assigned to the Roman Catholic Diocese of Altoona-Johnstown. Citing the grand jury’s findings, Brown reports that Fr. Francis B. McCaa, who was “assigned to parishes in western Pennsylvania between 1948 and 1985... is estimated to have sexually abused hundreds of boys during his decades in the priesthood,” and was never held accountable due to interventions by Diocesan officials and deference to those interventions by Pennsylvania law enforcement officials. “McCaa was reassigned to a West Virginia parish with a ‘glowing recommendation’ from [the Diocesan bishop in the 1985].” Also reports others findings in which law enforcement was informed of specific priests’ behaviors, and failed to pursue the cases. Brown reports: “As a result of the diocese’s unchecked power in western Pennsylvania, the grand jury concluded ‘that where priests were involved with misconduct the police and civil authorities would often defer to the Diocese.’” Briefly cites similar types of cases throughout the U.S.A. to illustrate a pattern of law enforcement deferring to the Catholic Church. Also very briefly describes attempts throughout the U.S.A. to extend the statute of limitations in criminal law for perpetrators of child sexual abuse, and in civil court for people who were sexually abused as children. Includes comments from David Clohessy, “executive direction of Survivors Network of those Abused by Priests (SNAP).”

Bruni, Frank. (2002). Am I my brother’s keeper? *The New York Times Magazine*, (May 12):42-45.

Bruni is a staff writer. A brief magazine article focusing on the family of origin of David Clohessy, national director, Survivors Network of those Abused by Priests (SNAP), St. Louis,

Missouri, and especially his brother, Kevin Clohessy, who served as a Roman Catholic priest until allegations of improper sexual conduct eventually led to his ceasing to work as a priest.

Butler, Katy. (1983). Events are the teacher. *The CoEvolution Quarterly*, 40(Winter):112-123.

Butler is a reporter for the *San Francisco Chronicle* newspaper in San Francisco, California, and a student at the San Francisco Zen Center, San Francisco, California. A magazine-style and occasionally first person account and analysis of the crisis in the San Francisco Zen Center following actions by the Board of Directors on 04/08-04/10/83 upon discovering that the Center's abbot since 1977, Zentatsu Baker-*roshi* (née Richard Baker) had been sexually active with women students, and that the relationships had damaged their efforts to practice Zen. The Board requested Baker-*roshi* not to lead services, give lectures, or perform the *Jundo* (silent morning walk). He withdrew from the Center, but his continuing relationship was unclear at the time of publication. The formal response included the Board choosing to disclose more information to the community, and to invite the community to engage in shared decision-making. Her analysis of what led to his behavior includes a variety of factors: the leader being isolated by not receiving feedback from a community of people who are emotionally dependent on the leader; tacit collusion by the leadership to not voice suspicions about his behaviors; uncritical respect for the concept of *Dharma* (teaching) transmission, a concept that reinforced Baker-*roshi* as the heir of a line of generations of Zen teachers; uncritical acceptance of an idealized image of an enlightened person that focused on the person rather than specific enlightened activities; a willingness to rely on trusting Japanese Zen's structure of hierarchy and practice of emotional distancing. News of Baker-*roshi*'s acts disturbed the community in that he counseled against deceit, manipulation, and harming another's spiritual path. He taught that the leaders were expected to set an example judged by tougher standards. The article is introduced by Steward Brand, publisher of the journal. For responses to the article, see Backscatter section, i.e., letters to the editors, *The CoEvolution Quarterly*, 41(Spring):127-130 (1984). Includes a sidebar containing the letter of resignation by Baker to the board and students of the Zen Center, December 20, 1983.

Cannon, Carl M. (2002). The priest scandal: How old news at last became a dominant national story – and why it took so long. *American Journalism Review*, 24 (4, May):18-25.

Cannon is president-elect of the White House Correspondents' Association who was an award-winning reporter for his coverage in 1987 of Roman Catholic Church officials cover up of sexual molestation by priests, coverage for which he was nominated for a Pulitzer Prize. Offers his analysis of why the story of child sexual abuse by priests, and the responses of Church officials, "took so long to gain traction..." Begins by sketching the breadth of recent media reports since 2001 that were prompted by the investigative work of journalists for both alternative and daily newspapers in Boston, Massachusetts, regarding a former priest, John J. Geoghan, and former head of the Boston archdiocese, Cardinal Bernard F. Law. Compares the Boston archdiocese story to that of former priest, Gilbert Gauthier, and his bishop, Gerard Frey, in Lafayette, Louisiana, in the early 1980s. Identifies multiple reasons for the inactions of the media in the 1980s and early 1990s. "First, the original problem with this story was simple skepticism that anything so horrible could be condoned by the hierarchy of a church that has done so much good in the world." He also describes this as cognitive dissonance. Next, he cites the 1993 civil case in which allegations of abuse were made against Cardinal Joseph Bernardin, Chicago archdiocese. The allegations were based on therapy-induced recovered memory. They were later withdrawn and Bernardin was exonerated. He suggests that this case gave journalists a reason to disbelieve the scope of the problem and to avoid "taking on a powerful institution..." His second reason is that in the 1980s, the media was "constrained by the very nature of the subject matter," i.e., sexual crime. His third reason is that when the Boston archdiocese story "broke in new outlets [in 2002, it did so] with real power" because *The Boston Globe* "is a publication with the clout to set the agenda for elite Eastern media outlets." His next reason relates to why the story emerged prominently in 2002. The lack of institutional memory within the media about stories from the 1980s resulted in a lack of context: "The scandal is all the greater *precisely because the story has been around so long.*" This heightened the tension between what Church officials had known since the 1980s, the promises of corrective steps, and the lack of fundamental change. Another reason he cites is that

both theological conservatives in the Church and media liberals were avoiding discussion “of the subculture of homosexuality in the priesthood...” Lacks references.

Carcara, William S. (2009). Advising houses of worship on a comprehensive and balanced security plan. *The Police Chief: The Professional Voice of Law Enforcement* [published by International Association of Chiefs of Police], 76(8, July):54-57.

Carcara is a retired chief of the police department, Jefferson County, Kentucky, which includes the city of Louisville, and is co-founder of “Crime Prevention Training Concepts, LLC, which specializes in risk and threat mitigation for church communities.” Magazine-style article. States at the outset: “Houses of worship represent a unique crime prevention challenge for police offices due to the very nature of such places. They are often open environments, both physically and figuratively.” To protect “a religious institution from potential criminal occurrences,” he advocates “a balanced approach that integrates crime prevention strategies and security technologies with the overall mission of the institution.” Divides *risk* into 3 subcategories: *internal*, e.g., a divorce recovery workshop has potential for an incident of domestic violence; *external*, which arise from the site’s physical situation; *intangible*, which involves public reputation. Identifies 9 aspects of security: “security consciousness, risk assessment, security assessment and evaluation, target hardening, protection of financial assets, youth protection, developing proactive strategies, media response, and ministry protection.” Regarding *youth protection*, states: “Parents allow their children to participate in ministry programs for the positive experiences of spiritual growth, fellowship, and mentoring. These experiences and the lives of all involved are shattered if a child is sexually abused while participating in an event sponsored or conducted by a house of worship. Even more troubling is that most religious institutions are ill prepared to deal with this fact.” Lists 8 model procedures from policies developed by youth-serving organizations, like 4-H and Boys & Girls Clubs of America, that can function as benchmarks for churches “that balance the mission of the ministry with the inherent risks associated with children’s programming.” States that “[a] critical aspect in building a comprehensive security plan is” designating the centralized responsibility for developing, implementing, and monitoring the plan. Advocates for development of a crisis management plan with 4 objectives: “• Instill confidence in the community that agencies are effectively working together in the response effort. • Promote a positive understanding of the response, recovery, and mitigation programs in place. • Provide all target audiences with appropriate access to information about the crisis. • Maintain communication with those affected by the crisis.” 2 endnotes.

Carroll, Rory. (2001). Pope emails apology for sex abuse. *The Guardian*, (International, Friday, November 23). [Accessed 09/30/14 at the World Wide Web site of *The Guardian*: <http://www.theguardian.com/world/2001/nov/23/childprotection.catholicism>]

Reports from Rome that Pope John Paul II apologized on 11/22/01 to nuns and other people who have been sexually abused by Roman Catholic clerics. He acknowledged the Church’s failure to stamp out the abuse, and asked for forgiveness. “The apology formed a small but carefully worded part of a 120-page document summarising the themes of a synod of bishops from Oceania which met at the Vatican in 1998.” Oceania includes the church in Australia, New Zealand, and the Pacific Islands.

Cevallos, Diego. (2002). Religion: Church sex abuse scandal heats up in Mexico, too. *Inter Press Service*, (April 22). [Accessed 03/14/04 from Contemporary Women’s Issues academic database.]

A brief newsletter article published by Inter Press Service, a non-profit, international cooperative of journalists. Cevallos is not identified. Reports that the Roman Catholic Church in Mexico “is now publicly discussing whether to turn priests accused of sexually abusing minors over to the justice system.” Mexico has “the second-largest number of Roman Catholics in the world, after Brazil...” A spokesman for the Mexican Bishops’ Conference, Abelardo Alvarado, is attributed as acknowledging “that for many years, the Church kept mum regarding cases of child molestation, in order to preserve its own reputation and that of the victims.” Quotes Bishop Renato Leon of Ciudad Juarez as stating: “It is not appropriate to turn over our sons (implicated in cases of sexual abuse), children of the Church, to civilian authorities.” Another bishop, Sergio Obeso of Jalapa is

quoted as saying: “Dirty laundry is washed at home.” The senior prelate in Mexico, Archbishop Norberto Rivera, however, is attributed as repudiating that thinking, “and emphatically stated that those accused of sexual misconduct should answer to the justice system, like any other suspect.” Quotes both self-identified victims and supporters of Marcial Maciel, a Mexican priest who founded the Legionnaires of Christ in Mexico. 1 of the accusers is “sociologist Juan Vaca, a former president of the Legionnaires of Christ in the United States.” Also includes statements from various sources regarding the handling of cases in Mexico.

Clark, Cristine (as told to Coyne, John). (1992). Broken vows. *Redbook*, 180(1, November):51-52, 54-56.

Magazine-style article. Clark is a volunteer with Victims of Clerical Abuse Linkup (VOCAL). First person account by a survivor of a Roman Catholic priest: “Father Ed was our parish priest, and he used his position of authority to persuade me, a child, that what he wanted was right. When I was 14 years old, he sexually abused me for more than a year. And the Church looked the other way.” Describes living in Woodridge, Illinois, in 1985 and attending 7th grade at a parochial school when Fr. Ed Stefanich began to pay particular attention to her: “To a child, that kind of attention from an adult – especially such an important one – creates a special bond.” He hired her to help at the rectory and proceeded to sexualize his relationship with her. He responded to her objections with religious justifications “that it wasn’t a sin, that it was what God wanted.” He swore her to secrecy, bought her clothes, jewelry, and a car, opened a bank account in her name, and provided financial assistance to her family. In 1986, Stefanich told her that another student had told a Church deacon who was a psychologist for Catholic Charities that the student had seen Stefanich kissing her. The psychologist informed the bishop of the Joliet diocese who confronted Stefanich. When Stefanich denied the allegation, the bishop suggested he transfer to another parish, but Stefanich refused and was allowed to remain. When her mother discovered the nature of the 16-month relationship, she called the Joliet diocese to report it: “She was assured the bishop would look into the situation, but that in the meantime, if she kept quiet, the Church would pay for counseling for me and my mother.” The mother was referred to the psychologist who had reported Stefanich to the bishop. When the psychologist learned of what had occurred, he reported the matter to the local police. Stefanich was indicted on 4 counts of criminal sex abuse, and in a plea bargain, admitted to 2 counts. He resigned the priesthood, and was sentenced to six months in jail and a year of sexual abuse counseling. In 1987, her family threatened to sue the diocese for willful negligence. The diocese settled for \$450,000 in damages and obtained a confidentiality agreement with the family. As a mother, Clark has become active in VOCAL in order to protect children: “I want young people to know that if a priest makes them do anything they know is wrong, saying that it’s what God wants, that’s a lie. And the priest can – and should – be stopped.” An accompanying sidebar includes a brief, topical interview in a question/answer format with journalist and author Jason Berry.

Clayton, Joan (pseudonym). (1985). “My minister kept making passes.” *Ladies’ Home Journal*, 102(7, July):16, 20.

First person account by a woman who as a church secretary was subjected to verbal and physical sexual harassment by the pastor of the church. She developed somatic and emotional symptoms of stress. When Clayton rebuffed his advances, he retaliated by criticizing her job performance. She later discovered that he had sexually harassed a congregant and an employee at a previous church. When she and the 2 others met with the pastor’s denominational superior and the chair of the church’s board, the superior refused to act unless the women confronted the pastor in person. When the superior and the chair of the church’s personnel committee met with the pastor, he denied the allegations, and the matter was dropped. When Clayton sent a letter of her intent to file a harassment suit under Equal Employment Opportunity Commission law, the pastor admitted hugging and embracing the women, but argued that he had been misinterpreted. Reports of similar charges against the pastor then surfaced in his former church along with rumors of more victims in his current church. At this point, the church agreed to comply with terms set by Clayton’s lawyer: the pastor would be transferred and obtain counseling. She became the object of a backlash in the congregation, and resigned her job. Notable as an early account of a misuse of power and the reactions of those within the church and denomination upon discovery.

Clayton, Mark. (2002). Sex abuse spans spectrum of churches. *The Christian Science Monitor*, (April 5). [Accessed 04/07/02 at *The Christian Science Monitor* World Wide Web site: <http://www.csmonitor.com/2002/0405/p01s01-ussc>]

Reports results from annual national surveys of churches conducted by Christian Ministry Resources (CMR), a tax and legal advice publisher: "Since 1993, on average about 1 percent of the surveyed churches reported [receiving child sexual] abuse allegations annually. That means on average, about 3,500 allegations annually, or nearly 70 per [week] among the predominantly Protestant group [according to James Cobble, CMR executive director]." Findings include: most church child sexual abuse cases involve a single victim; lawsuits or out-of-court settlements were a result in 21% of allegations reported in the 2000 survey; volunteers are more likely than clergy or paid staff to be abusers; in 1999, 42% of alleged child abusers were volunteers, about 25% were clergy or paid staff, and 25% were other children; over the last 9 years of surveys, there is a reduction of reported allegations; the peak year was 1994 with 3% of churches reporting having received allegations. The article also reports that: child sexual abuse insurance claims have slowed in recent years, according to several industry sources; the introduction of education programs and prevention policies and procedures has made a difference in stabilizing the trend in the frequency and severity of church sexual misconduct claims since the mid-1980s. Concludes with a quotation from Cobble: "What drove leaders to begin to respond to this issue was not the welfare of children. It was fear of large, costly lawsuits."

Clifford, Gary. (1987). A black prince of the church. *People*, 28(September 28):30-35.

Magazine-style article. Based on interviews, reports the story of Despina Gallas and her family who are publicly disclosing their accusations against Bishop Anthimos Draconakis, Greek Orthodox Church in the United States, of sexually exploiting her. She is the daughter of Fr. George Gallas, a Greek Orthodox priest. Despina Gallas reports that in 1979, when she was 18, Draconakis used his bishop's role to sexualize his relationship with her, and used religious rationalizations to justify his actions. After 9 months, Draconakis appointed George Gallas as his chancellor in the Boston, Massachusetts, diocese, and hired Despina Gallas' mother to work in his office, which gave him greater access to Despina Gallas. In 1982, she reports, Draconakis threatened her with a gun which prompted her to tell her parents about the relationship. Archbishop Iakovos interviewed Despina Gallas and her father. According to George Gallas, the archbishop believed them and asked him to resign his position with Draconakis in order to be appointed elsewhere. According to her and her father, when Iakovos confronted Draconakis, Draconakis denied the allegations and accused the 2 of having an incestuous relationship. Her father's promised appointment was repeatedly delayed. She began psychiatric treatment and treatment for anorexia. In 1983, Iakovos attempted to get her father and Draconakis to reconcile. Her father refused and demanded that Draconakis take a lie detector test which she had done and passed. Iakovos twice ordered Draconakis to submit, but he refused. In 1983, the 10 bishops of the American synod considered the case, and ordered Draconakis to take a 6-month leave of absence pending reassignment. Draconakis defied the order and appealed to the Church's patriarch in Istanbul, Turkey, who upheld the synod. Later in 1983, Draconakis was enthroned as bishop of Denver, Colorado, a position created for him. By 1985, her anorexia required hospitalization. The Church, which had been paying her medical bills, stopped coverage for her treatment at an eating disorders clinic. After a 3-month paid leave of absence so he could support his daughter, her father had to threaten to sue the Church in order to be reappointed to a parish.

Connor, Tom. (1999). Gods and monsters. *Connecticut Magazine*, (May):43-44, 117-121, 145. [Accessed 03/09/12 at the World Wide Web site of *Connecticut Magazine*: <http://www.connecticutmag.com/images/GodsMonsters%201999.pdf>]

Connor writes for the publication. Reports on a series of upcoming civil lawsuits by 23 plaintiffs in Connecticut state court against 6 "Fairfield county priests and the [Roman Catholic Church] Diocese of Bridgeport for the sexual molestation of minors from the early 1960s to the mid-1980s." Based on Church documents and interviews with survivors, attorneys, and therapist. States: "Unlike other dioceses around the country, Bridgeport has acknowledged little and

apologized for nothing. Beginning with the first lawsuit filed in 1993, diocesan officials have delayed testimony, had actions sealed, defied court orders, concealed evidence and stonewalled proceedings through restraining orders and other legal devices. In addition, according to evidence that has come to light during legal proceedings, it appears that the diocese not only knew its priests were abusing children, but further, that it ignored the victims and protected the abusers, 'recycling' the priests time and again without telling the new parishes who they were getting or what they'd been accused of." The cases were filed in civil court because the criminal statute of limitations in Connecticut related to the priests' behaviors has expired. Describes allegations of abuse against Frs. Raymond Pcolka, Martin J. Federici, Walter Coleman, Charles T. Carr, and the late Joseph Gorecki. States that most of the cases, "and the most horrific of the allegations," are against Pcolka. Reports that 16 males and females "say [he] sexually attacked, raped, sodomized, bound and beat them when they were between the ages of 7 and 14." Quotes a therapist regarding the priests as in positions of trust and power. Also describes the case of Fr. Laurence Brett and the role of Diocese officials who were aware for years of his sexual acts against minors and young adult adults, and responded by "covering up the priest's sexually exploitative and abusive behavior." In a 1997 civil suit in federal court in New Haven, Connecticut, the jury awarded a victim of Brett's "\$750,000 in compensating damages, finding that the Diocese of Bridgeport had breached its fiduciary relationship with him, and had also breached its duty to find, warn, and provide help to him and other minors in danger of being abused... Because the evidence was sufficient to support the jury's finding of fraudulent concealment, the case was not barred by the statute of limitations, which had lapsed." The ruling is under appeal by the Diocese. Based on the plaintiffs, an attorney, and a therapist, describes the consequences of the abuse, which include: loss of participation in the Church, "anxiety, sexual dysfunction, gender confusion and above all else, an ability to trust," and issues of self-esteem, shame, control, "intimacy, marriage, job performance, security, depression, and alcohol and drugs." Describes that some priests "forced [their victims] to make acts of confession following the attacks, as if they were somehow responsible for sins that had been perpetrated upon them."

_____. (2012). Cardinal Egan: Ten years after. *Connecticut Magazine Web-Exclusive Content*, (February): Unpaginated. [Accessed 03/09/12 at the World Wide Web site of *Connecticut Magazine*: <http://www.connecticutmag.com/Connecticut-Magazine/Web-Exclusive-Content/February-2012/Egan-Ten-Years-After/>]

Excerpts from an interview with Fr. Edward Egan, retired Roman Catholic cardinal of the archdiocese of New York City, New York, and former bishop of the Bridgeport, Connecticut, diocese. Quotes Egan as defending his actions as the Bridgeport bishop regarding cases of diocesan priests who had sexually abused minors.

Cook, Sarah. (1998). Clergy abuse on campus: Preying on the vulnerable. *Women in Higher Education*, 7(8, August):18. [Accessed 03/14/04 from Contemporary Women's Issues academic database.]

Magazine-style article. Draws from a presentation at the 1998 Women in Higher Education conference in San Francisco, California. Identifies risk factors involved in college campus clergy sexually abusing students: a student's vulnerability due to being away from home; the perceived authority of clergy; patriarchal religion and the devaluing of women; willingness to entrust one's self to a religious group when seeking support; clergy's lack of formal training in counseling, and lack of background checks on clergy; a student's lack of personal support from family or friends after having been abused. Briefly identifies relevant institutional factors, including accountability issues and the handling of complaints. Lists components of prevention efforts: creating campus anti-harassment policies that include clergy behavior; educating students, faculty, and staff; providing resource materials on clergy abuse; supporting those who experience abuse, including counseling and helping students make complaints to religious authorities.

DaCosta, Justine. (2004). Bishop asks for forgiveness: Apology given to parishioners for acts of sexual abuse at St. Bede's. *Tri-Valley Herald*, (March 3):pagination lacking. [Accessed 04/26/18 at the World Wide Web site of BishopAccountability.org: http://www.bishop-accountability.org/news2004_01_06/2004_03_03_DaCosta_BishopAsks.htm]

A local newspaper's report of a service on March 1, 2004, at St. Bede Roman Catholic Church, Hayward California, at which Bishop Allen H. Vigneron, Diocese of Oakland, Oakland, California, "apologize[d] for the acts of clerical sexual abuse of minors that occurred here." States that 24 "priests in the Oakland area have been charged with sexual abuse over the past 50 years, and 72 victims have been confirmed." Reports that names were read of survivors from the diocese who have made their abuse public. Quotes one survivor, a 31-year-old woman who reports that as a child she was raped in the confessional at St. Bede by the Monsignor George Francis, who died in 1998. Reports that she was awarded \$3 million "in connection with the abuse, and that Francis "was accused of sexually abusing at least six minors over a span of 30 years during his tenure at St. Bede's." Quotes a woman religious, Sr. Barbara Flannery, who heads the survivor outreach program of the Diocese, as "acknowledge[ing] that many parishioners are reluctant to believe Francis molested children." Reports that Vigneron will hold 14 apology services in the Diocese during the month.

Daignault, Sylvain. (2007). Simonin will serve his sentence in the community. *Le Soleil de Châteauguay*, (November 24). [Accessed 07/09/11 from Women's Studies International academic database.]

The publication is a French language Canadian newspaper. From the database abstract: "The article reports that 67-year-old Marcel Simonin, an Elder among the Jehovah's Witnesses of Chateauguay [in Quebec], has been sentenced to serve nine months in prison for sexual abuse of a minor. Simonin has been found guilty in December 2006 of acts of sexual abuse of a minor which took place between 1985 and 1992. At the time of the incidents of assault, the victim, a young girl, was only 11 years old. Simonin gained the confidence of a woman and her daughter, then he proceeded to engage in multiple incidents of intimate contact with the adolescent. In 2005, in order to continue her therapy and to free herself the young girl decided again to file a complaint against Simonin. The Court found Marcel Simonin guilty of sexual assault by reason of Articles 246, 271 and 153 of the Criminal Code."

Datta, Tanya. (2004). Sai Baba: God-man or con man? *BBC News This World*, (June 17). [Accessed 03/11/13 at the World Wide Web site of BBC News:

http://news.bbc.co.uk/2/hi/programmes/this_world/3813469.stm]

Describes the efforts of Basava Premanand, "founder of the Federation of Indian Rationalist Associations and the editor of a monthly periodical called The Indian Sceptic," who, since 1976, "has waged a bitter war against [Sri Satya] Sai Baba, a man who commands a following both in India and abroad. His devotees believe him to be an Avatar, or incarnation of God in human form." Premanand states that he has collected evidence for 30+ years on Sai Baba, "India's leading spiritual guru," and that the evidence "proves the self-proclaimed 'God-man', Sai Baba, is not just a fraud, but a dangerous sexual abuser." Reports: "Rumours about Sai Baba sexually abusing young male devotees have been circulating for years." States that former devotees "are coming forward with increasingly graphic stories of the guru's serious sexual exploitation." Cites the British Broadcasting Corporation's film, *Secret Swami*, which was broadcast June 17, 2004, in the United Kingdom on BBC Two.

Davies, Nick. (1998). The most secret crime: Is the Church forgiving sin or just turning a blind eye? *The Guardian*, (June 4):6-7

Davies is a freelance investigative reporter for the English daily newspaper. The 3rd story in "our major investigation of paedophilia" centers on Rev. Phil Aspinall, a priest in the Anglican Church who was assigned to St. Peter's in Coventry, England. Begins with his arrest in 1997 by Coventry police "who were investigating allegations about his involvement with children," and traces how the Church "had been struggling with the behaviour of Aspinall for years." Reports: "The Anglican Church is accused by many within its ranks of mishandling complaints about its priests' involvement with children, of failing to follow the kinds of procedures which are now commonplace in other organisations and, above all, of placing the interests of the suspect priest – or even of its own reputation – above those of the child." Aspinall came to St. Peter's in 1981 as a Church-licensed lay reader "who went on to be trained and ordained as an unpaid 'non-stipendiary' minister." Reports: "Only a handful in the diocese knew his secret – that he had left

his previous parish [in Coventry] under a cloud of suspicion about his behaviour with adolescent boys in the church's choir... The Coventry diocese had dealt with this problem in classic fashion. They had made no attempt to discover whether other choirboys had been approached, whether any of them had suffered any harm, they conducted no formal inquiry at all, they did not call in the police or the social services, they simply shuttled the problem into another parish – St Peter's. Which had no choir." At St. Peter's, the rector instructed Aspinall to not work with children, however no record was kept, and when the rector left, Aspinall started a youth group. Over time, incidents and reports led the next rector in 1995 to inquire into Aspinall's past behaviors in Coventry. When he consulted the diocese's child protection adviser, a pediatrician, she asked Social Services and the local National Society for the Prevention of Cruelty to Children to inquire. "They concluded that there was no evidence that Aspinall had broken any law, but that this behaviour clearly indicated risk." As a follow-up, a group went to the bishop of the diocese "and argued that Aspinall should be suspended, in the same way as a teacher or social worker who was thought to be a possible risk to children. It soon became clear that the Church lacked the strict procedures which had been forced on other organisations by bitter experience." In 1996, law enforcement ruled there was insufficient evidence against Aspinall. The diocese took no action. In 1996, police began an inquiry into Aspinall after a 14-year-old in a very disturbed family named him having "made sexual overtures to him." In 1997, a new complaint against Aspinall led to a new police investigation and his arrest. After being informed, the bishop took no action, and the rector "was told to tell the congregation that Aspinall was absent through the pressure of work; the church once again waited for the police; and when the police once again reported that there was insufficient evidence to justify criminal proceedings, Aspinall himself was allowed to set the pace." The bishop accepted Aspinall's offer to go elsewhere. States that Aspinall "remains a priest, entitled to preach and run youth clubs, to wear his dog collar and to enjoy the trust which it inspires." Concludes: "Last week, senior sources in the Anglican Church confirmed two aspects of what had happened: that Aspinall's behaviour had been 'inappropriate'; and yet that they had no formal mechanism for relaying a warning about a suspect priest from one diocese to another."

Davis, Lisa. (1994). Sins of the Temple. *Phoenix New Times*, (December 22-28):Unpaginated. [Accessed 11/04/11 at: http://www.childpro.org/ldsmedia%201994-1996/ldsmedia1994_lisadavis.htm]

Davis is a staff member of the alternative weekly newspaper. "To protect the privacy of sexual abuse victims, some people in this report have been identified by first name only. Those first names are pseudonyms. All other names in this report are real." Begins within the story of Robert Gene Metcalf, active in the Church of Jesus Christ Latter-day Saints community in Mayer, Arizona, as well as the larger community, "especially when it involved children." Prior to his marriage to his second wife, Gail Metcalf, he was convicted in 1974 California of "sodomizing a young boy," and later convicted of sexual misconduct in the late 1970s with a 13-year old boy living temporarily with the family and the children of Gail Metcalf, who later divorced him. He was sentenced to 6 years in prison, and excommunicated from the Church. According to a civil suit filed against Church officials by Gail Metcalf, after she developed a brain tumor in 1987, "[s]he contacted her local bishop to discuss what might happen to her younger children while was hospitalized," and was ordered by the bishop and his superior, the stake president "to send her children to live with [Robert Gene Metcalf]." Gail Metcalf is quoted: "'We are trained in the [Mormon] church to be submissive... It is a patriarchal system. I was trying to abide by church leaders' rules that they had set down and told me what to do.'" Reports that she sent her children to live with Robert Gene Metcalf in 1988. The same year, Robert Gene Metcalf's 6-year-old stepson told Robert Gene Metcalf's third wife, "[Robert Gene Metcalf's] in-laws and [Robert Gene Metcalf's] church leader in Mayer that [Robert Gene Metcalf] periodically masturbated him and had forced him to masturbate Metcalf, often in the cab of [Robert Gene Metcalf's] truck. No one reported the incident to anyone outside the church." In 1989, Gail Metcalf's children told her "that their father had been fondling them and their stepbrothers. She called the police, and Metcalf was convicted for a third time on sexual deviancy charges." At the hearing on his sentencing, "an array of people lobbied on his behalf. Many of them had official connections with the Mormon Church." Reports that his third wife did not want "him to receive a prison term. She had testified earlier that her children needed him." He was sentenced to 37 years in prison. Reports that despite "for all its public pronouncements, for all its written condemnation, the Mormon church

continues to foster a patriarchal system that protects those who repeatedly molest children. And that system gives the victims of that sexual abuse little if any protection, assistance or comfort.” Based on the newspaper’s investigation, states: “...the available court records show that the [Church] has repeatedly failed to report to legal authorities sexual wrongdoing among its members.” Continues with the story of Michael Sheen, an attorney, who “is an upstanding member of both the Church of Jesus Christ of Latter-day Saints and the community of Santa Maria, California.” In 1994, “he was charged with 14 counts of sexual abuse involving nine boys.” Reports: “In 1980, a police investigation shows, Sheen, then an assistant to the bishop in his ward, was excommunicated for sexual encounters with two teenagers. The two boys were trying to complete the missionary stag of their life in the Mormon church. After a long repentance process, Sheen was rebaptized into the church sometime in the mid-1980’s, with the approval of the church’s highest authorities. According to police, however, his activities with the missionaries were never reported outside the church... The Sheen case is a reflection of the primary dilemma Mormon officials face when confronted with reports of child molestation in the church... The church believes strongly in the miracle of forgiveness; its leaders protect those who confess their private sins in search of forgiveness.” Regarding Church leadership at the local level, states: “...lay ministers are ill-equipped to deal with the intense psychological needs of a sexual abuse victim. And they have no expertise in the control of serial molesters.” Reports that “[f]or a variety of cultural and doctrinal reasons, ...notification of law enforcement authorities seldom tops the list of options considered by Mormon officials faced with reports of child molestation.” Continues with the story of Richard Kenneth Ray of Mesa, Arizona, “a lifelong Mormon,” sexually abused as a child, who confessed to police of “sexually victimizing 33 [female] children [over at least 20 years], three calves and a dog,” including his 3 daughters. Reports: “Ray had been counseled by at least two different bishops eight years earlier for another sexual incident, with another relative... Before Ray was sentenced, the court received a barrage of letters from LDS church members and officials, some written on church stationery, asking for leniency... Ray was sentenced to 58 years in prison. His wife received two years’ probation for knowing at least part of his secret and not reporting it.” Describes the Church’s belief “in a repentance process that includes prayer, forgiveness and spiritual counseling,” and its internal disciplinary process. Continues with the case of a family who was living in Provo, Utah, when the husband began sexually abusing his 6-month-old daughter. Later, living in the San Francisco, California, area, the wife confronted her husband and he confessed. Reports: “Their bishop advised [the husband] to turn himself in to the police, which he did. The police notified Child Protective Services [CPS].” While CPS staff told the wife that the husband was not allowed in the home and was to have no contact with their children, the bishop “told her that she must forgive her husband. They must work this out and keep the family together... ‘He [the bishop] told me if I didn’t forgive [my husband], I was more at fault.’” States that the bishop told her not to press charges, a directive with which she complied. Describes: the Church’s views regarding the primacy of the family, the roles of men and women, and sexual morality, and its ties to the Boy Scouts of America as the sponsor of more troops in the U.S.A. than any other organization, and its role as the sponsor in choosing local Scout leaders. Continues the with the story of Christian Bearnson, active in an LDS church in a suburb of Los Angeles, California, who was charged with sexual acts against young adolescent females at a church youth event, to which “[h]e pleaded guilty to one count of committing lewd acts with a child and was placed on five years’ probation.” In a civil suit regarding the bishop’s knowledge of Bearnson’s behavior, “[a] jury slapped the LDS church with actual and punitive damages before the church settled with [a victim of Bearnson].” Continues with the case of Arlo Atkin in Arizona which involved a 14-year-old who had been molested twice: “Confused and distraught, she and her family had turned to” Atkin and another bishop for help. Within months, he had impregnated her. “Atkin pleaded guilty to sexual misconduct with a minor and was excommunicated by the church. He served 132 days in jail and was sentenced to three years’ probation.” Less than a year later, he was charged with violating probation by visiting and calling the girl, “even though he had moved to California.” Describes the significance of his actions as a violation of trust of the religious role. Citing the case of Larry Judd who was active “in scouts and girls’ youth groups associated with an LDS church in Mesa,” and “admitted to molesting 12 girls over a period of about 20 years,” describes the harassment of victims’ families by church members. Also describes harassment of a family related to a case in Oklahoma City,

Oklahoma, involving Ron Phelps, a bishop, who was accused of molesting an adolescent. After church officials dismissed the claims, “Phelps was arrested for soliciting an undercover police officer in the men’s bathroom at the University of Oklahoma. He pleaded guilty to two misdemeanors and was excommunicated from the church.” Concludes with the case of Steven Hammock and his wife, “by all outward appearances, upstanding members of the Mormon community,” and their 4 adopted children. Reports that Hammock, a strict disciplinarian who beat 1 daughter with his fists, kicked her, and whipped her with a belt, sexually abused his 2 daughters. As the daughters “got older, their behavioral problems increased, and so did their father’s discipline.” The parents called the bishop who counseled 1 daughter “to be more respectful of her parents, to mind her father and to help make their home a more spiritual place.” At 15, she ran away from home, and with help from a social worker “and the foster parents who taken in her sister, she turned to the legal system, filed a complaint and became a ward of the state.” The bishop defended her parents in court, and accused her of lying. Hammock “pleaded guilty to two counts of forcible sex abuse and served six months in an inpatient treatment facility. The church excommunicated him but refused to divulge information that [he] had previously revealed to church officials.”

Doerr, Edd. (2003). [Church and State section] A culture of clergy sexual abuse. *The Humanist: A Magazine of Critical Inquiry and Social Concern*, 63(6, November/December):41-42.

By the president, Americans for Religious Liberty, and past president, American Humanist Association. Describes The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston, an 84-page report released on July 23, 2002, by Massachusetts Attorney General Thomas F. Reilly. To confirm the report’s conclusions, cites a 2002 book by Spanish psychologist, Pepe Rodriguez, Pederasty in the Catholic Church: Sexual Crimes of the Clergy Against Minors, A Drama Silenced and Covered Up by the Bishops, as well as Rodriguez’s 1995 book, The Sex Life of the Clergy, concerning priests in Spain. Also cites the issuance of a new translation of the 1875 novel, The Crime of Father Amaro, by Portuguese writer Eça de Queirós, and its production as a movie, The Crime of Padre Amaro, as “indicative of the modern crisis within the Catholic clergy and larger Western society.”

Dougherty, John. (2003). Bound by fear: Polygamy in Arizona. *Phoenix New Times*, (March 13):Unpaginated. [Accessed 05/29/12 at the World Wide Web site of *Phoenix New Times*: <http://www.phoenixnewtimes.com/content/printVersion/172264/>]

Dougherty writes for the alternative weekly newspaper. Reports on a 5-month investigation into the “Fundamentalist Church of Latter-day Saints [FLDS],” “a patriarchal society embracing polygamy,” centered in a “rural, isolated community straddling the Arizona-Utah border. Focus is the “scores of teenage girls, many of whom are underaged, who have been married by fundamentalist Mormon prophets into polygamy in recent years. The tally reaches hundreds of girls over the last seven decades.” Organized around the story of Ruth Stubbs from Colorado City, Arizona, a former member of the Church, who at 16-years-old in 1998, who was directed by Rulon Jeffs, the Prophet, or head, of the Church, to marry Rodney Holm the next day, a man she “barely knew” who was already married to 2 women, including her sister. Describes Colorado City as “the largest openly polygamous enclave in the United States.” Quotes from a 2001 affidavit filed with an Arizona court by Stubbs that, after she fled her husband and Colorado City, sought emergency custody of her children. States: “The notarized documents describe horrific living conditions for herself and the 20 children in the household... [and] general conditions in the community.” The FLDS is led by Rulon Jeffs’ successor, a son, Warren Jeffs, 46-years-old. Describes the FLDS as “a virtually medieval fiefdom overseen by an omnipotent Prophet who is accountable to no one but presumably God.” Regarding economic control, states: “The United Effort Plan, the Church’s corporation that holds title to most members’ lands, controls who lives where.” Regarding expectations of Church members, states: “There is nothing more important in the fundamentalist Mormon world than obedience.” Reports that the newspaper’s investigation reveals: “●Women and children are considered property of the religious leadership, called the Priesthood, which, in turn, is controlled by the Prophet. ●More than families have been ripped apart and [wives] ‘reassigned’ to new husbands on the Prophet’s command. New husbands

sometimes marry the daughters of their reassigned wives... ●The Colorado City marshal, the chief law enforcement officer in town, is a polygamist, and police routinely ignore cases where teenagers are having sex with much older men who purport to be their husbands. Child molestation by fathers and brothers is common. ●The religion has created an economic collective called the United Effort Plan that controls land ownership and ruthlessly evicts women and men (and their families) accused of violating FLDS tenets.” States: “The Prophet decides which men get which wives, and how many. The addition of each wife to a man’s family is called a ‘blessing.’ The more blessings a man has, the greater his prestige and power in the community. A minimum of three wives is required to enter the highest levels of the complex heaven called the Celestial Kingdom. Women, according to the religion, can’t reach the Celestial Kingdom unless their husband first achieves the lofty height and then agrees to bring his concubines into paradise... A wife does who does not submit to her husband’s will risks punishment, including beatings, and possible eternal damnation.” Based on records obtained through Arizona Public Records Law, reports that “[t]he Arizona Attorney General’s Office has compiled a list of more than 40 teenage girls it suspects have been coerced into polygamy by the FLDS in the last decade.” While Arizona has been conducting a state grand jury investigation into polygamy in Colorado City, no polygamous wives have agreed to testify: “Such wives, even if they wanted to cooperate with authorities, know that assisting the government would bring retaliation from their community. In Colorado City, women, and men, risk losing their children, their homes, their livelihoods and – most terrifying to fundamentalist Mormons – their salvation for uttering a single negative statement about their religion.... In addition to being labeled apostates, testifying would mean the church could toss them out of their homes and take away their children.” Reports on successful legal efforts in Utah to prosecute polygamy due to the existence of criminal statutes that Arizona has never adopted.

Doyle, Thomas P. (2002/2003). Abrogation of trust in the Catholic Church. *AHP Perspective* [published by Association for Humanistic Psychology], (December/January):19-21.

Doyle is a Roman Catholic priest and canon lawyer who is “on active duty in the U.S. Air Force as a Catholic chaplain in Germany.” Brief first person analysis and commentary in the bi-monthly magazine. Begins by sketching his experiences as a priest of “hav[ing] been shocked, angered, scandalized, and depressed by the never-ending saga of sexual abuse by deacons, priests, and bishops.” Identifies particular experiences, particularly: 1.) “In 1984, I was asked to serve as an expert witness in civil court cases (at the time I was a staff member of the Vatican embassy in Washington, D.C.), but also asked to provide canon law assistance to priests accused often abandoned by their bishops.” 2.) “I not only met but also go to know hundreds of victims and their families. Since then, I have become closely allied with many of them.” Identifies factors that have led victims and survivors to not trust the Church, and reasons for their anger and pain. The topic addressed at greatest length is numerous ways the Catholic community has revictimized victims. States: “What these people don’t get is that sexual abuse is sexual abuse whether the target is a six-year-old boy or a forty-six-year-old woman and that when the abuser is a priest, the evil is compounded with a gross betrayal of trust that is tantamount to spiritual rape.” Identifies some basic, constructive ways that Church leaders and priest can respond. States: “The mission of the bishops and all who are called to help them regarding the victims of the Church **should be** [emphasis in original]: a) to believe what the victims say about their abuse and the abuser b) to listen, and try to comprehend all that they say c) to try to personally and honest- [sic] apologize for the harm done” Lacks references.

Dreher, Rod. (2002). Sins of the fathers. *National Review*, 54(2, February 11):27-30.

Dreher is a senior writer, *National Review Online*. Offers a conservative perspective on events in the U.S. Roman Catholic Church following *The Boston Globe* newspaper’s reports in 2002 regarding pedophile priests in Massachusetts and the hierarchy’s actions over the years. Briefly summarizes the scope of the problem nationally by citing significant cases since 1985. Considers interpretations of why the U.S. hierarchy has not acted more forthrightly: canon law; avoidance of conflict; older men who “temperamentally and psychologically [were] unable to adapt to changing social realities”; bureaucratic reliance on committees; a “culture of therapy, which medicalizes the problem of radical evil”; clericalism; a “discreet but powerful homosexual network within

seminaries and chanceries.” Calls for lay Catholics to “demand more openness from the institutional Church” and argues that to restore “the Church’s credibility also depends on the bishops’ being less lawyerly and more Christian.”

Dyson, Marcia L. (1998). When preachers prey. *Essence*, 29(1, May):122, 190, 192, 194.

Dyson is African American, an author, and married to a Baptist minister, New York, New York. Magazine-style article in an African American-oriented publication. Discusses the “dangerous liaisons and unholy alliances” of male clergy and women congregants within the context of issues of power, gender, and sexuality in African American churches. Draws from her personal experiences of being approached sexually by clergy in their pastoral roles at vulnerable points in her life, including 1 relationship that was sexualized. Subtopics include: rationalizations that women use to justify and hide the illicit relationship, including religious ones; women who are “haunted by the demons of loneliness and need” and “are engaging in wistful self-deception” by maintaining “a fairy-tale vision of a Black knight in shining armor who will deliver us and project that fantasy onto the minister.”; “...sexism, patriarchy and misogyny” in the culture that emerge in the “bravado and machismo of many male ministers” and lead to a sense of sexual entitlement of women in their congregations and bigotry that “painfully interferes with God’s healing for lesbian sisters.”; the African American church as “the one place [strong, independent and self-confident Black women] feel safe enough to wear our vulnerability on the sleeves of our designer dresses” and “share our tears and fears with our male ministers”, thus, when those women are careless, “it becomes easy to confuse spiritual and emotional needs with erotic desires and to act on them inappropriately.” Calls for holding accountable “ministers who employ their powerful positions to exploit, abuse or corrupt naive or vulnerable women.” Also calls for ending a double standard for the sexual behavior of males and females in African American churches, a standard that reflects that “Black men’s lives are often given a higher premium than women’s.” Offers 3 ways that “imperfect humans can avoid dangerous liaisons and unholy alliances”: help women receive the wisdom and direction offered by strong women ministries; “Second, women must stop playing house in God’s House, transferring real longings for a husband or lover onto the married minister.”; “Third, churches must establish reasonable guidelines to address sexual misconduct by pastors and other members.” This includes acts “to ensure the psychological well-being of our ministers” and “provide ministers with outlets – both spiritual and therapeutic – to vent their anger, cleanse their hearts and heal their hurts.”

Eckholm, Erik. (2012). Hate-crime trial offers a crash course in Amish folkways. *The New York Times*, (National edition, National section, Sunday, September 2):19.

Reports on a hate-crimes trial in U.S.A. federal court in Cleveland, Ohio, against Samuel Mullet Sr. and 15 followers from his 18-family conservative Amish settlement near Bergholz, Ohio. They are accused of assaulting people identified as their perceived enemies. Mullet, bishop of the group, was the subject of a 2006 decision by a committee, appointed by 300 bishops from 3 states, to reject his “use of shunning decrees against people who quit his settlement.” It was a “rare decision not to honor” the decrees, and “a stinging rebuke that Mr. Mullet never forgave.” States: “According to Amish critics, Mr. Mullet created a cult with decidedly un-Amish traits, including sexual favors for the bishop (himself), such as forcing miscreants to ponder their sins in a chicken coop, and festering anger at those who quit his church.” Reports the testimony of a daughter-in-law of Mullet’s who “describe[d] being repeatedly forced into sex with Mr. Mullet, only to have him call her a whore when she finally refused.” Reports that other Bergholz women in “testimony that went unchallenged by the defense, accepted Mr. Mullet’s intimate sexual ‘counseling’ and urged others to give in to his ministrations.”

Eisler, Peter. (2011). Church abuse cases and lawyers an uneasy mix. *USA Today*, (May 10):Unpaginated. [Accessed 10/31/12 at: http://usatoday30.usatoday.com/news/religion/2011-05-09-vienna-virginia-church-abuse-case-lawyers-insurers_n.htm]

Newspaper report on actions by the leadership of Vienna Presbyterian Church, Vienna, Virginia, that are contrary to those desired by its insurance carrier, GuideOne Insurance, in a case involving sexual boundary violations by the Church’s former youth director, Eric DeVries. DeVries was

hired by the church, part of the Presbyterian Church (U.S.A.), in 2001, and he resigned in 2005 “amidst allegations that he forged romantic relationships with female students. Church officials reported him to authorities upon learning of the conduct, and he was charged with taking indecent liberties with a minor, a felony. He later pleaded guilty to the lesser, misdemeanor charge of contributing to the delinquency of a minor and received a 12-month suspended jail sentence.” Reports that in 2009, the Church began a process “to re-examine what went wrong.” In March, 2011, the Church’s governing board, the session, sent a letter to the congregation in which it stated that the “response after the abuse was discovered was not always helpful to those entrusted to our care.” The next Sunday, the pastor, in his sermon, apologized to survivors in the congregation for Church leaders’ failure “to extend the compassion and mercy that you need.” These acts directly contradicted GuideOne’s directive to the Church to not acknowledge, admit to, or apologize for any of its actions that could be interpreted as having “caused or contributed to any damages arising from the intentional acts/abuse/misconduct by the youth director.” GuideOne warned church leaders that their approach “to [not] let legal interests steer their decisions” could jeopardize their coverage. Cites this situation as an example of a national phenomenon: “As churches nationwide struggle with disclosures of sexual abuse in their midst, many find inherent conflicts between the guidance they find in Scripture and the demands of the insurance companies and lawyers responsible for protecting them from legal claims.” Notes that religious tenets of atonement, admitting mistakes, accepting responsibility, and apologizing “often run counter to the legal tenets of avoiding self-incrimination and preserving all avenues of defense against potential lawsuits.” Also notes that there is now a way to document the frequency of such impasses between churches and insurers over abuse cases.

Ephron, Dan. (2007). Questionable conduct: Chaplains, sexual abuse and what the military knows. *Newsweek*, 150(26, December 24):46.

Reports on U.S.A. military court cases involving Roman Catholic chaplains convicted and/or accused of sexual abuse of students at service academies, military personnel, and minors “over the past four decades.” States: “Like that between psychologists and their patients, the dynamic between chaplains the men and women they counsel tends to be marked by an imbalance of power. Chaplains often outrank the people who go to them for help and exert a spiritual authority that... can be exploited.”

Fairclough, Gordon. (1994). Sacred and profane: Monk embroiled in sex and plagiarism scandal. *Far Eastern Economic Review*, 157(9, March 3):22-23.

The publication is an English language Asian news magazine. Writing from Bangkok, Thailand, reports that “Thailand’s most popular monk has been accused of breaking his vow of celibacy with not one, but three women. The media has seized on every sordid detail of the sex scandal involving the handsome and charismatic monk, Phra Yantra Amaro Bhikku, who commands a following of tens of thousands, most of them women.” The secular and ecclesiastical investigations have involved the Thai government’s Religious Affairs Department. Yantra is also accused of “plagiarising the writings of respected Buddhist scholar Ravi Bhavila... Some experts on the monastic code consider plagiarism a form of theft, an offence as serious as sexual misconduct. If found guilty of either charge, a monk would have to leave the order.” Sets these events in the context of the changing culture in Thailand and various cultural pressures on the *sangha*, a term for the Thai monks collectively.

Feldman, Kiera. (2012). Grace in Broken Arrow. *This Land*, (May 24):Unpaginated; 14,000+ words. [Accessed 04/15/14 at the World Wide Web site of *This Land*: <http://thislandpress.com/05/23/2012/grace-in-broken-arrow/print/>]

Feldman is an independent reporter writing for *This Land*, a semi-monthly magazine in Tulsa, Oklahoma; she lives in Brooklyn, New York. The article is an investigative report about Grace Church in Broken Arrow, Oklahoma, a suburb of Tulsa, under the leadership of Pastor Bob Yandian, who “has long been a pillar of the national charismatic Pentecostal community,” and was a founding member of the evangelical church in 1972 before he became its pastor in 1980. The story concerns matters related to Aaron Thompson, a Church member and teacher in the Church’s

private school (preschool through 8th grade). Feldman states: “This is a cautionary tale. It is about deference to authority, and denial, and the human cost of privileging an institution above people.” Parental complaints about Thompson’s sexualized behavior with boys began in 1996 when he was a college student in Tulsa and volunteering with a youth athletic program at Grace, his home church. In 1998, he was hired as a full-time physical education teacher at the school. Despite numerous incidents of Thompson violating sexual boundaries, reports to and from teachers, warnings and corrective plans from school and senior Church officials, Thompson continued to molest minors at the school, at a summer camp that Church youth attended, and at a summer daycare he operated out of his home. Despite Oklahoma law, which requires that everyone is a legally-mandated reporter of child abuse, teachers, principals, and Church staff did not notify the Oklahoma Department of Human Services of the reports or reasonable concerns about Thompson’s behaviors: “The reporting obligation is individual, meaning that it’s not enough to simply alert one’s superiors and have *them* [emphasis in original] make a decision about whether or not to call outside authorities.” Feldman states: “[Grace] was a culture in which the World was not to be trusted or called upon. One’s responsibility was to the chain of command.” Thompson was arrested in 2002; following the arrest, the Church acted on its attorney’s advice and “moved all of their assets into a dummy corporation.” In 2003, Thompson pleaded guilty to 16 counts of lewd molestation and 2 counts of sexual abuse of a minor that involved 9 youth in incidents between 1996 and 2002, and was sentenced to 25 years in prison. In a 2004 trial, the Church lost a civil suit, filed on behalf of 7 boys molested by Thompson, in which the Church was found to have acted negligently and in reckless disregard: “The jury found that Pastor Bob, Associate Pastor Chip Olin, head administrator John Dunlavey, Principal DeeAnn McKay, and former Principal Mary Ellen Hood acted negligently... ‘Reckless disregard’ meant the jury could have awarded punitive damages in the next stage of the trial, but the lawyers settled out of court for an undisclosed amount before then.” In 2005, after another of Thompson’s victims filed a civil suit against Grace, “during the discovery period of the suit, Pastor Bob and his lawyer submitted a request for admission that tried to get [the victim/plaintiff] to ‘admit that you touched Aaron Thompson in a sexual manner before he first touched you in a sexual manner.’ [The boy] was 11 when the abuse started.” In 2011, 2 more civil suits against Grace were settled. Describes the adverse effects on Thompson’s victims, including suicide attempts, substance abuse, in-patient psychiatric hospitalization, incarceration, and early sexual activity and promiscuity, and the stresses on their family members. Among those interviewed are survivors and their family members, staff from the Church and its school, and the Church’s attorney. Includes a timeline. Not all facts are referenced; 44 endnotes.

Finnigan, Mary. (2011). Lama sex abuse claims call Buddhist taboos into question. *The Guardian*, (July 1).

Reports on new allegations of sexual abuse against Sogyal (née Lakar) Rinpoche, a Tibetan lama, “the frontman for a Tibetan Buddhist organisation called Rigpa, which has a worldwide reach with 130 centres in 41 countries,” and a bestselling author. The allegations were “recently aired an investigative documentary, In the Name of Enlightenment, broadcast on VisionTV in Canada. The accuser “was the first person claiming direct experience of Sogyal’s exploitative attentions to go public since” a civil suit was filed against him in 1994 and settled out of court. Discusses reasons why “victims of sexual exploitation by charismatic religious leaders [are] reluctant to denounce their abusers.” Quotes Amanda van Eck, deputy director of Inform, a cult information resource at the London School of Economics, London, England, regarding types of fear women have described. Based on her person experience, Finnigan describes 2 taboos in Buddhist organizations “which can be used as manipulative tools.” The injunction against gossip can “prevent the circulation of critical comment,” and the injunction against a student/follower breaking the *samaya*, the bond of loyalty with the teacher, which can “attract dire consequences to yourself and your loved ones.” She also identifies the factor of “acceptance into the inner circle around an important guru [which] delivers high status within the organisation. Women are persuaded to view the master as a deity and to be compliant with his wishes and whims, to undertake a punishing workload and be available for sex on demand.” Also identifies separation from family and friends, lack of contact outside the group, and the perception of the group “as family with the guru (confusingly as father-lover) in absolute power and control.” Identifies

Sogyal's power "to attract beautiful young western women" as "rooted in the mystique of *tantra* – the only Buddhist tradition that includes sexual union in the path that leads to enlightenment." Notes that Tibetans who are refugees outside of Tibet constantly feel under threat, and their social conventions include a taboo against criticizing lamas.

Fitzpatrick, Laura. (2008). Southern Baptists decide against pedophilia database. *Time*, 172(25, November 3):Unpaginated. [Accessed 03/31/16 at the World Wide Web site of Time, Inc.: http://content.time.com/time/specials/packages/article/0,28804,1855948_1861760_1862212,00.html]

The weekly magazine identifies the story as 6th among the top 10 underreported news stories of 2008. "Facing calls to curb child sex abuse within its churches, in June the Southern Baptist Convention [SBC] – the largest U.S. religious body after the [Roman] Catholic Church – urged local hiring committees to conduct federal background checks but rejected a proposal to create a central database of staff and clergy who have been either convicted of or indicted on charges of molesting minors. The SBC decided against such a database in part because its principle of local autonomy means it cannot compel individual churches to report any information. And while the headlines regarding churches and pedophilia remain largely focused on Catholic parishes, the lack of hierarchical structure and systematized record-keeping in most Protestant churches makes it harder not only for church leaders to impose standards, but for interested parties to track allegations of abuse."

Fowler, Joanne. (2007). A priest's prey. *People*, 67(12, March 26):95-96.

Magazine-style article. Briefly reports on Thomas Roberts, a television anchor for "CNN Headline News," who in 2005 came forward to press criminal charges against his the chaplain of his Roman Catholic high school in Maryland, Fr. Jerome Toohey Jr., "who pleaded guilty to child sexual abuse and served 10 months in prison." Roberts' story was broadcast in an episode of CNN's "Anderson Cooper 360" television program broadcast March 12, 2007. Roberts briefly describes his vulnerability at 14-years-old and Toohey's grooming process. In 2005, Roberts also reported the abuse to the Baltimore archdiocese.

France, David. (2002). Confessions of a fallen priest. *Newsweek*, 139(13, April 1):52-54, 56.

An interview in a weekly news magazine with Neil Conway, a 65-years-old Roman Catholic priest from the Diocese of Cleveland, Ohio, who is living in self-imposed isolation following discovery by the diocese that he had sexually abused 8 adolescents between 1968 and 1985. His relationships with the individuals described in the article began with his role and work as a priest. Describes himself as a predator. He was treated for a year at Saint Luke Institute, Suitland, Maryland, and went into retirement. Includes brief comments from experts regarding a typical profile of minors abused by priests, proposals for prevention, and the etiology of sexual abuse.

Franklin, James L. (1991). Sexual misconduct seen as serious problem in religion. *The Boston Globe*, (October 23):24.

By a member of the newspaper's staff. Very brief article about sexual misconduct, including sexual abuse and harassment, by clergy in the U.S.A. Regarding prevalence, references a 1990 study by the Park Ridge Center for the Study of Health, Faith and Ethics, Park Ridge, Illinois, without complete citation which "found 10 percent of ministers said they had had an affair with a parishioner and about 25 percent admitted some sexual conduct with a parishioner."

French, Rose. (2007). More than 260 sex abuse cases reported annually to insurance companies by Protestant churches in U.S. *Associated Press Newswires*, (June 14). [Accessed 04/12/08 at the World Wide Web site of FindLaw:

<http://64.233.169.104/search?q=cache:reixnKtV2R0J:news.public.findlaw.com/ap/o/51/06-142007/aeae0051d0d52331.html+%22rose+french%22%2B260%2Bsex+abuse&hl=en&ct=clnk&cd=5&gl=us>] [See also the World Wide Web site of *Insurance Journal*: <http://www.insurancejournal.com/news/national/2007/06/18/80877.htm>]

By an Associated Press writer. Reports: "The three companies that insure the majority of Protestant churches in America say they typically receive upward of 260 reports each year of young people under 18 being sexually abused by clergy, church staff, volunteers or congregation members." The companies – Church Mutual Insurance Co., GuideOne Insurance Co., and Brotherhood Mutual Insurance Co. – collectively insure 165,495 churches and worship centers, and 5,500+ religious schools, camps, and other organizations. States: "The figures released to The Associated Press offer a glimpse into what has long been an extremely difficult phenomenon to pin down – the frequency of sex abuse in Protestant congregations." Notes: "Abuse reports [to churches' insurance companies] do not always mean the accused was guilty, and they do not necessarily result in financial awards or settlements, the companies said." States that in the past several years, reports of alleged abuse are for more recently occurring incidents "which could reflect a greater awareness about reporting abuse, insurance companies said." The last section describes efforts to get the Southern Baptist Church, the largest Protestant denomination in the U.S., to create a national registry of its clergy "who have been 'credibly accused of, personally confessed to, or legally been convicted of sexual harassment or abuse.'"

Fried, Stephen. (2002). *Glamour* special report: She was 14 years old. *Glamour*, (July):176-179, 215, 220.

By a contributing editor. Magazine-style article. Tells the stories of some of the victims of Fr. Donald Wren Kimball, a Roman Catholic priest, Resurrection Church, Santa Rosa, California, a specialist in youth ministry who developed a syndicated national radio show. Mary Agbayani, née Holden, tells of being raped by him in 1977 at 14-years-old when she was active in the parish youth group. His abusive behavior toward continued over 10 months. When she became pregnant, he arranged for an abortion. Her life was significantly affected in negative ways. In 1999, 3 women and a man filed a civil suit against Kimball and the diocese for his actions against them sexually when they were teenagers. Agbayani's pre-trial deposition helped persuade the Church to give \$1.6 million to the plaintiffs. Immediately after this, Kimball was charged with felony counts of rape and lewd conduct, and at trial was convicted of forcible lewd conduct and lewd conduct against Ellen Brem, 1 of the plaintiffs in the civil suit. Also describes the story of Roberta "Brandy" Saum who was abused by Kimball over a 4-year period. After the behavior was interrupted, it resumed for another year. [Article contains several factual inconsistencies regarding the civil and criminal cases.]

Friedman, Andrew. (2013). Breaking the code of silence. *The Jerusalem Post*, 23(24, February 20):6-7, 9-11.

The English daily newspaper reports on "a slew of sex scandals [regarding the sexual abuse of minors] that have rocked Orthodox Jewish communities around the world in recent years." Begins with a case involving an Orthodox rabbi in Baltimore, Maryland, and a case involving Chabad's Yeshiva College, Melbourne, Australia, in the 1980s. In both cases, the self-identified victims were told by religious authorities to not go beyond their community, and when they did, both were punished through their families. Notes cases involving accusations or convictions throughout the world, including within Hassidic communities. Included among a number of people interviewed is the founder a Beit Shemesh-based victims' support group in Israel, Magen, and the founder and director of the Crisis Center for Religious Women, in Jerusalem. Notes: "Not only have victim-support organizations cropped up in virtually every Orthodox community in the world, run by Orthodox lay people and mental health professionals, but Orthodox people themselves are taking advantage of their services." States that "the Rabbinical Council of Victoria [in Australia] and other official rabbinical organizations, which are dominated by Chabad rabbis, have made a series of strong statements encouraging people to report sex crimes to the police." Cites several sources who agree "that instances of sexual abuse have skyrocketed in recent decades," but disagree as to why. States that "[t]he ultra-Orthodox establishment... has started to turn to professional organizations to deal with the phenomenon" of sexual abuse.

Friscolanti, Michael. (2009). The truth about priests. *MacLean's: Canada's Newsweek Newsmagazine*, 122(47, December 7):42-45. [Accessed 12/26/09 from EBSCOhost academic database.]

Magazine-style article following the arrest of Raymond Lahey, the Roman Catholic bishop of the diocese of Antigonish, Nova Scotia, Canada, “just the latest in a long, infamous line of Catholic clergymen accused of preying on innocent children...” In August, 2009, Lahey “announced a historic, out-of-court settlement worth millions of dollars for victims who were sexually assaulted by Catholic priests in his diocese...” Weeks later, upon re-entering Canada from England, his laptop computer was discovered to contain 964 images of child pornography. Examines data regarding the prevalence of sexual offenders against minors in the Catholic Church, citing published studies and analyses of priests in the U.S.A. showing rates from 2-to-4%. Notes the difficulty of comparing prevalence rates of Roman Catholics to sexual offenders against minors in child-serving organizations, like Boy Scouts or athletic organizations, and to sexual offenders against minors in other religious denominations due to lack of data. Very briefly distinguishes between pedophiles, “sustained interest in prepubescent children,” and *ephebophiles*, “people attracted to post-pubescent boys.” Very briefly reviews several theories as to why “four per cent of priests abuse children,” including celibacy and homosexuality. Concludes with quotes from a Canadian bishop regarding the contemporary response of the Church, e.g., safe-environment training and counseling, which excludes the kind of systematic study of the extent of sexual abuse by priests in Canada as was commissioned by U.S. bishops, the John Jay College of Criminal Justice study. Contrasts this position to that of Phillip Latimer, a 47-year-old man who was a sexual abuse victim by a priest in a Nova Scotia parish. Latimer chose not to participate in the class-action settlement that Lahey negotiated. After learning of Lahey’s arrest, Latimer filed a lawsuit: ““Their plan is never to admit anything that they knew, and so my plan is to reveal everything that they knew.””

Frogameni, Bill. (2007). A window on abuse. *Ms.*, 17(3, Summer):16-17.

Magazine-style article reports on efforts to change U.S. states’ laws regarding the statute of limitations retroactively for civil cases of childhood sexual abuse. Cites a case involving a 15-year-old girl in the 1980s as an example of how a retroactive change in California law allowed her to compel Roman Catholic Church officials to turn over documents in 2005 about its handling of a parochial school teacher who molested and impregnated her. The documents allowed her to enter a “\$100 million settlement reached between abuse victims and the Diocese of Orange.” States that although proposed legislation “isn’t meant to apply only to victims of clerical abuse, opposition has overwhelmingly come from the Catholic Church.” Quotes a Colorado state senator who introduced legislation in Colorado, Barbara Blaine of Survivors Network for those Abused by Priests (SNAP), and Marci Hamilton, professor at Cardozo School of Law, Yeshiva University, New York, New York.

Gao, Helen. (1999). Sex and the singular swami. [World Wide Web: *San Francisco Weekly* website. <http://www.sfweekly.com/issues/1999-03-10/feature>]. From the March 10 issue of the *San Francisco Weekly*.

Reports on the Ananda Church of Self-Realization and its founder, Donald J. Walters, known as Swami Kriyananda. Ananda Church is a blend of Indian mystic traditions; Walters was a student of Paramhansa Yogananda, author of *Autobiography of a Yogi*, and initiated into an Indian monastic order that requires a life vow of poverty, chastity, obedience, and loyalty. Ananda Church started in the Sierra Nevada foothills in California in the late 1960s. It grew to be a self-sufficient village for about 300 people on 900 acres of land near Nevada City, California, with a church in Palo Alto, California, and churches, meditation centers, businesses and colonies in Italy and Australia. In 1998, a Redwood City, California, jury after a 4-month trial delivered a \$1+ million judgment against Walters, a senior official of the church, and the church itself for the sexual exploitation of a former member. Six women testified under oath that Walters had taken sexual advantage of them by using his status as a spiritual *guru*. The plaintiff had started attending meditation classes in 1991, and progressed to more advanced meditation techniques and yoga. Six months later, she joined the church, and a year later separated from her husband. She was befriended by senior male officials who were ministers, and soon was engaged in sexual activities during ceremonies held in an office. In the verdict, the church officials were found to have failed to stop Walters’ and the ministers’ sexual transgressions. Victims’ accounts report that Walters

presented himself as a pure channel of God, and that the sex was rationalized as energy going from 1 part of the universe to another. Walters' autobiography is required reading for those seeking to become a member, as are his edited versions of books on Hindu philosophy. In the middle of the trial, Walters resigned as spiritual director of Ananda.

Gaboury, Dennis, & Burkett, Elinor. (1993). The secret of St. Mary's. *Rolling Stone*, 669(November 11):48-87.

Gaboury was a victim of child sexual molestation by James Porter, a Roman Catholic priest, at St. Mary's Roman Catholic Church, North Attleboro, Massachusetts, Diocese of Fall River. The article begins with Porter's years at the church, 1960-63, where he sexually molested, raped, and abused more than 100 boys and girls. Continues with a gathering in May of 1992 of 40 parochial school students from St. Mary's who were Porter's victims. Within a week, WBZ-TV in Boston broke the story of Porter in the media. By August, the number of victims who had come forward was 68, and by September, almost 125 had filed complaints with the district attorney. Shortly after, Porter was charged with rape, sodomy, and other acts of sexual misconduct in a 46-count indictment to which he pleaded not guilty. The story shifts to the history of the Catholic Church's responses to allegations from parents on behalf of their children in the early 1960s that Porter had molested them. Repeatedly, he was transferred to other parishes and other states, and did receive treatment: no police report was ever filed, no parents were ever warned, and he was never prohibited from having contact with minors. Gaboury describes negotiations between the victims and diocese over a financial settlement. The diocese originally offered about \$1 million, or \$15,000. per victim. Gaboury reports that the church settled rather than risk the victims taking graphic psychological assessments of their harm to the media or a high-profile court battle. Reportedly, the final agreement was \$4.5 million to be divided among 66 victims. In October of 1993, the first day of his trial on the charges in Massachusetts, Porter pleaded guilty to 41 counts of sexual misconduct.

Garden, Mary. (2005). Bad karma. *New Humanist*, 120(4, July 4):Unpaginated. [*New Humanist* is published bi-monthly by the Rationalist Press Association, London, England. Accessed 07/16/05 at: http://www.newhumanist.org.uk.volume120issue4_more.php?id=1628_0_37_0_C]

By a freelance writer, Queensland, Australia. Magazine-style article. Reports action on May 23, 2005, by a U.S. bankruptcy court to approve a plan for the International Society for Krishna Consciousness (ISKCON) "to pay \$9.5 million in damages to former students who had suffered sexual, physical and emotional abuse during the 1970s and 1980s." Compensation in varying amounts, depending on severity of abuse, will be paid to 550 plaintiffs. Reports that most abuse occurred in ashram based *gurukulas* (Sanskrit for 'school of the guru') located in India and the U.S. which provided residential education for children of adults in ISKCON. Briefly describes the spiritual rationale that justified separating children from parents, types of abusive acts, and the spiritual rationale used to justify the abuse: "Some children were raped every day for years and there were arranged marriages between girls as young as eleven to men twice or thrice their age. The perpetrators of these crimes were none other than leaders, administrators, and in some cases, ISKCON leaders. It was not uncommon for the children to be told they were being treated this way because it was their bad karma and they must have hurt a child in a past life." Reports that leaders of ISKCON were told of the abuse as early as 1972, and that nothing was done to stop it.

Gatehouse, Jonathon. (2002). A church in denial. *MacLean's: Canada's Newsweekly Newsmagazine*, 115(29, July 22):22-26.

By a national correspondent for the magazine. Profiles the case of John Caruso, 33-years-old and Canadian, who reports that in 1985, around the time of his 16th birthday, he was sexually abused by Fr. James Kneale, the former priest of his Roman Catholic parish in Fort Erie, Ontario Province, Canada. According to Caruso, Kneale, who had taken a close personal interest in Caruso and other youth in the parish, preceded the assault by using alcohol to get him drunk. When Caruso informed his father a month later, his father went to Thomas Fulton, bishop of St. Catharines, and asked him to deal with the problem: "Kneale apologized to Caruso and his father, but he was sent for treatment until 1988. After 7 months of therapy at a Toronto mental health

facility for priests, Kneale returned to active ministry, as a hospital chaplain in St. Catherines. By 1994, he was back to parish duties at Niagara Falls.” Kneale kept in touch with Caruso which prompted Caruso to confide in his brother, a provincial police officer, who advised him to file charges. In 1997, Niagara Falls police raided Kneale’s rectory apartment and found adult videos, pornography magazines, and pictures of nude and semi-nude males, including Caruso. In 1999 at trial, “Kneale pleaded guilty to one count of sexual assault against Caruso (the other charges were withdrawn in exchange for the plea) and was sentenced to nine months of house arrest and 18 months probation.” In 2001, Kneale was returned to active ministry in a Calgary parish, but was forced to resign in 2002 when he was recognized and the story surfaced in the local media. The bishop of Calgary, Fred Henry, apologized for not consulting parishioners before hiring Kneale. Since the abuse, Caruso reports numerous suicide attempts and difficulty in interpersonal relationships. He and his family were never offered counseling or other services by the Church. He and his family are suing Kneale, 2 former bishops, and the diocese for \$8.6 million in damages. Kneale “...maintains that his sexual relationship with Caruso was consensual...” He and the diocese are countersuing Caruso’s parents. Also reports on events in Canada in the wake of recent U.S. media reports about “revelations of scandal and perfidy in Catholic dioceses...” Quotes David Gagnon, national director of Survivors’ Network of the Those Abuse by Priests (SNAP) - Canada, Nancy Mayer of Toronto, a social worker, and Jack Lavers, a St. John’s plaintiffs’ lawyer to support the position that the Canadian Church is not living up to the recommendation in its document, From Pain to Hope: Report from the CCB Ad Hoc Committee on Child Sexual Abuse [see this bibliography, Section I: Ad Hoc Committee on Child Sexual Abuse. (1992).]. Cites 6 cases against priests, 5 Roman Catholic and 1 Ukrainian Catholic, that in recent months have received widespread attention in Canada. Briefly reports on a disturbing case that went to trial in 2000 involving a priest who initiated a sexual relationship with an adolescent female in his parish. The victim’s perspective is provided through her quotes.

Giago, Tim. (1994). Catholic Church can’t erase sins of the past. *Indian Country Today*, 14(25, December 15):A-4.

Giago is self-identified as an Indian writer. First person commentary based on his experiences of attending school at the Roman Catholic Church’s Holy Rosary Indian Mission (name later changed to Red Cloud Indian School) on the Pine Ridge Reservation in South Dakota for nine years from the 1940s until 1951. Briefly describes attempts by school staff to discredit his credibility after he published a book of poetry, The Aboriginal Sin, in 1978 about “the good days, the bad and the ugly concerning my youth at an Indian mission. The poetry was written from the perspective of an 11 or 12-year-old boy.” States: “The scars worn by children of Indian missions run deep. Many were sexually and mentally brutalized by the priests, brothers and nuns. Many times, when I have addressed this issue in speeches, Indian men and women have come forward to speak to me in private about the damage done to them at Indian missions.”

Gibson, David. (2007). The Cardinal’s sins. *New York*, (February 5):34-39, 94.

A profile of the tenure of Fr. Edward M. Egan as cardinal of the Roman Catholic Church’s New York, New York, archdiocese as he nears mandatory retirement age. One subtheme is his handling of issues related to sexual abuse of minors by priests, including media reports of how, as bishop of the Bridgeport, Connecticut, diocese, “he’d shifted pedophile clerics around to different parishes and that he repeatedly cast doubt on the allegations of victims.” Reports that Egan “was an obdurate opponent” of early efforts by the U.S. bishops’ council “to reform its procedures – or lack thereof – for adjudicating abuse claims...” Notes that in 2004 the bishops’ council’s National Review Board, created to oversee a system of abuse prevention and transparency, gave the New York archdiocese “a failing grade on implementing the Church’s new policies” and later “singled out for public rebuke 4 of 195 archbishops who head dioceses; Egan was one of them.”

Goldberg, Stephanie B. (2002). Barbara Blaine. *Ms.*, 12(4, Winter):52-53.

By an attorney. The article briefly profiles Barbara Blaine who was named 1 of the *Ms.* women of the year in 2002 for her endeavors regarding Roman Catholic clerical sexual abuse and efforts to secure justice for survivors. Blaine is 46-years-old, a Chicago attorney who works in the Cook

County Office of the Public Guardian, and in 1988 founded Survivors Network of those Abused by Priests (SNAP), which has a current membership of 4,500 and 20 chapters. At 12, she was “forced into a sexual relationship with a middle-aged priest, who preyed upon her for four years.” Blaine comments on SNAP asking the Roman Catholic Church to remove offenders from parishes and have them prosecuted for sex crimes: “The experience of the sexual abuse was obviously painful and traumatic, but the response I got from Church officials was worse.”

Goldberg, Michelle. (2001). Untouchable? *Salon*, (July 25):Unpaginated. [Accessed 02/19/08 at the World Wide Web site of *Salon.com*: <http://www.archive.salon.com/people/feature/2001/07/25/baba/print>]

By a contributor to the online magazine. Reports on allegations by former followers against Sathya Sai Baba, 75-years-old, a guru who is head of Prasanthi Nilayam, the world’s largest ashram in Puttaparthi, India. States that “between 10 million and 50 million people worship Sai Baba as God incarnate...” Allegations focus on his sexualization of relationships with adult and minor male devotees during private interviews. The interviews are a valued event and conducted in a room adjacent to the open-aired assembly hall, a *mandir*, where Sai Baba makes a short appearance, a *darshan*, twice daily. Sai Baba’s teachings are a mix of elements from Hindu mythology, Buddhism, and Christianity. Notes that while he is not well-known in the U.S.A., “Sai Baba’s acolytes include the cream of India’s elite.” His appeal is international, and 1 follower, Isaac Tigrett, co-founder of the Hard Rock Café, gave him \$20 million which helped fund a free hospital outside Puttaparthi. Charity projects, including water cisterns in villages and free colleges, have helped to keep Sai Baba from official actions related to various accusations, Goldberg reports. First person quotes from named accusers are reported and describe his forcing them to satisfy him sexually. Notes the similarities of the reports: “The stories are endless and endlessly alike, concerning mostly boys and men from their midteens to their mid-20s.” Reports of Sai Baba’s sexualized behaviors were published as long ago as 1970. A devotee of 26 years, Glen Meloy of California, lost his faith in Sai Baba when shown diary excerpts by a close friend’s 15-year-old son who “had been raised to worship Sai Baba as God, and obliged when the master reportedly ordered his disciple [to perform oral sex on him].” Meloy states: ““This isn’t just any child abuse; this is God himself claiming to do this.”” A source reporting multiple victims who are minors is a former volunteer in the ashram’s security service who is particularly concerned “for Sai Baba’s Indian victims, who generally have a much more difficult time speaking out than Westerners do.” Cites some decline in support for Sai Baba, e.g., the United Nations Educational, Scientific and Cultural Organization (UNESCO) terminated sponsorship of an educational conference in Puttaparthi due to its deep concerns “about widely reported allegations of sexual abuse involving youths and children that have been leveled at the leader of the movement in question, Sathya Sai Baba.” Quotes an official in Sai Baba’s organization, an online essay by a devotee in the U.S., and a U.S. follower who respond to the allegations, terming them as, respectively: false, probably true and done to awaken *kundalini* energy, and true and purposeful for the benefit of the follower.

Goldston, Linda. (2002). Service held for victims of abuse: 75 attend event conducted by S.J. diocese’s bishop. *Mercury News*, (September 28):Unpaginated. [Accessed 09/29/02 at the World Wide Web site of the *Mercury News*.]

By a reporter for the newspaper. Briefly reports on a “Silent No More” prayer service for victims of clergy sexual abuse that was conducted on September 27, 2002, by the Roman Catholic Diocese of San Jose, California. Quotes Bishop Patrick J. McGrath who spoke at the service which was conducted at a senior center “to avoid any additional trauma to victims who were molested inside a church.” Quotes a male survivor who spoke as part of the service.

Goodstein, Laurie. (2003). Trail of pain in church crisis leads to nearly every diocese. *The New York Times*, (Section A, National section, Sunday, January 12):1, 20-21.

Reports the findings of a *New York Times* survey of documented cases of sexual abuse of minors by Roman Catholic priests in the U.S. over the last six decades through 12/31/02. A database was compiled that includes names and histories of 1,205 accused priests, and “4,268 people who have claimed publicly or in lawsuits to have been abused by priests, though experts say there are surely

many more who have remained silent.” While most of the abuse documented was in the 1970’s and 1980’s, some incidents were in the 1930’s and 1940’s. “The survey also shows how pervasive the abuse has been. Using information from court records, news reports, church documents and interviews, the survey found accusations of abuses in all but 16 of 177 Latin Rite dioceses in the United States.” The survey “determined that 48 percent of all priests ordained from 1950-2001 had been accused of abuse.” However, for those dioceses that have disclosed complete lists, whether voluntarily or under court order, the percentages are higher: Baltimore, Maryland, 6.2% estimate; Manchester, New Hampshire, 7.7%; Boston, Massachusetts, 5.3%. Other findings include: half of the priests in the database were accused of molesting more than 1 minor, and 16% were suspected of having 5 or more victims; 80% were accused of molesting boys; the majority were accused of molesting teenagers only, and 43% were accused of molesting children 12-years-old and younger; more known offenders were ordained in the 1970’s than any other decade. The story includes analysis based on interviews with a variety of sources within and outside the Church, including: a victim; priests; psychologists; and, a woman religious who is an academic psychologist. Accompanying graphics include: a bar chart displaying the percentage of priests accused of sexual abuse by year of ordination; map of U.S. states showing the number of priests accused in each diocese; bar chart showing number of victims per priest, and victims’ gender and age; table displaying 161 of the 177 dioceses arranged by states that shows actions taken against priests in 2002 regarding number of priests accused to date, removed or defrocked, reassigned or retired, suspended, and reinstated; a timeline depicting events from 1962 to 12/13/2002. See also the sidebar story: Barbanel, Josh. (2003). How the study was conducted, p. 21. Describes the extensive methodology used by *New York Times* staff to compile the database, noting that it excludes deacons, brothers, women religious, and lay employees. It also excludes cases involving victims who are adult parishioners or students. Limits of the methodology are acknowledged.

_____. (2009). A mother, a sick son and his father, the priest. *The New York Times*, (U.S. section, October 15):Unpaginated. [Accessed 05/28/13 at the World Wide Web site of *The New York Times*: http://www.nytimes.com/2009/10/16/us/16priest.html?_r=0]

Reports the case of Ms. Pat Bond, which “offers a rare look at how the [Roman Catholic] church goes to great lengths to silence [adult women whose “sexual and emotional boundaries” were violated by priests], to avoid large settlements and to keep the priests in active ministry.” In 2006, a Franciscan friar, Fr. Henry Willenborg, whom she met while he was serving as spiritual director of a retreat she was attending, agreed to counsel her regarding her troubled marriage. He sexualized the professional role relationship and she bore his son, “setting off a series of legal battles as Ms. Bond repeatedly petitioned the church for child support. The Franciscans acquiesced, with the stipulation that she sign a confidentiality agreement.” Because she and her son, 22, both have cancer now, and he is terminally ill, “they are eager to tell their stories...” Goodstein reports that Bond’s documents “show that Father Willenborg suffered virtually no punishment, continuing to serve in a variety of church posts.” Describes how she perceived his interest in her: “‘Here I am this small-town girl, and at the time I didn’t feel that I was very attractive,’ she said, ‘and yet he’s putting his vows on the side and he wants to be with me, in the most intimate, loving way. It was quite an honor.’” After the birth, a young woman came to Bond’s home and said “that she had been in a sexual relationship with Father Willenborg for years, since she was in high school.” (Goodstein reports that the woman confirmed the relationship.) “Immediately the Franciscans sent [him] to a treatment center in New Mexico run by a religious order, for priests with sexual disorders and substance addictions.” Includes quotes from Cait Finnegan, co-founder of Glad Tidings, an organization that for 25+ years has “been contacted by nearly 2,000 women who said they were involved with priests, many who had signed civil support and confidentiality agreements like Ms. Bond’s... ‘It’s not so much that people don’t know it happens, but they don’t know how much it happens,’ Mrs. Finnegan said.”

Goodstein, Laurie, & Eckholm, Erik. (2012). Church battles efforts to ease sex abuse suits. *The New York Times*, (Section A, National section, Thursday, June 14):1.

Reports on efforts of the Roman Catholic Church in the U.S.A. to block legislative proposals to change states’ civil and criminal statute of limitations laws for the sexual abuse of minors. States:

“These time limits, set state by state, have held down the number of criminal prosecutions and civil lawsuits against all kinds of people accused of child abuse – not just clergy members, but also teachers, youth counselors and family members accused of trust.” Among those quoted are Marci A. Hamilton, professor, Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York, who supports change, and Patrick Branningan, executive director, New Jersey Catholic Conference, who opposes change

Greenblatt, Alan. (2006). [Observer column] Church vs. clock. *Governing*, 20(2, November):19-20.

Comments on efforts by the Roman Catholic Church in the U.S.A. to lobby “against legislation that would give alleged victims [of sexual abuse by clergy] an additional opportunity to report crimes that date back to their childhoods. About a dozen states considered bills this year that not only would have extended the statute of limitations for sex-abuse crimes but would have opened up a one-year ‘lookback’ window for victims to bring forward complaints about instances of abuse for which the time limit has already expired. Sponsors argued that children victimized by trusted authority figures might take many years to summon the will to come forward.” States: “In fighting the statute extensions, the bishops have used some classic hardball lobbying strategies. They hired to legal and public relations firms to put their message across and joined forces with an insurance agency that has had to shell out most of the money in church abuse settlements.” Quotes a spokesperson for the U.S. Conference of Catholic Bishops, the national director of a victims advocacy organization, a state representative in Colorado regarding the lobbying effort, and a law professor regarding the lack of constitutionality of such extensions.

Gregorius, Arlene. (1999). Pakistan’s holy men under fire. *BBC News World Edition, Crossing Continents*, (July 15). [Accessed 02/26/13 at the World Wide Web site of BBC News:

http://news.bbc.co.uk/2/hi/programmes/crossing_continents/386426.stm]

Reports that in eastern Pakistan, there are growing concerns about the behaviors of some who a *pir*, “religious leaders-cum-faith healers who are believed to be intermediaries between Allah and the community... Part of the Sufi tradition of Islam, genuine pirs are the descendants of Sufi Islamic scholars or holy men, and are believed to have inherited their spiritual powers,” and are consulted on a range of matters, including religion, family relationships, and medical problems. Includes an interview with an adolescent from Lahore who said “she was abducted and raped by a *pir* and only escaped when she was about four months pregnant.” Her family had contacted him to treat her brother, “who ‘had supernatural things in his body and did strange things’.” The *pir* came to the family home to pray for her brother’s recovery. While her parents were gone, the *pir* told her that “she’d have to come and pray at the local shrine with him. Along with two other men, the *pir* then abducted and raped her.”

Grigoriadis, Vanessa. (2012). Karma crash: Sex and the fall of an all-American yogi. *New York*, 45(13, April 23):42ff. [Accessed 03/14/13 at the World Wide Web site of *New York* magazine:

<http://nymag.com/news/features/john-friend-yoga-2012-4/#print>]

Magazine-style article. Reports on John Friend of Woodlands, Texas: “...until two months ago, he was one of the five most popular yoga teachers in America, if not No. 1. But today things have changed. In the aftermath of allegations about sex, financial mishaps, and drug use, Friend is embroiled in the biggest yoga scandal in the past decade, involving wholesale defections and the collapse of his empire.” In 1997, Friend introduced a new yoga method, Anusara, “the first American-born yoga school without a direct lineage from India,” which attracted 600,000 students. Describes Anusara as “grounded in Tantric philosophy (including its sexual aspects, though these aren’t emphasized)...” States that Friend “never shied away from emphasizing ethics. Anusara puts an enormous amount of focus on correct alignment in yoga poses, and he has always drawn a straight line from this physical practice to being ‘in alignment’ in one’s own life. Friend says that proper alignment, in body and mind, harmonizes the different aspects of oneself...” In February, 2012, “unsavory details about [Friend’s] private life” were posted on an anonymous Web site and disseminated via a blog: ““This site is not intended to hurt the Anusara community or its teachers,’ the writers explained, ‘but rather as a wake-up call to John Friend to be true to his own philosophies and expectations of integrity.’” Reports that among the charges

was that he had sexualized a relationship “with a corporate employee, a married Anusara teacher,” which was accompanied by evidence. The Web site also “said that he had established a Wiccan coven with six women, some of whom were Anusara teachers and a few of whom were married, as a way to raise ‘sexual/sensual energy in a positive and sacred way.’” Reports that Friend “eventually had sex with two of women,” including the woman who assumed the role of High Priestess. Quotes her thoughts on her relationship to Friend: “‘Given that [teacher/student] relationship, I wonder if it was harder for me to say no than it would have been otherwise,’ says the High Priestess. ‘Because I wanted to say yes. I wanted to be in the group. I wanted to be in the inner circle.’” Reports that within 4 days of the disclosures, “22 teachers demanded that he step down from leadership of Anusara,” and that about 150 teachers have defected. Reports that in 2009, Friend “changed Anusara’s guidelines about sex between students and teachers. A bylaw used to say that teachers should ‘avoid sexual relationships with students’ now stated that a romantic relationship as permitted, as long as the role of teacher and student was maintained within the classroom.”

Grossman, Cathy Lynn. (2013). Clergy sex abuse settlements top \$2.5 billion nationwide. *USA Today*, (May 3):Unpaginated. [Accessed 05/08/13 at: <http://www.usatoday.com/story/news/nation/2013/03/13/sex-abuse-settlement-cardinal-roger-mahony/1984217/>]

Newspaper story reporting that the Roman Catholic Church in the U.S.A. has spent over \$2.5 billion “in confronting the clergy sex abuse crisis.” Prompted by the announcement that the Archdiocese of Los Angeles will pay another \$10 million in a settlement with victims, which brings the Archdiocese’s “tally to nearly \$700 million in settlements to victims alone, not even adding in the costs of therapy, attorneys’ fees and more.” The settlement follows a California judge’s decision that “forced the archdiocese to release” nearly 50,000 pages of records “detailing the actions of abusive priests and how church officials responded.” States: “The immediate headline to emerge from the documents was the clear involvement of L.A.’s controversial former archbishop, Cardinal Roger Mahony, in trying to keep known priest predators from civil prosecution while failing to protect hundreds of victims.” Cites the U.S. Conference of Catholic Bishops’ Office of Child and Youth Protection and commissioned independent studies as reporting the following totals as of 2012: “• More than 6,905 accused priests since 1950. • More than 16,463 victims identified to date, although there is no national database. • \$2.5 billion in settlements and therapy bills for victims, attorneys fees and costs to care for priests pulled out of ministry from 2004 to 2011.”

Harris, Lis. (1994). O guru, guru, guru. *The New Yorker*, 70(37, November 14):92-98, 100-106, 108-109. A lengthy essay on the Siddha Yoga Dham (or Home of Siddha Yoga) of America Foundation (SYDA), the U.S. arm of an organization with 550 meditation centers and 10 ashrams worldwide. The founder, Swami Muktananda Paramahansa, was widely regarded as an impressive man of charisma and charm; his followers considered him a *guru* and fully enlightened. He died in 1982 at 74-years-old. He taught that the *guru* was necessary and vital to a person’s ability to live. He prescribed strict celibacy for himself and encouraged celibacy in his followers. Reports surfaced in print in 1983 in an article by William Rodarmor that detailed Muktananda’s sexual activities with female devotees, many of them young [See this bibliography, this section: Rodarmor, William. (1983).] Harris found ex-devotees, ex-trustees, and ex-swamis who corroborated the accusations. Relying on scholars of the Tantric tradition, Harris dissects various rationalizations that were posited to justify Muktananda’s behavior as not sex and not abusive. 1 of his successors, Nityananda, is also accused of sexually exploiting female followers.

HEART Women and Girls. (No date). Chicago IIE Sexual Abuse Allegations Press Kit. Chicago, IL: HEART Women and Girls, 6 pp. [Accessed 11/25/15 at the World Wide Web site of Safety for Survivors: <http://static1.squarespace.com/static/54de73dce4b00617870c26cb/t/54e36ed6e4b050fd0ff59560/1424191190810/HEARTpresskitfeb172015.pdf>]

HEART Women and Girls “seeks to promote sexual and reproductive health in the faith-based community by developing culturally-sensitive information and workshops” in the U.S.A. and

Canada. The context is the Institute of Islamic Education (IIE) in Elgin, Illinois, “an independent, non-profit, full-time residential and day educational institution” with programs on the Quran for students in 6th-12th grades, a post-secondary program on Islamic law and sciences, and other programs for community members. The IIE is aligned with the Deoband school of Islamic thought. The focus of the press kit is allegations of sexual abuse against Mohammad Abdullah Saleem, founder of IIE in 1989. He is referred to as Maulana, an honorific title recognizing his stature as a school. According to the document, an administrative assistant at IIE came forward in 2014 with allegations of sexual abuse against Saleem. Her brief statement is accompanied by those of 3 others who allege he sexually abused them. Overlapping themes in the stories include: he fondled and molested students during Quran lessons as a method of discipline; his undressing and having his victims gratify him sexually; the majority of the victims were minors; his use of grooming behaviors. Includes a statement from the chair of the board of directions of the Council of Islamic Organizations of Greater Chicago that “applauds the incredible courage being shown by the victims/survivors...” [In 2015, news media reported that Saleem was indicted on charges of criminal sexual assault of a woman who worked at the IIE, and that a civil suit had been filed against him, accusing him of abusing that employee and 3 teenage students. In October, 2015, he was charged with aggravated criminal sexual abuse of a minor.]

Hechler, David. (1993). Sins of the Father: A girl’s abuse by her trusted parish priest. *McCall’s*, (September):113-114, 117-119, 166.

Magazine-style article. Hechler is a freelance journalist and author. Magazine-style article. Reports the story of Susan Sandoval who was raised in Abiquiu, New Mexico, and was active at St. Thomas Apostle Church, a Roman Catholic parish. In 1991, she filed a civil suit against Fr. Robert Kirsch and the Diocese of Santa Fe for Kirsch’s sexual abuse of her over 3 years that began when was 15 and he was pastor of the parish. Very briefly describes how he used religion to impose secrecy on her about his acts against her, that she acquired venereal disease from him, was impregnated by him. At 16, Sandoval reported Kirsch to the youth director of the Archdiocese, but the director’s superiors were not informed despite the director’s knowledge that Kirsch had admitted molesting another person. After Sandoval filed suit, her motives and veracity were attacked by Church officials who later retreated in the face of evidence. Describes how only in the last 2 years did Sandoval realize that she’d been abused. She had considered the relationship a “‘love affair with our parish priest.’” Describes psychological and relational difficulties she has had since Kirsch abused her. She has gone on to co-found “the Alliance for Justice, a support group open to those of both genders and all denominations who have been abused by clergy members.” Sandoval’s suit was dismissed by a New Mexico district court on the basis that the statute of limitations had expired, and she anticipates that her lawyers will appeal. Interspersed with her story are brief reports of the national context in which a number of Roman Catholic priest have admitted and/or been convicted of abusing minors in the U.S.A.

Henry, Marilyn. (2003). Clergy on alert. *The Jerusalem Post*, (August 25):38.

Briefly reports on recent actions by the Rabbinical Council of America (RCA) in response to sexual violations committed by Orthodox Jewish rabbis. The RCA is a U.S. “mainstream modern Orthodox rabbinical association” with membership in 15 countries. In May 2003, the RCA convention unanimously passed the ‘Resolution Regarding Members Accused of Improprieties’ and pledged to develop standards, policies, and procedures by June 30, 2004. Henry describes this action as “the most far-reaching of its kind among the various Jewish denominations.” The issues raised include how “to find a balance between identifying and punishing perpetrators of abuse and protecting victims while preserving the dignity and reputation of the rabbinate.” The case of Rabbi Baruch Lanner, former leader of the Orthodox Union’s National Council of Synagogue Youth, is cited as an example of how the balance was not achieved and minors continued to be exposed to harm after allegations had been made. Lanner was convicted of sexually abusing girls in the 1990s while principal of a New Jersey *yeshivah*. Includes comments from Mark Dratch, a rabbi from Stamford, Connecticut, who wrote the resolution, and Basil Herring, a rabbi who is executive director of the RCA.

Hoyt, Mike. (2002). In review: Mea maxima culpa. *Columbia Journalism Review*, 41(1, May/June):8. By the publication's executive editor. A column that very briefly sketches U.S. media efforts in 2002 following reporting from Boston, Massachusetts, regarding patterns of sexual molestation of minors by Roman Catholic priests and responses by Church hierarchy upon discovery. Notes that as various media outlets became involved, "the story slowly turned from What Happened? to Why?" Very briefly addresses the question of why secular journalists were late in covering the story: "In part, the problem is that individual scandals, even when aggressively reported, were usually viewed as isolated incidents, even after a couple of books and reports had attempted to connect the dots. Journalists, perhaps, should have been paying attention to voices like that of the *National Catholic Reporter*, which was reporting on predator priests as far back as 1983..."

Hughes, Alan. (1999). Disturbing revelations: Native Canadian nightmares see the light of day. *New Internationalist*, (309, January/February):6.

Very briefly reports on an investigation by a tribunal in British Columbia, Canada, "to investigate human-rights violations in the province's residential schools for Native children." The schools were operated by major religious denominations in Canada in "a government program of forced assimilation... It is estimated that up to 125,000 Native children passed through the system before it was closed down in the 1980s." Among the offenses alleged: "...murder by beating, poisoning, hanging, starvation, being thrown from windows and medical experimentation. Other crimes include rape, sexual molestation and administering of electric shocks to children as young as five." Cites examples from the United Church of Canada. Reports that over 30 people have given eyewitness accounts to the tribunal, over 1,400 people are suing the Church and the government, and witnesses "are regularly threatened and intimidated..."

Jackowski, Karol. (2002). What the nuns knew. *Rosie*, 130(1, November):44-45, 48-50.

Jackowski, a Roman Catholic nun since 1964, is a member of the Sisters for Christian Community, and lives in New York, New York. A brief, personal reflection prompted by U.S. media reports in 2002 of the sexual abuse of minors by Roman Catholic priests. In response to revelations of "ever-more sexual abuse, millions in settlements and hush money, and a long, dark history of highly organized denials, threats and cover-ups", she asks: "How could all this criminal activity go on protected and hidden for so long? How could so many of us not see? Or did we? I'm beginning to feel as though I saw far more than I ever realized." Describes "a strange, silent acceptance of what now indeed appears to be an unbroken tradition of sexual activity in the Catholic priesthood – an acceptance so strange and so Catholic that it somehow includes holding on to the illusive belief that the priesthood is now, always was and always will be celibate." For example, describes growing up with knowledge of a priest who took the live-in rectory housekeeper with him on travels and vacations. Refers to Church history that points to a centuries-old pattern of "a sexually active priesthood, with greater and lesser degrees of depravity and notoriety." Observes: "The Catholic Church and the priesthood have been behaving like all highly dysfunctional families where incest and sexual abuse occur. Act as though it isn't happening. Deny, deny, deny. Blame the victim and the family. Exclude all outsiders, especially women." Refers to the work of A.W. Richard Sipe regarding prevalence of commission by priests and of Garry Wills regarding a "'conspiracy of silence' that exists from pope to priest." Analyzes ways that faithful Catholics – especially women, children, and homosexuals – have been victimized by the scandals. Sees the Church's future hope in the "priesthood of the people" that she reports is changing the Church. Lacks references.

Jamison, Peter. (2011). Let him prey: High-ranking Jesuits helped keep pedophile priest hidden. *SF Weekly*, (May 25):Unpaginated. [Accessed 03/09/12 at the World Wide Web site of *SF Weekly*: <http://www.sfweekly.com/2011-05-25/news/joseph-fessio-donald-mcguire-jesuits-pedophile-priest-peter-jamison/>]

Jamison writes for the San Francisco, California, alternative newspaper. Reports an update on the case of Donald McGuire, formerly a Roman Catholic priest and member of the Society of Jesus, who in 2007 was "officially removed from membership in the Society of Jesus," "was officially defrocked by the [C]hurch in 2008," and currently "is serving a federal prison sentence stemming

from his acts of child molestation.” States that a recent release of court documents in a civil lawsuit in Illinois against the Jesuits’ Chicago Province, the entity responsible for McGuire, “reveal the full extent to which [McGuire’s] colleagues and bosses were aware of his highly questionable relationships with teenage boys. Despite this knowledge, fellow priests did not report McGuire’s behavior outside the Church.” The suit was filed by 4 males who were alleged victims of McGuire’s sexual abuse in the San Francisco Bay area “or reported their abuse to local clergy.” Information about McGuire’s behaviors with minors was sent to the Jesuits in Illinois in 1964 by Jesuits in Austria during a period in which McGuire was traveling in Europe. Upon his return to the U.S.A., McGuire was assigned to teach at Loyola Academy, a Jesuit high school in Wilmette, Illinois. There, he molested at least 2 boys, “whose cases formed the basis for his first criminal conviction in 2006 in a Wisconsin state court.” In 1970, McGuire was fired by the Academy; complaints “include[ed] his habit of frequently striking students and allowing others to stay overnight in his office.” He was reassigned to teach at the University of San Francisco, a Jesuit college in San Francisco. In 1981, the dean “wrote to the California Province of the Jesuits stating that McGuire had engaged in ‘highly questionable acts,’ among them unspecified ‘interactions with a student.’” Removed from teaching responsibilities, he became director of spiritual retreats for families. In 1991, the head of the Illinois Province received a phone call from a priest in the Brothers of the Christian Schools, an order of religious educators, who was suspicious of McGuire’s relationship to a 16-year-old boy from Alaska during a spiritual retreat for students in California that McGuire was leading. In 1993, a family in Walnut Creek, California, learned that McGuire had sexually abused their 16-year-old son who traveled with him as his personal assistant. A lawyer who was a friend of the family reported the behaviors to Fr. Joseph Fessio, a Jesuit priest in San Francisco who ran the Ignatius Press, a Catholic publishing house “that is the primary English-language publisher of the pope’s writings... While family members considered reporting the abuse to secular authorities, Fessio urged them to stay quiet until he could confer with Jesuit higher-ups.” By this time, McGuire was a cleric of worldwide renown with a reputation for doctrinal orthodoxy, functioning as adviser and confessor to Mother Teresa.” Fessio informed Francis Daly, second-in-command of the Province. Confronted with the allegations, McGuire denied or mitigated them. States: “Beyond the interview with McGuire, there is no evidence that the Jesuits sought to independently verify [the boy’s] allegations of sex abuse or identify other victims.” He was ordered by Jesuit authorities in to “undergo a residential treatment program at [Saint John Vianney Center,] a psychiatric hospital for priests [in Downingtown, Pennsylvania].” He was diagnosed with frotterism, a sexual fetish involving a nonconsenting partner, “a condition doctors often ascribe to child molesters.” After about 7 months, McGuire was release and debriefed by Brad Schaeffer, the Provincial of the Jesuits, who wrote, “It is clear that the basics are not going change here.” Reports: “Over the decade between his release from Saint John Vianney and the beginning of the first police investigation into his conduct in 2003, eight new allegations against [McGuire] were lodged with the Chicago Province. The society’s responses were consistently lackluster.” Describes a variety of informants, a parent and Jesuit priests, including Fessio, who reported concerns to Provincial officials about McGuire’s continuing behaviors with minors, including a priest who described the abuse of a boy who was traveling with McGuire, despite a ban on such arrangements by the Province. In 2006, McGuire was convicted in Wisconsin on 5 counts of sexual assault of a minor. Briefly explores the legal responsibility of various priests at specific points in time to inform law enforcement of concerns about McGuire.

Joyce, Kathryn. (2017). The silence of the lambs. *The New Republic*, 248(7, July):38-47.

Joyce is a contributing editor of the monthly magazine, and an author. Magazine article tells the story of Kim James and her family of origin. Her parents moved to Bangladesh with their 4 daughters to in 1982 to serve as missionaries for the Association of Baptists for World Evangelism (ABWE), an agency based in Pennsylvania which sends missionaries, who are supported by congregations, to countries outside the U.S.A. Joyce describes the ABWE as fundamentalist which has as a core identity a “strict obedience to religious authority.” The James family lived on a remote ABWE compound with approximately 50 missionaries and MKs [a term for the children of missionaries – *missionary kids*]. The mission’s most prominent individual was Donn Ketcham, chief physician of the ABWE mission hospital, “the undisputed patriarch of the Bangladesh

mission for almost three decades” as both a medical and a spiritual authority. States that ABWE officials in Pennsylvania “had been receiving troubling reports since 1967 [about “extramarital affairs’ involving Ketcham and missionary women”], and had disciplined Ketcham for inappropriate relationships on multiple occasions.” In 1989, at age 14, while back in the U.S.A., Kim James disclosed to her hometown church pastor in Indiana that Ketcham had sexually violated her in Bangladesh beginning was she was 13. Rather than notify her parents or law enforcement, the pastor contacted ABWE officials. The ABWE investigators believed Kim James’ story that Ketcham had acted sexually toward her, but decided that she willingly entered into the relationship, held her accountable for her violating God’s word, and pressured her to sign a confession for her role, all in the absence of her parents. James’ lack of language about her body and lack of information about sexuality left her vulnerable to Ketcham’s grooming behaviors, and his use of religious language to rationalize his behaviors. Joyce states that the dynamic of submissiveness by fundamentalists overlaps with the dynamic of silence about sexuality to “make conservative Christians a ripe target for sexual predators.” Ketcham also threatened that if she told her parents, her family would be banished from the mission, and that “she would be ruining God’s purpose for her family,” an outcome for which she would be responsible. The ABWE authorities took her back to Bangladesh, and confronted Ketcham, who acknowledged misbehaviors while minimizing their nature. He and his wife were sent back to the U.S.A. The James parents were never fully informed of their daughter’s story or the true seriousness of Ketcham’s actions, including rape, nor was their family provided any specialized support. In 1991, Kim James attempted suicide. She repeatedly cut herself, developed multiple eating disorders, could not complete community college, and failed to keep a job. In 2002, at a reunion of former Bangladesh MKs, now adults, a group met with Michael Loftis, the ABWE president, telling him stories of how Ketcham sexually had sexually violated them as children. Loftis’ promise to investigate “went nowhere,” but he contacted Kim James to offer “free medical assistance and counseling.” When she accepted, ABWE controlled her for almost 2 years, isolating her from her parents and siblings. She left, returned to Indiana, and continued to harm herself. In 2010, she was contacted by a former MK, Susannah Beals Baker which led to James’ discovery that she was not the only victim of Ketcham. In 2011, she helped Baker start a blog, *Bangladesh MKs Speak*, which “sparked new allegations of abuse.” The response prompted ABWE officials to post acknowledgment of past failures, report Ketcham to the Medical Licensing Board of Michigan where he, in his 80s, was still licensed, and in 2011 hired an independent 3rd party, GRACE (Godly Response to Abuse in a Christian Environment) to investigate. In 2013, shortly before GRACE was to complete its investigation, ABWE terminated its work, handing the contract to PII (Professional Investigators International). In 2017, PII published its report, based on 200+ interviews. Ketcham was found to have “been molesting girls and women at the Bangladesh mission as far back as the 1960s,” reporting that at least 23 “had been molested or raped, 18 of them children.” States: “In exhaustive detail, the investigators confirmed both Kim’s story of abuse – finding she had a ‘minimum of 10 to 15 sexual encounters’ with Ketcham – as well as her subsequent mistreatment by ABWE which ‘treated the victim as if she were complicit.’” States that the report “came down hardest on ABWE, which gave Ketcham ‘preferential treatment’ blamed his victims, and failed to dismiss him from the mission field years sooner.” States that PII concluded that MKs “were ‘sacrificed’ so that the ministry would not be ‘discredited.’” [ABWE posted the 280 pp. Final Report on its World Wide Web site. Professional Investigators International. (2016, March 11). ABWE and Donn Ketcham Investigations Final Report. Accessed 04/07/18: <http://childprotection.abwe.org/Final-Report.pdf>] Describes the positive changes in the James family since the report. Reports that Ketcham was charged in 2016 “with abusing a six-year-old patient in Michigan while conducted a medical exam,” and has been ordered to stand trial.”

Keegan, Paul. (2002). Yogis behaving badly. *Business2 Magazine*, (September):Lacks pagination. [Accessed 07/22/14 at the World Wide Web site of Cult Education Institute: <http://culteducation.com/group/1289-general-information/8404-yogis-behaving-badly.html>]

Keegan is not identified. Based on interviews with individuals from yoga centers in New York, New York, Beverly Hills, California, and Ann Arbor, Michigan, and personal experience. Describes the growth of the business of teaching yoga, including sales of accessories, in the

U.S.A., which he contrasts to the historic adherence to “the sacred eight-limbed path outlined in the ancient Yoga Sutra,” the 1st limb of which “is called ‘yama’ and consists of five Sanskrit words that mean don’t harm others, lie, steal, lust, or be greedy.” States: “For millennia, the intricate techniques of yoga were passed down freely from teacher to student. Today they form a collection of highly marketable intellectual properties – a phenomenon that has only encouraged some rather unenlightened behavior.” Regarding the 4th *yama* (*brahmacharya*, which he defines as “don’t lust”), he reports accusations against Rodney Yee, a yoga teacher in Oakland, California, that he sexualized relationships with students. Also reports: “In 1994, Amrit Desai of the Kripalu Center for Yoga and Health in Lennox, Mass., resigned after admitting that he’d had affairs with three female followers – an ironic development, given that he’d made celibacy a cornerstone of his teaching. And in 1997, the Himalayan Institute of Honesdale, Pa., lost a \$1.9 million judgment after a woman charged that its spiritual leader, Swami Rama, sexually assaulted her while she was a student there.” Reports that Bikram Choudhury, head of the Bikram Yoga College of India, Beverly Hills, California, says he “blackmailed several times into having sex with students. ‘What happens when they say they will commit suicide unless you sleep with them?’ he says. ‘What am I supposed to do? Sometimes having an affair is the only way to save someone’s life.’”

Keene, Fred. (1995). The politics of forgiveness: How the Christian church guilt-trips survivors. *On the Issues: The Progressive Women’s Quarterly*, 4(4, Fall):32-35. [Also available on the World Wide Web. Accessed 05/11/04 at: <http://www.echonyc.com/~onissues/f95guilt.>]

By “a mathematician in California who also writes frequently on Christian biblical theology.” [Adapted from his essay: see this bibliography, Section I: Keene, Frederick W. (1995).] His wife, Hannah Abigail Keene, was sexually abused an adolescent by her Episcopal priest. Discusses the social pressure on survivors of sexual or domestic violence to forgive the abuser, and states: “The pressure is almost doubled if they belong to a church or seek counseling from a Christian priest or pastor. For religious Christian survivors, such counsel adds horrible complications to the healing process. But even in its secular form, the pressure to forgive abusers is a powerful tool of social control, one that continues to blame the victim.” Briefly traces the New Testament Greek text’s uses of the English verb that is translated as ‘to forgive’, and concludes: “Nowhere in the Christian bible is forgiveness even discussed, much less required when the person who is harmed is less powerful than the person doing the harming.” His analysis is that the precept to unilaterally forgive interpersonal harm has been applied to protect the powerful, and in the church, “it protect[s] abusive clergy, making survivors of clerical sexual abuse feel at fault.” Very briefly discusses the nature of repentance and empowerment. Lacks references.

Keller, Larry. (2009). Cult evangelist Tony Alamo convicted on sex charges. Hatewatch, (July 24):Unpaginated. [Accessed 12/05/12 at the World Wide Web site of the Southern Poverty Law Center: <http://www.splcenter.org/blog/2009/07/24/tony-alamo-convicted/>]

The blog reports that evangelist Tony Alamo, née Bernie LaZar Hoffman, was convicted in U.S.A. federal court, Texarkana, Arkansas, “on all 10 counts of transporting underage girls across states lines for sex. Alamo, 74, faces up to 175 years in prison, plus fines that could total \$2.5 million.” Reports: “Alamo maintains that girls should marry when they begin menstruating. It’s that apparent predilection for young girls that prompted federal agents to his 15-acre compound last September in the town of Foulke, near the Texas state line.” States: “One girl told the FBI that Alamo repeatedly fondled her when she was 8, then ‘married’ her in May 2000 when she was 9. She was still 9 when he took lewd photos of her and had intercourse with her, she said. He watched adult porn films with her in his bedroom, she added. A second girl said she was 12 when Alamo had intercourse with her. When she was 14, Alamo took her to California, where he had sex with her in motel rooms and at his California compound, she said. An informant told the FBI that she saw Alamo sometimes take more than one girl at a time to his bedroom, where he kept candy bars and a Barbie doll collection.”

Keneally, Thomas. (2002). [Annals of Religion section] Cold sanctuary: How the Church lost its mission. *The New Yorker*, 78(16, June 17 & 24):58-66.

By a novelist and non-fiction writer from Australia. Describes himself in the 1950s in Sydney, Australia, as a romantic seminarian while a candidate for the Roman Catholic priesthood, who, weeks before ordination chose not to proceed. Written following “proliferating reports [in 2002] of pedophilia among the [Catholic] clergy [and] perhaps even more disturbing have been the evasive responses by such Church leaders as Cardinal Bernard Law, of Boston. For them, it has been business as usual... And in the Church’s response to the scandal it has exposed its most dismaying side: a propensity for arrogance and coverup.” Cites historical factors for the Church’s secretiveness: “the model of the mysterious relationship between the Church and the Holy Spirit [which] fortified ordinary Christians in periods of persecution...”; bigotry against Catholic immigrants in the U.S. since the 19th century; a spirit of tribalism; an ingrained unworldliness rooted in Catholic doctrine which leads the Church to rely “on its capacity for dealing with all manner of human flaws...” Also briefly reflects on priestly celibacy and Catholic teachings regarding sexuality.”

Kenneally, Christine. (2018). We saw nuns kill children: The ghosts of St. Joseph’s Catholic Orphanage. *BuzzFeed News*, (August 27):Unpaginated. [Accessed 09/12/18 at the World Wide Web site of *BuzzFeed News*: <https://www.buzzfeednews.com/article/christinekenneally/orphanage-death-catholic-abuse-nuns-st-josephs>]

Kenneally is “an senior investigations contributor based in Melbourne, Australia” who is a contributor to the news division of BuzzFeed, a World Wide Web media and news company, New York, New York. Her journalist-style investigative report focuses on the former St. Joseph’s Orphanage in Burlington, Vermont, which was founded in the mid-1800s, and ceased admitting children in the 1970s. Sited within the Roman Catholic Church’s Diocese of Burlington, St. Joseph’s was operated by the Sisters of Providence, a religious order of the Church. Residents included both girls and boys. Describes how children arrived at St. Joseph’s: “The children’s parents were often ill or addicted, jailed or divorced, or bullying, monstrous, or violent... Many were brought by the state, after their homes were deemed unacceptable. Sometimes they ended up in an orphanage simply because their mother was unmarried.” Describes the story as “the history of unrelenting physical and psychological abuse of captive children,” which included sexual abuse and accounts of children dying. States: “From former residents of America’s Catholic orphanage system, I had heard stories about these deaths – that they were no natural or even accidents, but were instead the inevitable consequence of nuns’ brutality.” The story draws upon: Kenneally’s interviews with former residents, plaintiff’s attorneys, a defense attorney, and a nun in the order who was assigned to St. Joseph’s; “folders, briefcases, boxes, and loose bundles of papers” she received from individuals; archival research in public records; newsletters of the Sisters of Providence; and, area media. Also draws upon: transcriptions and videotape of legal depositions in multiple civil suits in federal and state courts in the 1990s which were filed by former residents “against nuns, priests, lay staff, the diocese, and the social agency that oversaw the orphanage [Vermont Catholic Charities].” The suits involved allegations of serious maltreatment and abuse, some of which originated in the 1940s and persisted over 40+ years. Among those providing expert witness testimony was Bessel van der Kolk, a psychiatrist with Harvard University’s Medical School, Boston, Massachusetts, who testified as an expert witness regarding trauma and memory, and Anna Salter, a clinical psychologist with expertise regarding sexual offenses and sexual offenders. Quotes a former resident by name who “described witnessing at least two incidents in which she said a child at St. Joseph’s died or was outright murdered.” Among the many accounts mentioned or described are: children being physically punished with a razor strap and wooden paddle; a nun ordering older boys to rape a young boy; in front of other girls, a nun burning the fingertips of a girl to punish her for stealing candy; a priest, the resident chaplain, sexually molesting a girl in his room; a nun digitally raping a 5-year-old girl; children being forced to eat their own vomit. The civil suits resulted in a variety of dispositions: some were dismissed by courts based on expired statutes of limitations, and some cases were settled. Kenneally writes: “More than anything else, what the St. Joseph’s plaintiffs wanted was recognition: They wanted the world to acknowledge their agony, and to say it should never have happened. What they got instead was a modest check, the amount of which was to be yet another secret [due to non-disclosure provisions].” A crucial part of her research included personnel files

of priests in the Burlington Diocese which were made available by a judge in a separate matter after the civil litigations were concluded. She found evidence “in the church’s own documents that corroborated the abuse that so many residents of St. Joseph’s testified they had endured. But the evidence had been kept secret... In all, I was stunned to discover that at least 11 and as many as 16 male clergy members who had lived or worked at St. Joseph’s or Don Bosco – a boys home on the same grounds as St. Joseph’s that was run by priests rather than nuns – had been accused of, or treated for, the sexual assault of minors. Five laymen who worked at the orphanage were also accused or convicted of child sexual abuse... Crucially, from 1935 until the orphanage closed in 1974, five of St. Joseph’s eight resident chaplains – the priests who oversaw the orphanage – had been accused of sexual abuse.” This material, combined with her other research, corroborated a number of details and incidents as described by the former residents during their depositions in the civil proceedings. Kenneally’s research places the St. Joseph’s case in the larger context of similar maltreatment and abuse of minors in residential institutions, especially those designated for orphans, across the globe. Cites specific cases in Catholic institutions in Albany, New York, Montreal, Québec, Canada, and Australia.

Kilduff, Marshall, & Tracy, Phil. (1977). Inside Peoples Temple. *New West*. (August 1):30-31, 34-36, 38.

Kilduff is a reporter for the *San Francisco Chronicle* newspaper. Tracy is a contributing editor to the magazine. Magazine-style article; investigative-style journalism. A profile of Rev. Jim Jones, “founding pastor of Peoples Temple, a small community church located in [San Francisco, California’s] Fillmore section.” Describes him as “one of the most politically potent religious leaders in the history of the state.” Quotes a source as attributing “[t]he source of Jones’ political clout” to his ability to mobilize followers to work and vote for officials he supports. As sources of his influence, also notes the church’s “social and medical programs,” and donations. Sketches Jones’ history, including opening his 1st church in Indianapolis, Indiana, relocating it in 1966 to Redwood Valley, “a hamlet outside Ukiah,” California, in 1970 expanding to San Francisco and Los Angeles, and then opening an “agricultural outpost in Guyana.” States that “his congregation is roughly 80 percent to 90 percent black.” A section is based on interviews with 10 people who left the church; they agreed to be tape-recorded and disclose their names and pictures. Kilduff and Tracy report that they “checked the verifiable facts of their accounts... The details of their stories checked out.” They state: “Based on what these people told us, life inside Peoples Temple was a mixture of Spartan regimentation, fear and self-imposed humiliation.” Interviewees report public disciplinary sessions before church members which consisted of mental and physical punishment, including beatings. Followers “were encouraged to turn over their money and property to the church and live communally in temple buildings; those who didn’t ran the risk of being chastised severely...” 3 interviewees describe how Jones faked physical healings. Another interviewee describes he and his wife being asked by Jones to operate a home for emotionally disturbed boys which was supported by monthly county checks “for the upkeep of the boys.” Checks were turned over to the church which allotted them “‘what [the church] felt were sufficient funds for the home and supplied us with foodstuffs and various articles of clothing’” donated by church members. As to why some “remain members long after they became disenchanted with Jones’s methods and even [sic] fearful of him and his bodyguards,” the interviewees’ “answers were the same – they feared reprisal, and that their stories would not be believed.” Another interviewee reports “‘that we were supposed to pay 25 percent of our earnings [the usual sum, according to practically all the former members that we interviewed.]’” Jones taught that fascists would take over the U.S.A. and put black people in concentration camps, eliciting fear as the motivation for black followers to give money for his settlement in Guyana, “the ‘promised land.’” The last section names 4 of Jones’ operations which should be investigated: circumstances surrounding the transfer of members’ property to the church; whether there has been maltreatment of youth; finances of the “‘care homes’” operated by church members; finances of at least 6 residential homes for “senior citizens” which were owned or operated by the church. Concludes: “If Jones is ever to be stripped of his power, it will not be because of vendetta or persecution, but rather because of the courage of these people who stepped forward and spoke out.” [The article was perceived by Jones as a significant factor in his decision to relocate to his community in Jonestown, Guyana, which ended in the deaths of 900+ adults and children.]

Kiley, Brendan. (2009). The “pedophile’s paradise.” *The Stranger*, 18(21, February 5-11):16ff. [Accessed 05/14/11 at the World Wide Web site of *The Stranger*:
<http://www.thestranger.com/seattle/Content?oid=1065017>]

Kiley is a writer for the Seattle, Washington, alternative weekly newspaper. Updated and corrected version of the article. Reports on “a new lawsuit against the [several Roman Catholic priests and the former head of the Oregon Province of the order of the Jesuits, which includes Washington, Oregon, Montana, Idaho, and Alaska], claiming a widespread conspiracy to dump pedophile priests in isolated Native villages [in Alaska] where they could abuse children off the radar.” Citing the plaintiffs’ attorney, Ken Roosa, states that the “concentration of abuses is orders of magnitude greater than Catholic sex-abuse cases in other parts of the United States.” Quotes female and male Natives by name whose abuse is described and their perpetrators identified. States: “The sheer concentration of known sex offenders in these isolated communities begins to look less like an accident than a plan. Their institutional protection looks less like an embarrassed cover-up than aiding and abetting. And the way the church has settled case after case across the country, refusing to let most of them go to trial for a public airing, is starting to look like an admission of guilt.” A particular focus is Fr. James Poole; quotes from a victim’s testimony about him molesting and raping her at 6-years-old “during a private catechism class” in which he used religious rhetoric against her resistance. Reports that “Poole came under scrutiny as early as 1961, when complaints about his behavior reached Rome and the Father-General of the Jesuits initiated an investigation. In 1994, Poole was sent to the Servants of the Paraclete – a Jesuit-run [sic] psychiatric facility for troubled priests in Jemez Springs, New Mexico...” Describes allegations against Fr. Stephen Sundborg, the Provincial of the Oregon Province from 1990 through 1996, as a conspirator: “The suit alleges that while Sundborg was head of the Northwest Jesuits, he had access to the personnel files of several pedophile priests... whom he allowed to remain in the ministry.” Describes the authority and power of the role of Catholic priests in relation to the Native people in the isolated villages of Northwest Alaska.

Kisken, Tom. (2003). Officer battles personal crime: He can’t forget molestation by his priest. *Ventura County Star* (April 27):Lacks pagination. [Accessed 08/24/14 at the World Wide Web site of BishopAccountability.org: http://www.bishop-accountability.org/news2003_01_06/2003_04_27_Kisken_OfficerBattles.htm]

An account in a Los Angeles, California, area newspaper of Manuel Vega, an Oxnard, California, police officer, who “alleges the Rev. Fidencio Silva molested him about 10 times beginning when he was in the sixth grade and an altar boy at Our Lady of Guadalupe Church in Oxnard’s La Colonia.” Reports that Vega and 7 other former altar boys have filed a class-action lawsuit against Silva, the Roman Catholic Church’s Archdiocese of Los Angeles, and others. Vega, who has won awards as a police officer and for heroic service in the U.S.A. Marine Corps, has lobbied the California legislature “for legislation that eventually revised the statute of limitations on molestation lawsuits,” and has started a victim’s support group. Silva is “sought by the Ventura County District Attorney’s Office on 25 counts of molestation.” Reports that during Holy Week, Vega has conducted a protest vigil at the Cathedral of Our Lady of the Angels, Los Angeles. Vega believes that Cardinal Roger Mahony, head of the Archdiocese since 1985, a period “after Vega alleges he was molested by Silva[,] ...has helped cover up molestation accusations against priests and has stonewalled criminal prosecution by withholding personnel records.” Raised in the Catholic Church, Vega was in the 6th grade when he met Silva “who came to [Vega’s] church as associate pastor and supervised the altar boys.” Describes Vega as “want[ing] justice. He wants priests and church hierarchy to assume responsibility for their actions.”

Knoll, Corina. (2013). Sex abuse allegations surround L.A. Buddhist teacher. *Los Angeles Times*, (Local section, February 12). [Accessed 05/05/13 at the World Wide Web site of the *Los Angeles Times*:
<http://articles.latimes.com/2013/feb/12/local/la-me-zen-master-20130213>]

Newspaper article briefly reports that “[a] recent investigation by an independent council of Buddhist leaders... has suggested that [Joshu Sasaki] Roshi, a leading figure in Zen Buddhism in the United States, may have abused hundreds” of students for decades. The roshi, from Japan, established the Rinazi-ji center, formerly known as the Cimarron Zen Center, in Los Angeles,

California, 50 years ago. He “was among a wave of Japanese teachers to tailor Zen Buddhism to Westerners. He quickly became an exalted figure and opened about 30 centers...” The council’s report “included allegations of molestation and rape, and [that] some of the incidents had been reported to the Rinzai-ji board, which had taken no effective action.” Quotes by name a former student at the Los Angeles center who describes the roshi using individual meetings with her at 19-years-old to fondle and grope her sexually. Quotes a former student whose letter published on the Web “excoriated the community for suppressing reports of sexual misconduct.” Quotes a former board member who resigned in 1992, citing “an ‘atmosphere of secrecy’ regarding his teacher’s inappropriate sexual behavior.” Quotes from the council’s report: “‘We see how, knowingly and unknowingly, the community was drawn into an open secret... We have reports that those who chose to speak out were silenced, exiled, ridiculed or otherwise punished.’” Quotes a public statement from the “council of Rinza-ji oshos – senior Zen teachers ordained under Roshi,” an apology that acknowledges “that because of our failure to address our teacher’s sexual misconduct, women and also men have been hurt.”

Kolker, Robert. (2006). On the rabbi’s knee. *New York*, (May 22):28-33, 102-103.

The magazine article profiles David Framowitz, now 48-years-old, who in 2006 was a plaintiff in a federal lawsuit filed against Rabbi Yehuda Kolko, an Orthodox Jew, and Yeshiva Torah Timimah (originally called Torah Vodaath) in Flatbush, Brooklyn, New York. Framowitz alleges Kolko sexually molested him on at least 15 occasions from 1969-1971 while Framowitz attended the yeshiva where Kolko taught and at a religious summer camp where Kolko worked. Kolko’s attorney, an observant Jew, is reported as “know[ing] of as many as twenty victims between the ages of 19 and 50 who can they were abused by Kolko.” The lawsuit “alleges that there was also a conspiracy among powerful members of the ultra-Orthodox community to cover up Kolko’s actions.” The suit accuses “Kolko’s boss, Rabbi Lipa Margulies, of orchestrating ‘a campaign of intimidation, concealment and misrepresentations designed to prevent victims from filing lawsuits.’” Reports that Jewish authorities became aware of complaints about Kolko in the mid-1980s, but no investigation or intervention was undertaken. Framowitz’s attorney and others attempted to bring Kolko to a *beit din*, a rabbinical court action. After the lawsuit was filed, the yeshiva placed Kolko on administrative leave. States: “Rabbi-on-child molestation is a widespread problem in the ultra-Orthodox Jewish community, and one that has long been covered up, according to rabbis, former students, parents, social-service workers, sociologists, psychologists, victims’ right advocates, and survivors of abuse interviewed for this story.” Very briefly discusses: rate of sexual molestation in the Orthodox Jewish community, repression of sexuality in the ultra-Orthodox community as a potential factor in abuse, factors that discourage ultra-Orthodox from reporting sexual abuse, ineffectiveness of the *beit din* as a mechanism for dealing with abuse, ineffectiveness of the Brooklyn district attorney’s office in pursuing Orthodox sex abuse cases, and resistance of ultra-Orthodox leadership to address issues related to sex abuse.

Kopvillem, Peeter (with Howse, John, & DeMont, John). (1992). The end of silence: Exposing sexual abuse of Native children. *MacLean’s: Canada’s Newsweek Newsmagazine*, 105(37. September 14):14ff. [Accessed 06/26/07 at LexisNexis Academic database.]

Reports on trends in First Nation communities in Canada to address the phenomenon of abuse and violence against their children and women. Notes that “aboriginal women in particular have been speaking out and demanding the ability of the male-dominated leadership on many reserves to deal with the problem.” Reports that “native women’s representatives estimate that 80 per cent of native women have been victims of abuse. The incidence of child abuse may be equally chilling.” Quotes government social services officials and First Nation individuals, including Phil Fontaine, head of the Assembly of Manitoba Chiefs, regarding the contributing role of government-funded and church-administered residential schools, observing that First Nation children who were abused by adults in the schools have perpetuated the patterns in their own communities. Identifies a variety of programs throughout Canada established to counsel First Nation victims and abusers, intervene in families, and train community members as counselors.

Krauss, Clifford. (2004). Native Canadians reveal legacy of abuse. *The New York Times*, (Section A, International section, Sunday, March 7):11.

Reports on the efforts of Native Canadians in Ditidaht, British Columbia, Canada, to recover from the effects of spending their childhoods in the residential schools for Native Canadians that were operated by the Roman Catholic, Anglican, United, and Presbyterian Churches, and financed by the government of Canada. In Ditidaht, Krauss reports, "all those older than 45 attended the Port Alberni school [which was operated by the United Church of Canada], and all those younger were brought up by a parent or grandparent who had gone to the school and suffered [physical and sexual] abuse there. In addition to attacks by school personnel, some students were raped or abused by older students." 1 government-financed study found "that almost a quarter of convicted pedophiles, rapists and perpetrators of incest [in Canada] are Native Canadians who make up about 3 percent of the population. The study concluded that there was a link between attendance at the schools and becoming a sex offender. (Native Canadians were also more likely to be persecuted, it said.)" Of 93,000 living Native Canadians, almost 10 percent are estimated to have spent time in 1 of the residential schools. The therapies for promoting recovery "have ranged from individual or group sessions with licensed professionals to traditional Native prayer sessions and ritual bathing in rivers and streams. Help centers apply treatments like drumming ceremonies and sweat lodges, the traditional cleansing saunas set up in domed chants where people can confess and chant." Reports that over 1,000 victims of the residential schools have received court compensation in the last decade, and 12,000 more have filed claims.

Lampman, Jane. (2002). A wider circle of clergy abuse. *The Christian Science Monitor*, 94(June 14). [Accessed 03/14/04 from Contemporary Women's Issues academic database.]

By a staff writer for the newspaper. In the context of the U.S. Conference of Catholic Bishops meeting in Dallas, Texas, 2002, to develop policy to protect children, she reports on aspects that have been less publicized than clergy sexual abuse of male minors – "priests' sexual involvement with girls and women." Quotes Gary Schoener, a Minneapolis, Minnesota, psychotherapist "who has worked with 2,500 sex-abuse cases involving clergy of many denominations": "Priests who victimize women are far more common than those who victimize boys." Also quotes A.W. Richard Sipe, a psychotherapist and former Roman Catholic priest, that an estimated 20% of priests are involved in relationships with women. Sipe estimates that between 4-6% of priests abuse minors. Quotes Jeff Anderson, a Minnesota attorney who specializes in clergy sexual abuse cases, that Roman Catholic Church officials historically have been quicker to blame females for the abuse, accusing them of seducing priests: "'Somehow there is greater cultural acceptance of that notion, and that cultural bias gets magnified by the sexism and paternalism of the clerical culture.'" Briefly reports several cases in which females were abused by priests, including a young adolescent by her parish priest, and a young woman in the context of counseling by a priest who was a military chaplain. Concludes by mentioning that in 2001, *The National Catholic Reporter* reported incidents of sexual abuse by priests against nuns in 23 countries.

Landers, Ann. (1986). [Ann Landers column] More than I needed to know in Panama City. *Wilmington Morning Star*, (September 11):6D. [Accessed 11/07/13 at the World Wide Web site of the *Wilmington Morning Star*: <http://news.google.com/newspapers?nid=1454&dat=19860911&id=4UhOAAAAIBAJ&sjid=4BMEAAAIAIAJ&pg=6888,2612321>]

By the nationally syndicated advice columnist. The correspondent writes: "Dear Ann Landers: My wife and I just returned from our honeymoon. It was seventh heaven for me until the third day, when she told me something that has been weighing on my mind like a ton of lead. It seems 'Sally' has slept with give men who attended our wedding. She named an usher, two guests, the photographer and the minister. All this came out after too much champagne. ...I am shaken by what she had told me and I want some advice." Landers' reply included: "And for heaven's sake, tell Sally to keep her mouth shut. The minister doesn't need the publicity."

_____. (1986) [Ann Landers column] Disappointed in Detroit. *Mount Airy News*, (December 17):12B [Accessed 11/07/13 at:

http://news.google.com/newspapers?id=834_AAAAIBAJ&sjid=DIUMAAAAIBAJ&pg=5482,8823729&dq=disappointed-in-detroit&hl=en

The correspondent writes: "Dear Ann Landers: I was disappointed with your advice to the bride who said she had slept with five men in the wedding party, including the minister. You advised, 'Keep your mouth shut. The minister does not need the publicity.' I say the minister also does not need to remain in a position where he can continue his hypocrisy and wreak emotional havoc on those who trust him. For 32 years I was married to a minister who was protected by people who also kept their mouths shut. In the meantime, my husband was taking advantage of young women to whom he should have been ministering. If people had not remained silent, he would have been removed from his job. The net result was that he caused this irreparable harm to all of those who believed he was a servant of God, including his wife and children." Landers replied: "You are right. The minister did not deserve the protection of silence, and I should not have suggested it. My answer was a dog."

Lantigua, John. (2004). Fallen bishop lives in South Carolina monastery. *Rocky Mount Telegram*, (April 19).

By a writer, *Palm Beach Post* newspaper. Reports on Bishop Anthony J. O'Connell who resigned as head of the Roman Catholic Church's diocese of Palm Beach, Florida, "25 months ago after confessing to sexual improprieties." Since resignation, he has lived at Mepkin Abbey, a Trappist monastery in Monck's Corner, South Carolina. States: "Accusations against O'Connell include numerous instances of sexual abuse of minors at a Hannibal, [Missouri,] seminary, where he was stationed from 1964 to 1988." The first accusation of sexual abuse came in 2002, and eventually 8 males came forward. Reports that when he resigned, "O'Connell admitted during a news conference that he had improperly touched a young man" at [the seminary] some 25 years before." 1 victim received a \$125,000. settlement in 1996 from the Diocese of Jefferson City, Missouri. Civil suits are underway that accuse 2 dioceses "of covering up O'Connell's activities, transferring him to now posts and advancing his career despite his sexual history." Reports that O'Connell joins the 8 priests of the community in daily Mass, but that he "is not allowed to say Mass anywhere except at the monastery." A statement issued by the monastery indicates that "[O'Connell's] activities are restricted and monitored by the abbot and the monastic community to ensure no minor is placed at risk." O'Connell became bishop of the Palm Beach Diocese when he "replaced Bishop J. Keith Symons, who admitted molesting five altar boys in the past."

Lattin, Don. (1985). Guru hit by sex-slave suit. Stories of drugs, orgies on Free John's Fiji isle. *San Francisco Examiner*, (April 3). [World Wide Web: <http://www.lightmind.com/thevoid/daism/sfex-01>]

By the religion writer, *San Francisco Examiner* newspaper. Reports that a \$5 million civil suit was filed in Marin County court, California, against Da Free John (née Franklin Jones; formerly Bubba Free John) and 8 other defendants. Da Free John is the spiritual leader of a 13-years-old religious sect with 1,100 members, the Johannine Daist Communion, with headquarters in San Rafael, California, and operations at a California ranch, a retreat center in Hawaii, and on a Fijian island. Through various corporations, it operates the Laughing Man Institute, Crazy Wisdom Fellowship, Advaitayana Buddhist Order, and Free Renunciate Order. The suit was filed by a woman is the estranged wife of Brian O'Mahony, the group's president. Her suit alleges that she was "compelled over a prolonged period of time, to accept physical and sexual abuses, confinement, degrading acts, inadequate diet and the surrendering of her children" to Free John and other sect leaders, and that she was "forced to consume alcohol... and was required to partake in various sexual acts commanded by the Master." She belonged to the sect from 1976 to 1984, and married O'Mahony in 1977. Former members are quoted in the story as confirming the sect used alcohol and drugs, and participated in sexual orgies during the period in question, and that Free John had nine wives living with him in Fiji. According to a source at a Berkeley, California, counseling center that assists those leaving religious cults, Free John is regarded as God incarnate. The suit also accuses Free John, a former student of Swami Muktananda Paramhansa, of clergy malpractice. The suit describes the role of women in the sect as that of servant or slave, and that it was encouraged by Free John.

_____. (1988). Scandalous times of perfect masters. *San Francisco Chronicle*, (August 3):B.3. [Accessed 06/20/09 from ProQuest academic database.]

By the religion writer, *San Francisco Chronicle* newspaper. Reports on “[s]piritual teachers [who have been] embroiled in scandal over the last five years [which] include:” 1.) Swami Muktananda Paramahansa who opened 62 meditation centers in North America in the 1970s. In an article in *CoEvolution Quarterly*, based on interviews with past and present disciples, he is alleged to have “seduced young girls, stashed funds in a Swiss bank account and privately exhibited a sometimes violent, vindictive temperament.” 2.) Bhagwan Shree Rajneesh, “an irreverent Indian philosopher who attracted thousands of Westerners with a blend of Eastern mysticism, Western hedonism and techniques borrowed from the human potential movement... Known as the ‘free sex guru’...” 3.) Richard Baker-Roshi, abbot of the San Francisco Zen Center, “resigned his post when it was learned in 1982 that he was having an affair with a Zen student who was also the wife of his best friend.” 4.) Da Free Jones, née Franklin Jones, “made headlines in 1985 when a group of top-ranking devotees accused him of false imprisonment, brainwashing and sexual abuse.” 5.) Frederick Lenz, Zen Master Rama, “was accused by former devotees last year of pressuring women students into sex...” 6.) Thakar Singh, “one of three gurus claiming to be the successor of Indian meditation teacher Sant Kirpal Singh,” was accused in July, 1988, by “[f]emale former followers... of making sexual advances and physical beatings to rid them of demonlike ‘entities.’”

_____. (1994). Best-selling Buddhist author accused of sexual abuse. *The San Francisco Free Press* [A daily, online edition of the newspaper of the striking employees of the *San Francisco Chronicle*, the *San Francisco Examiner* and the San Francisco Newspaper Agency], (November 11). [Accessed 01/30/13 at: http://www.well.com/comf/media/SF_Free_Press/nov11/guru.html]

Reports that the Dalai Lama is supporting “a group of American Buddhist women [who] have launched a campaign to expose the alleged sexual misconduct of a prominent Tibetan lama and best-selling author,” Sogyal Rinpoche. According to a civil suit seeking \$10 million, which was filed the previous week in California by an anonymous woman, she “came to Rinpoche for spiritual guidance last year at a retreat sponsored by the Rigpa Fellowship meditation center in Santa Cruz, but was ‘coerced into an intimate relationship’ with the Tibetan guru. Sogyal claimed (she) would be strengthened and healed by having sex with him and that to be hit by a lama was blessing,” the lawsuit states. The suit – which accuses Rinpoche of fraud, assault and battery, infliction of emotional distress and breach of fiduciary duty – also charges that the Tibetan lama has “seduced many other female students for his own sexual gratification.” Based on an interview, quotes a woman who reports that she was sexually exploited by Rinpoche at during meditation retreats in New York and California when she was 21. She states that the Dalai Lama “has known about this for years and done nothing. There is a real code of secrecy and silence.”

_____. (2000). Minister resigns as president of Marin seminary; Church trial over sex abuse under way. *San Francisco Chronicle*, (May 3). [World Wide Web: *San Francisco Chronicle* website. <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2000/05/03/MN60938.DTL>].

By the religion writer, *San Francisco Chronicle* newspaper. Reports that on May 2, 2000, Donald McCullough resigned as president of San Francisco Theological Seminary, a Presbyterian Church (U.S.A.) school. McCullough, a Presbyterian minister, had been president for 6 years and is currently in an ecclesiastical trial on charges of misuse of his office and position to commit sexual abuse. 1 charge reportedly stems from his involvement with 2 female staff members at Solana Beach Presbyterian Church, San Diego, California, which he served 1980-1994. Another charge reportedly is from an incident at the seminary. The school trustees accepted his resignation.

_____. (2005). Deaths in the Family: Common thread of sexual, spiritual abuse among cult defectors who killed themselves. *San Francisco Chronicle*, (January 27):A1. [Accessed 04/13/12 at LexisNexis Academic academic database.]

Based on interviews with “[m]ore than a dozen [young adult] defectors” who were born into the international religious group Children of God, also known as the Family, founded by David Berg, also known as Moses, in the late 1960s in the U.S.A. Follows the January, 2005, death by suicide

of Ricky Rodriguez, also known as Davidito, after he murdered his mother's personal secretary in Arizona. In a videotaped confession prior to the events, he described his goal as obtaining information "to hunt down his estranged mother, Karen 'Maria' Zerby, the current prophet and spiritual leader of the Family." Reports that over 30 defectors have died by suicide. The interviewees said "that sexual activity between children, teenagers and adults occurred in numerous Children of God communes – especially between 1975 and 1986, after which the Family maintains that it 'enacted stringent policies to ensure the safety and protection of our children.'" Quotes one defector by name who states: "'Sex wasn't the only thing stolen from [the children]. It wasn't even the biggest thing. Their spirituality was stolen. God was stolen from them.'" Reports: Friends and family of the dead say the deaths by suicide are linked to years of sexual, spiritual or physical abuse they experienced growing up in one of the most secretive sects of the 1970s and '80s." The brother of a defector who died by suicide at age 21 describes the Family's Victor Program that was created "to discipline rebellious teenagers and adults in the sects." States: "'[My brother] was part of a detention and retraining program involving sleep deprivation, food deprivation, manual labor, silence restriction and isolation.'" Describes the case of Ricky Dupuy who died by suicide in 1996: "In 1993, Dupuy emerged as a leading defector and source of information about abusive practices inside the Children of God, which by then was calling itself the Family." In 1993, he debated Family officials on the Larry King Live television program, and reported that he "'was ordered in the group to have sex with a 10-year-old by the leadership of the group.' 'Did you?' King asked. 'Yes,' Dupuy said. 'It was to get me in so deep that I would be afraid to ever come and speak against the group.'" Reports that Dupuy testified in a "British child-custody case" that in 1993 and he and adult male "had been asked by the child-care directors at a Family home in the Dominican Republic" to interact sexually with 2 girls 10- and 11-years-old. Reports that the 1995 court decision confirmed the allegation and that the presiding court official "identified the two girls as the daughters of two high-ranking leaders of the Family." Cites an official of the Family as stating that "32,000 people had been in the Family over the past 35 years and that its current full-time membership stood at around 8,000."

Levin, Sala. (2013). The Jewish snitch. *Moment Magazine*, 38(2, March/April):20-21.

Levin is a staff member of the magazine. The article begins by noting the recent sentencing of "Nechemya Weberman, a member of the Hasidic Satmar [Jewish] community in New York... for sexually abusing a young girl over the course of three years, beginning when she was 12... Some were outraged over the 54-year-old Weberman's behavior, but others were furious for a different reason – that he had been turned over to the police at all. Four men were arrested on charges of witness intimidation, after allegedly offering the girl, who later testified against Weberman, half a million dollars to drop the case and suggesting that she move to Israel. To some, the girl was a *moser*, a rabbinic term for a Jew who informs on another Jew." Briefly discusses the prohibition in Jewish law against *mesirah*, "meaning 'delivery' or 'handing over' in Hebrew," in relation to the sexual abuse of minors in Hasidic and "close-knit ultra-Orthodox Jewish communities, which often choose to deal with offenses within the fold." States: "Rabbinic law mandates that a Jew may not report another Jew's malfeasance to a secular government, even when the behavior in question violates both secular and Jewish law." Quotes Michael Broyde, an Orthodox rabbi who is a professor of law at Emory University, Atlanta, Georgia, that *mesirah* laws "are based upon the (historically all-too-real) idea that Jews 'sometimes live in barbaric places,' where governments are hostile to Jews." Broyde also "explains that the rules against informing don't pertain to actions that harm the community or endanger others' safety – in case of violent criminals, for example, one may inform the secular authorities." Quotes Steven Resnicoff, an Orthodox rabbi who is professor of law and co-director of the Center for Jewish Law and Judaic Studies at DePaul University, Chicago, Illinois, whose position is that *mesirah* prohibition not apply in the U.S.A. or "'in most civilized countries today where they have a fair justice system.'" Cites rabbis from the U.S.A. and Israel whose positions differ from Broyde and Resnicoff. States: "Resnicoff insists that it's necessary to change this culture of silence in order to properly deal with cases of sexual abuse." His position is based on "[t]he biblical obligation to save people from being victimized," which takes priority over the rabbinic doctrine of *mesirah*, a position Broyde supports.

Lombardi, Kristen. (2001). Cardinal sin. *The Boston Phoenix*, (March 23):Unpaginated. [Accessed 10/16/04 at the World Wide Web site of *The Boston Phoenix*: http://www.bostonphoenix.com/boston/news_features/top/documents/0088288].

By a writer for an alternative newspaper. Based on interviews with Mark Keane, Tony Muzzi, Jr., Patrick McSorely, and Jim Sacco, self-identified victims of sexual abuse by Fr. John Geoghan, a Roman Catholic priest in the Archdiocese of Boston, Massachusetts. The story describes how victims of Geoghan are holding responsible Cardinal Bernard Law, head of the Archdiocese of Boston, as having direct knowledge since 1984 of Geoghan's actions against minors and his failure to take appropriate corrective or preventive actions. Notes that "Law is the first Church official to be accused of such negligence while serving as a cardinal." Law is 1 of 8 cardinals in the U.S.A. and heads the 4th largest U.S. diocese. Keane is 1 of 25 plaintiffs in civil lawsuits against Law and Geoghan. The plaintiffs are represented by Mitchell Garabedian, an attorney from Boston. Reports that "84 lawsuits are currently pending against Geoghan... who is believed to be one of the most insatiable child molesters uncovered in the ongoing investigations into sexual abuse by Catholic priests." Also reports: "To date, the archdiocese has reportedly paid between \$2.5 million and \$10 million to settle 50 civil suits filed against Geoghan, as well as against Church officials. "At this time, Geoghan faces criminal charges of "two counts each of child rape and assault... and one count of child assault" in 2 Massachusetts counties. Includes comments from Tom Economou of Linkup, A.W. Richard Sipe, Fred Berlin, Thomas Doyle, Phil Saviano of a chapter of Survivors Network of Those Abused by Priests (SNAP), Tom Gutheil, a forensic psychiatrist in Boston, and John Walsh of the Archdiocese. Topics addressed include: Geoghan's being sent for clinical treatment, relapse, and reassignment to parishes where he continued to have access to minors; grooming behavior with victims; delayed reporting by victims and reactions by family members when informed; clinical reactions of victims to this type of abuse; the response of the Archdiocese when victims sought answers and support; the Archdiocese's lawyers' actions regarding the current lawsuits. Concludes: "In the words of Keane himself, 'Geoghan may be a sick, twisted person, but he is sick. In my mind, the fact that his superiors, people as powerful as Cardinal Law, could take steps to hide and protect a pedophile is a much worse crime.'"

Lynch, Laura. (2002). The boys of Assumption parish. CBC Radio, (June 28):Unpaginated. Canadian Broadcasting Corporation, Toronto, Ontario, Canada. [Accessed 12/06/05 at the World Wide Web site of the Canadian Broadcasting Corporation: <http://www.cbc.ca/news/features/bellingham/priest>].

Transcript of a CBC Radio reporter's broadcast on "one Quebec priest [Fr. Paul M. Desilets] who served in Massachusetts where he now faces 32 counts of indecent assault and battery against [Roman Catholic] altar boys." Desilets is a member of the Order of St. Viator in Montreal. Opens with her interview with Brian Corriveau, 36-years-old, who, as a nine-year-old, met Desilets when he came to serve Corriveau's parish in Bellingham, Massachusetts. Corriveau has accused Desilets of abusing him sexually from 1974 to 1984 when Desilets returned to Quebec. Corriveau is 1 of a number of men who have filed a civil suit against Desilets and the Archdiocese of Boston. Because Desilets permanently left the state and the U.S.A., the criminal statute of limitations in Massachusetts does not negate his being prosecuted. To date, 32 charges have been filed against Desilets, half for indecent assault and battery against a child under 14, and for "offences against older teenagers." The transcript includes correspondence in 1985 from a priest who followed Desilets at the Bellingham parish that informs Desilets' superior of reports from altar boys of being touched by him "in an indecent manner." Also included is correspondence from 1993 when the Archdiocese informed Desilets' superior of new allegations. The CBC site also contains links to internal Church documents and legal documents in the case.

Lyons, Daniel. (2003). Sex, God & greed. *Forbes*, 171(12, June 9):66-724.

Magazine-style article. Describes the potential impact of successful U.S.A. civil tort litigation in cases of sexual abuse in the Roman Catholic Church on other forms of tort litigation. Includes interviews with Roderick MacLeish, Jr. who represents 240 people in abuse claims against the Archdiocese of Boston, Boston, Massachusetts, victims of the notorious Fr. Paul R. Shanley, and the parents of 1 of Shanley's victims. Describes how MacLeish became involved in the Boston

cases, his strategies, and some research tactics. Reports that there are 500+ cases pending against the Boston archdiocese and 1,000+ claims against dioceses throughout the U.S.A. See also the sidebar story: Battle of the shrinks, p. 72. Reports that in a particular case, MacLeish will be using an expert witness who supports the theory of recovered memories, Bessel Van der Kolk, a Boston University psychiatrist, and that the opposing expert witness will be Elizabeth Loftus, a psychologist of the University of California at Irvine, Irvine, California.

_____. (2003). Paid to picket. *Forbes Magazine*, 172(5, September 15):54.

Magazine-style article. Reports that some advocacy groups on behalf of survivors of sexual abuse by Roman Catholic Church priests accept donations from plaintiff lawyers “who stand to reap windfalls in clergy settlements.” Based on filings with the U.S. Internal Revenue Service, SNAP (Survivors Network of those Abused by Priests), received donations from Laurence E. Drivon, a Stockton, California, attorney “who represents 320 plaintiffs in clergy cases” and Jeffrey Anderson, a St. Paul, Minnesota, attorney “who has 250 clergy cases pending.” Reports on 2 lawyers who donated to Linkup. Quotes Mitchell Garabedian, a Boston, Massachusetts, attorney who “negotiated a \$10 million settlement for 86 plaintiffs in Boston” as refusing to “give money to advocate groups because he believes the practice violates legal ethics guidelines.” Reports that Survivors First, based in Boston, Massachusetts, refuses money from plaintiff lawyers.

Madanhire, Nevanji. (2012). [Opinion] Zimbabwe: Priests should rein in voracious sex instincts. *Zimbabwe Standard*, (July 15). [Accessed 07/20/12 at the World Wide Web site of AllAfrica, “...a voice of, by and about Africa – aggregating, producing and distributing 2000 news and information items daily from over 130 African news organizations and our reporters to an African and global public.” <http://allafrica.com/stories/printable/201207160546.html>]

Madanhire is editor of the newspaper. Addresses the problem of “many [Roman Catholic priests in Zimbabwe who] are abusing young girls and married women!” States: “Hardly a week passes without one case of sexual activity or another by priests reported in the press.” About the status of priests, states: “...they are regarded as sons of God and therefore their word goes... But unfortunately in Zimbabwe, it has become accepted that a priest can abuse his esteemed office and have sex with our young women and our mothers and get away with it! Archbishop Pius Ncube set the example; he conducted an affair with a woman who was not only his secretary but was also someone else’s wife.”

McDougall, Christopher. (2002). The cross examiner. *Philadelphia Magazine*, (June):76, 78-79, 102-105. [Accessed 04/17/05 at LexisNexis Academic database.]

Magazine-style article that profiles personal injury attorney Stephen Rubino, Margate, New Jersey, and his representation of victims of child sexual abuse committed by Roman Catholic priests: “Rubino has been involved in more than 250 clerical cases over the past decade, winning a fortune in settlements...” He is 53-years-old, was educated in Catholic schools, and is a practicing Catholic. Includes brief comments from several plaintiffs he has represented, and brief descriptions of his strategies and tactics. Features his involvement in a current case against the Diocese of Camden, New Jersey. Includes brief comments by Rubino regarding a case in which his client accused Cardinal Joseph Bernardin, head of the Archdiocese of Chicago, Illinois, of having molested him and later withdrew the allegation. Rubino states that he has reversed his former practice of being willing to settle with Church officials for compensation for victims in exchange for confidentiality agreements. In retrospect, he realizes that secrecy permitted officials to transfer priests who had offended to new assignments where they continued to commit offenses: “That’s why he has a new policy: no more cash-for-confidentiality.” Quotes some of his clients.

McGeary, Johanna. (2002). Can the church be saved? *Time*, 159(13, April 1):28-32, 34, 36-37, 40. Newsmagazine cover story is an overview of events in the U.S.A. Roman Catholic Church following *The Boston Globe* newspaper reports in January, 2002. Opens with the account of Frank Martinelli’s sexual abuse by Laurence Brett, a priest in Stamford, Connecticut, when Martinelli was an altar boy, and how diocesan hierarchy responded after it was aware of Martinelli’s behavior. Contrasts how the Church handled these matters in the past compared to

contemporary disclosures, suspensions, and reporting to civil authorities. Reports on various proposals to reform the Church's policies and procedures by briefly citing a variety of individuals. [See also the sidebar story: X, Father (pseudonym). (2002), in this bibliography, this section.]

McGlone, Gerard J. (2004). Towards an understanding of the sexually offending and non-offending Roman Catholic clergy. *National Child Advocate* [published by National Children's Advocacy Center], 5(3/4, Winter):1, 5-6, 13-22.

Reports some results from a clinical study conducted "to determine what descriptive data can be significant in understanding... [Roman Catholic] priests who sexually offend [against minors] by comparison to priests who do not." The sample consisted of male Roman Catholic priests and brothers, both in the sex offender and control groups. All offenders had been treated or assessed at 1 treatment center that uses a 12-step model. Offending group data were archival. Because "many priest offenders look normal or healthy on objective [psychological] measures," he used "several Exner-based Rorschach measures," a projective instrument, with the Millon Inventories (MCMI-II and MCMII-II). Advocates the use of the Rorschach to assess denial and minimization in offenders. Among the results for the Millon Inventories: non-offenders were significantly higher on Narcissism scale items, and offenders scored higher on the Dependency and Compulsivity scales. Among the demographics of the non-offenders: 19% reported experiencing "sexual abuse in some form during their childhood." Notes numerous methodological issues. 22 references; not all citations are listed; 7 endnotes.

McKenzie, Nick, Baker, Richard, & Lee, Jane. (2012). Church's suicide victims. *The Age*, (April 13):Unpaginated. Published in Melbourne, Victoria, Australia. [Accessed 11/13/19: <https://www.theage.com.au/national/victoria/churchs-suicide-victims-20120412-1wwox.html>]

Article in a daily newspaper. States that confidential police reports document "the suicides of at least 40 people sexually abused by [Roman] Catholic clergy in Victoria, and have urged a new inquiry into these many other deaths suspected to be linked to abuse in the church. In a damning assessment of the church's handling of abuse issues, the reports say it appears the church has known about a shockingly high rate of suicides and premature deaths but has 'chosen to remain silent.' Written by Detective Sergeant Kevin Carson, the reports state that while conducting lengthy inquiries into paedophile clergy, investigators have discovered 'an inordinate number of suicides which appear to be a consequence of sexual offending.'" States that at least 40 suicides are linked "to the sexual abuse perpetrated by a small number of paedophile clergy, including Gerald Ridsdale, Bryan Coffey, Paul Ryan, Robert Best and Edward Dowlan." Most of those who were victimized "were abused between the 1960s and late 1980s." States: "The police reports argue for a wide-ranging coronial inquiry to examine the deaths."

Meacham, Jon. (2002). A case for change. *Newsweek*, 139(18, May 6):22-32.

Newsmagazine's cover story is an essay-style examination of the Roman Catholic Church in light of the extraordinary meeting held in spring, 2002, of the U.S.A. Cardinals with Pope John Paul II at the Vatican to discuss issues related to sexual abuse of minors by priests. Explores some changes proposed as means to prevent pedophilia by priests: Part 1, The Gay Dilemma, addresses the presence of priests who are homosexual and the call to remove them; Part 2, Celibacy and Marriage, examines the call to terminate celibacy; Part 3I, Factoring in Females, considers including women as clergy; Part 4., The Next Mission, calls for discussion and debate.

Metcalfe, John. (2007). One man's brutal encounter with sexual abuse in the Mormon Church. *Seattle Weekly* (May 30):Unpaginated. [Accessed 02/05/12 at the World Wide Web site of *Seattle Weekly*: <http://www.seattleweekly.com/2007-05-30/news/one-man-s-brutal-encounter-with-sexual-abuse-in-the-mormon-church/>]

By a staff member of the alternative weekly newspaper. Begins with the story of Robert Rinde who was raised by his family in the Church of Jesus Christ of Latter-day Saints in the Seattle, Washington, area in the 1970s and 1980s. His father abused alcohol and physically abused Rinde's mother. The family received welfare and lived in subsidized housing. Members of the Church made efforts to assist the family. In 1983, the family learned that Rinde's older sister, 16,

who had run away from home, was the victim of a homicide. About this time, when Rinde was around 13, he went to the home of his Boy Scout troop leader, who also directed a Latter-day Saints church choir. There, Rinde was sexually assaulted by the man, and on other occasions at different sites. Reports that after 1 assault, Rinde's mother filed a report with police and informed her local bishop. Church officials accompanied Rinde to tell his story to law enforcement authorities. According to a lawsuit Rinde recently filed in federal court against the national Church, those local Church officials shielded his perpetrator "with the consequence that the Scoutmaster was able to 'evade criminal prosecution and to move to another state.' The Mormon church has since excommunicated [pseudonym] for unspecified reasons." Reports on other civil cases against the Church in Washington and Oregon, including 1 involving a "Mormon Scoutmaster" who sexually molested minors. Describes other cases involving the Church and Scoutmasters. States: "To hear it from those who have gone to the trouble of suing the Mormons, the reason the church has garnered so little negative publicity is not because it's purged itself of the sin of pedophilia but because it's extremely good at repressing its victims." Describes "Mormon culture [as] necessarily insular," and reports the history of bishops handling allegations of sexual abuse as internal matters. Concludes by returning to Rinde's story. In 2005, he was admitted to a psychiatric hospital "after experiencing symptoms of dissociative identity disorder." Quotes his mother as saying that a few years prior, she "received a letter from a Mormon bishop in California. The bishop wrote to tell her that [Rinde's perpetrator] was reapplying to be a member of the church. Would the family forgive him?"

Michael, Lorraine. (1989). Child sex abuse among the clergy: A churchwoman's view. *The Womanist*, 1(3, February/March):7. [Reprinted as: Michael, Lorraine. (1995). "Child Sexual Abuse among the Clergy: a Churchwoman's View." Chapter in McGrath, Carmelita, Neis, Barbara, & Porter, Marilyn. (Eds.) *Their Lives and Times: Women of Newfoundland and Labrador: A Collage*. St. John's, Newfoundland, Canada: Killick Press, pp. 196-198.]

Michael is director, Office of Social Action, Archdiocese of St. John's of the Roman Catholic Church, Canada, and is a member, Congregation of the Sisters of Mercy of Newfoundland and Labrador. A brief commentary following criminal convictions of Roman Catholic priests in 1988-1989 in the Archdiocese of St. John's for sexual abuse of minors. Calls for "broadening the base of inquiry if we are to fully understand what is what is happening. As with many forms of sexual abuse, the issue at play here is not sex or sexuality. The issue is one of power... The sexual abuse of children is just the most extreme expression of the abuse of power that many of we women have identified for a long time. It is so reprehensible because these men are using positions of trust and power to destroy the lives of adolescents." Reports that laity, particularly laywomen, are identifying the sexual abuse of children in the Church as able to have occurred "because [male priests'] abuse of power on other levels had not been named and called." Sees hope in laity and women who will "struggle to create something new [that] will give life..." Lacks references.

Michalski, Dan. (1995). Innocence lost. *D Magazine*, (September):98-100, 102-103, 139, 141, 143.

By a Dallas, Texas-based writer. Magazine-style article in a Dallas/Ft. Worth, Texas, monthly publication. Reports on the civil trial that is underway in a Texas district court in Dallas in which 15 plaintiffs seek a judgment against Roman Catholic priests Rudy Kos, Robert Peebles, and William Hughes, and the Dallas diocese, the U.S. Conference of Catholic Bishops, and the National Conference of Catholic Bishops. Ten plaintiffs are male and were sexually molested while minors by Kos; 4 plaintiffs are male were sexually molested while minors by Peebles; 1 plaintiff is female and was sexually molested while a minor by Hughes. The hierarchy is being sued on the basis that "these ecclesiastic entities have known of rampant sex abuse among priests for years prior to the incidents in Dallas, but conspired to help bishops cover it up in an efforts to avoid scandal, which has in turn allowed offending priests to continue their victimization." Draws from interviews with a plaintiff, parents of plaintiffs, an attorney for the plaintiffs, an attorney for the diocese, and Fr. Thomas Doyle, and court documents. Describes how Kos and Peebles gained access to victims, the response of Church officials when concerns about the priests' behavior were expressed, reassignment of the priests, therapeutic evaluation and treatment, imposition of secrecy, and continued perpetration. Includes 2 short sidebar articles. The first is: Amy, Jeff. (1995). The

apocalypse: Can the Dallas diocese go bankrupt? *D Magazine*, (Sept.):100-101. Provides a brief overview of the legal and financial dimensions of the Dallas civil suit. The second is: Michalski, Dan. (1995). The smoking gun? Ten years ago, the Church knew it had a problem. *D Magazine*, (Sept.):102. Provides a brief overview of the 1985 report by Michael Peterson, Thomas Doyle, and Ray Mouton to the National Conference of Catholic Bishops regarding sex abuse by Roman Catholic priests. Lacks references.

_____. (1998). [Religion] How Rudy Kos happened. *D Magazine*, (July):Unpaginated. [Accessed 09/08/13 at the World Wide Web site of *D Magazine*: http://www.dmagazine.com/Home/1998/07/01/RELIGION_HOW_RUDY_KOS_HAPPENED.aspx]

Magazine-style article. Based on interviews; includes quotes from Church documents. A follow-up to the criminal case conviction of “[t]he infamous Rudy Kos, a sexual predator,” who was a Roman Catholic priest in the Diocese of Dallas, Dallas, Texas. “Kos’ permanent home is now the Texas prison system, where he is serving four life sentences for molesting children. His attorneys are appealing his case, while Kos waits for word from Rome whether or not he is still a priest, albeit a suspended one. States that in a civil suit against the Diocese, 11 of Kos’ victims won a \$119 million judgment. The article focuses on Holy Trinity Seminary in Dallas, operated by the Diocese, which Kos attended. Reports that when Kos applied, the rector rejected him in 1976, but the following year was admitted by a new rector. Describes the standard evaluation process at the time as including a 3-hour psychological evaluation by a University of Dallas psychologist “to look for anything that would be an impediment to becoming a priest, including signs of sexual uncertainty.” States that Kos refused to talk about his marriage that ended in a Church annulment. “He also didn’t want to talk about leaving home at age 17, so the psychologist didn’t learn that the applicant was sent to a youth detention facility after fondling a neighborhood boy.” Reports that the seminary “had to check the validity of his marriage annulment,” which was granted by the Diocese’s marriage tribunal. The tribunal file included a report of communication with his former wife, “just before his acceptance... As it turned out, she had lived with Kos for five years in an unhappy, unconsummated marriage before kicking him out upon discovering a trunkload of love letters from several teenage boys. But she was never recontacted after the initial interview.” States that in the year Kos was admitted, the seminary was “student-hungry.” States that in 1981, when Kos was about to graduate and become a priest, “a troublesome incident” occurred: “A former Holy Trinity student visiting friends told fellow seminarian James Harris that Kos made sexual advances at him in a seminary swimming pool.” States that while the incident was reported to the vicar general of the Diocese, because the vicar was out of town, there is no record of an investigation by the seminary.

Michels, Scott. (2009, May 5). Orthodox Jewish community struggles with abuse allegations. *ABC News*:Unpaginated. [Accessed 03/17/13 at: <http://abcnews.go.com/TheLaw/story?id=7376057>]

Based on interviews. Briefly reports on cases of alleged sexual abuse of minors “within the Orthodox Jewish community” in the U.S.A. Begins with the accusation by Joel Engelman, 23-years-old, that he was sexually abused at age 8 by Rabbi Avrohom Reichman, the principal of the United Talmudical Academy, a yeshiva in the Brooklyn borough of New York, New York, while Engelman was a student. Engelman has filed a civil suit against the yeshiva. States that when Engelman learned at age 21 “that other boys allegedly had been abused by Reichman,” he asked school leaders to take action: “He claims the school’s religious leaders told him not to go to the police, and promised to remove Reichman from the school, which they did for a few months... A few days after the statute of limitations for Engelman to file a civil or criminal case against Reichman for abuse passed, the school reinstated the rabbi, the lawsuit claims.” Reichman’s lawyer denied the allegation. Also interviews other self-identified victims of abusers in Maryland and Illinois. States that the alleged victims report “tremendous pressure [from Orthodox community leaders] to keep quiet,” including being skeptical of the claims, stating that they and their relatives would be unable to find a spouse, “and that they would become outcasts in their tight-knit communities.” Quotes an alleged victim: ““One of the things they say is when people speak out like this it causes desecration of God’s name... But the real desecration to God is that they are willing to protect the community at the expense of the children.””

Michigan State University Chance at Childhood Program. (No date). Clergy Guide for Reporting Suspected Child Abuse and Neglect. East Lansing, MI: Michigan State University Chance at Childhood Program, 6 pp. [Accessed 04/14/13 at: <http://chanceatchildhood.msu.edu/pdf/MandatedReporterClergy.pdf>]

Pamphlet format. States on the cover: "The Michigan Child Protection Law requires that certain persons report any case of suspected child abuse or child neglect to the Michigan Department of Human Services (DHS). The definition of mandated reporter includes *clergy*." Topics include: "The legal standard for reporting"; "What constitutes child abuse or neglect?"; "How to make a report"; "Reference and contact numbers." Notes that the Michigan standard for reporting, *reasonable cause*, "is an extremely low legal standard." Regarding why mandatory reporting is the responsibility of clergy, states: "Clergy play an important role in the lives of children. You are in a unique position to observe and interact with children. You see changes in children that may indicate abuse or neglect. Because of this special relationship, you may learn information that suggests a child is being abused or neglected."

Miller, Lisa, & France, David. (2002). Sins of the fathers. *Newsweek*, 139(9, March 4):42-46, 48-52.

Cover story focuses on the unfolding story of the scandal in the Archdiocese of Boston, Massachusetts, regarding former Roman Catholic priest John J. Geoghan who is suspected of sexually abusing as many as 130 minors and allegations that Cardinal Bernard Law as a bishop and his predecessor, Cardinal Humberto Madeiros, had knowingly moved Geoghan from parish to parish for decades. According to recent reports in *The Boston Globe* newspaper, the archdiocese has quietly paid \$10 million to settle approximately 50 civil cases against Geoghan. Church authorities have been turning over to state authorities the names of more than 70 priests who had been accused of abusing children over the last 40 years, a reversal of Law's policy. Also mentions recent disclosures by dioceses throughout the U.S. that were triggered by *Globe* articles. Includes a brief sidebar article by Arian Campo-Flores on the Institute of Living, Hartford, Connecticut, which treats priests for pedophilia.

Murphy, Cait. (2002). Is St. Pat's for sale? Plus six other burning questions. *Fortune*, 145(10, May 13):32, 34.

Magazine-style article in a question/answer format. Briefly discusses financial issues related to clergy sexual abuse settlements by the Roman Catholic Church in the U.S.A. Reports that: there is no single U.S. Roman Catholic entity, that 178 dioceses are independently responsible for their own financial matters; it is unlikely that a diocese would declare bankruptcy because "it could mean unpaid victims would become creditors" which would allow them to help shape a subsequent reorganization; the sale of property depends on civil law in a particular state; sources of funds to pay victims come mostly from insurance and the rest from asset sales, loans, and donations; more recent settlements tend to be smaller than earlier cases because later premiums are higher and the coverage lower; to date, giving at the parish level tends not to decline after discovery of abuse or of the actions/inactions of diocesan officials; about \$350 million has been paid in announced settlements in the past 20 years, and the figure for private settlements is unknown; the Vatican is a sovereign state and cannot be sued. Does not cite sources.

Murphy, Padraic. (2000). Divine downfall. *The Age*, (November 12). [Accessed 03/13/13 from: <http://www.rickross.com/reference/saibaba/saibaba2.html>]

Australian newspaper article. Reports allegations that Sathya Sai Baba, "a self-proclaimed god with a following of up to 25 million devotees," has sexually assaulted males for decades. Sai Baba, whose main ashram is in Puttaparthi, India, is described as "by far the most popular of India's new-age gurus." States that his organization is worth an estimated \$6 billion. Based on an interview with a named, self-identified victim, describes Sai Baba as rationalizing his abusive acts as "religious cleansing." States that following daily "darshan" at the Puttaparthi ashram, which are attended by up to 10,000 people, "Sai Baba walks among devotees choosing people for private interviews. It is in these private interviews that many of the alleged assaults against males

between the ages of seven and 30 take place.” Reports that investigations into allegations are underway in multiple countries.

National Organization of Women. (2009, June 21). Call to criminalize sexual exploitation of women by clergy. [Accessed 07/23/11 at the author’s World Wide Web site:

<http://www.now.org/organization/conference/resolutions/2009.html#call>]

Text of a resolution passed by the National Organization of Women (NOW) 2009 conference. 5 “whereas” clauses precede 3 “resolved” clauses that call for action by NOW entities, including efforts “to increase public awareness that the majority of victims of clergy sexual exploitation are adult women and that sexual violation by a spiritual leader has profound life-altering impacts” and “to support state legislative campaigns for statutory reform, in particular to add clergy to the enumerated categories of professionals covered in fiduciary-duty laws in states having such laws, and for the criminalization of sexual relations between similarly enumerated categories of professionals in states not having fiduciary-duty laws.”

Ng, Ai Fern. (2010). Rapist bomoh gets 69 years and 12 strokes of rotan. *The Star Online*, (August 26). [Accessed 02/26/13 at the World Wide Web site of *The Star Online*, a newspaper based in Malaysia:

<http://thestar.com.my/news/story.asp?sec=courts&file=/2010/8/26/courts/6923749>]

Very brief newspaper report that a *bomoh* (a Malay traditional healer) in Kuching, Malaysia, was sentenced to 69 years in jail and 12 strokes of the *rotan* (rattan cane). He had pleaded guilty to 4 counts of raping 3 sisters, ages 16, 14, and 13. The oldest had sought his assistance for “health, beauty and a nice voice,” and the youngest had sought “treatment” to “restore their virginity and tighten their private parts.” The sentencing judge commented: “The accused abused his position as a bomoh and took advantage of girls to satisfy his sexual instinct.”

Nunnally, Derrick. (2007). Nun pleads no contest to child sex abuse. *Milwaukee Journal Sentinel*, (November 12). [Accessed 11/17/07 at the World Wide Web site of the *Milwaukee Journal Sentinel*:

<http://www.jsoline.com/story/index.aspx?id=685340>].

On an online story from the daily newspaper that briefly reports that Sister Norma Giannini, 79-years-old, a Roman Catholic nun who is a member of the Sisters of Mercy, pleaded no contest “to two felony counts of indecent behavior with a child.” She entered the pleas the day “she was to go to trial on charges that she molested two teenage boys 40 years ago.” She is a “former principal of the St. Patrick’s Congregation grade school.” States: “The charges she was convicted of say Giannini initiated sexual contacts with both of the 1960s and had repeated sexual encounters with them, sometimes at her house.” Quotes the 2 men identified as the victims.

Odone, Cristina. (2002). Cardinal Basil Hume didn’t want to know about the victims of priestly child abuse. *New Statesman*, 131(4585, April 29):8. [Accessed 02/29/04 from EBSCO Host academic database.]

Odone is deputy director of the British political weekly magazine. A very brief commentary based on her experience, 1992-1996, as editor of the *Catholic Herald*, a London, England, weekly newspaper for Roman Catholics in the United Kingdom. She is critical of the late Cardinal Basil Hume’s role in the Roman Catholic Church’s hierarchy’s response to reports of sexual abuse against children by priests, which she characterizes as moving the accused “priest from circulation, moved by his boss to a distant parish where he was an unknown quantity, and could therefore continue hunting new victims without compunction.” Writes that Hume went along with this response, and characterizes his actions as governed by the dictum, “never apologise, never explain.” She credits the actions of Hume’s successor and the independent inquiry into clergy sexual abuse that was led by Lord Nolan as a more appropriate response.

Oppenheimer, Mark. (2014, December 18). The Zen predator of the Upper East Side. *The Atlantic*. Pagination lacking. [Accessed 07/01/18: <https://www.theatlantic.com/national/archive/2014/12/the-zen-predator-of-the-upper-east-side/383831/>]

Oppenheimer is a columnist for *The New York Times* newspaper and an author. Magazine-style article; an abridged version of his ebook by the same title. Based on numerous interviews, Oppenheimer tells the story of Eido Shimano, a Zen Buddhist monk from Japan, who arrived at 27-years-old in U.S.A. in 1960 to live at the Diamond Sangha [*sangha* is a Zen community], founded by Robert and Anne Aitken. Robert Aitken, a senior Zen teacher, had agreed to sponsor Shimano's via. By 1964, Aitken was recording notes on experiences with Shimano. Aitken described the discovery that two female students from the *sangha* had recently been hospitalized for "mental breakdowns," and that Shimano "had played a role in the women's breakdowns... [Aitken] was convinced that [Shimano]... had through his sexual predations driven two women to mental breakdowns." When Aitken confronted Shimano, he left for New York, New York, arriving on December 31, 1964. Within weeks, he had attracted novices who met daily for *zazen* [a seated meditation practice of Zen], and later in 1965 became head of the Zen Studies Society (ZSS) in New York City. He attracted followers and donors, and in 1968, he had purchased and renovated a building to create the New York Zendo [a hall for meditation], and in 1976, he opened the Dai Bosatsu Zeno, a monastery in Livingston Manor, New York, in the Catskill Mountains. States: "Shimano was now the abbot, or head monk, of the first authentic Zen temple outside Japan, and head of "one of the largest *sanghas* in the United States." States that in mid-June, 2010, the board of the ZSS "had met to discuss allegations of several decades of sexual impropriety [by Shimano], allegations that had surfaced on the Internet." A week later, a woman who "had been practicing Buddhism off and on at Dai Bosatsu for two years," gave a long speech after dinner which described "a prolonged sexual affair with Eido Shimano, who was sitting right there." She talked of "secrecy, shame, and the need for openness," and "of 'authority' and 'power.'" In July, Shimano resigned from the ZSS board, and said he would step down as abbot in 2012. In August, Oppenheimer wrote an article for *The New York Times* which described the various allegations and the ZSS board's deliberations. In September, Shimano announce that he would step down as abbot at the end of 2010. Reports that he suing the ZSS for a pension, which the ZSS leadership "says he forfeited with his decades of bad behavior. In response to those charges, Shimano is arguing that, first, he was never the womanizer that he is alleged to be, and second, even if he was, that is no grounds to void his contract. According to Shimano, sex with students in a not a violation of Buddhist precepts. By sleeping with a student, he now says, he might have been doing her a favor." Section 3, "The Buddha probably had many lovers," very briefly describes a larger context regarding Zen Buddhist teachers and sexual boundary violations. Notes that of 4 "major Zen teachers [who] came to the United States from Japan" in the 1960s (Shunryu Suzuki; Taizan Maezumi of the Zen Center of Los Angeles, California; Joshu Sasaki of Tinzai-ji in Los Angeles California; and Shimano), all but Suzuki "have caused major public sex scandals." Also cites Genki Takabayashi of Chobo-ji in Seattle, Washington, and Dainin Katagiri of the Minnesota Zen Meditation Center in Minneapolis, Minnesota, as "lesser-known yet just as randy Zen teachers." Reports that "Shimano admitted to having sex with some students," but a total less than alleged. States: "...his critics say that regardless of the numbers, or one's definition of consent, Shimano is guilty of a kind of spiritual malpractice. They say that he took advantage of his spiritual power – his authority, his charisma – to persuade women to do things that they did not want to do, and that when he eventually ignored or left them, they sometimes lost their faith, even their minds." Describes the Shimano case as "help[ing] us understand why religious communities generally, Zen Buddhism in particular, and Shimano's *sangha* especially have been so powerless to stop sexual misdeeds." As reasons, cites: his charm and shrewdness; "... the fear that his power instilled – a fear that silenced critics and even journalists who tried to discover the truth."; Zen in the U.S.A. as a young tradition "with no recognized authorities to provide oversight or discipline."; practitioners who "proved eager to cover for leaders, to protect the reputation of a still-growing tradition."; "...a simplistic and sexist opinion that if the sex as 'consensual,' the women he slept with had nothing to complain about."; people who were "[d]esperately seeking something, hopeful that they had found it [with Shimano]," and "proved extremely, perhaps uniquely, willing to forgive." In Section 4, Oppenheimer writes that Aitken tolerated Shimano as "a womanizer" because silence about Shimano was a way "to protect Buddhism itself." Section 5 describes Aitken's archive of documents on Shimano which he gave to the University of Hawai'i at Mānoa, Honolulu, Hawaii. Among the correspondence is a 1979 letter to Shimano's *sangha* which states: "Eido Roshi knowingly takes advantage of girls in

mentally unstable condition and emotional vulnerability who come to him seeking spiritual help and guidance.” Quotes from correspondence between former female students regarding why silence about Shimano was maintained. Quotes a 1979 letter to Shimano by a monk, Adam Fisher, which was not sent and not made public until 2011, in which Fisher addresses Shimano’s behaviors, including “[having] taken a series of bed partners from the sangha and [having] made passes at others.” Quotes from a 1982 document by the president of the board of trustees of the ZSS in which he resigns due to “the undercurrent of disease that has been running through the zendo over the past several months,” and states he is no longer willing to be complicit in covering the facts. Section 6 describes Oppenheimer’s interviews with Shimano regarding the allegations, and describes Shimano’s response as discrediting, demeaning, and dismissing the accusers. Sections 7-9 consist of interviews with women who were violated sexually by Shimano in his Zen role. Sections 10 and 11 provide an update on the status of Shimano’s civil suit against the ZSS and of the ZSS.

Oppenheimer, Mark, & Lovett, Ian. (2013). Zen groups distressed by accusations against teacher. *The New York Times*, (Asia Pacific section, February 11). [Accessed 05/05/13 at the World Wide Web site of *The New York Times*: http://www.nytimes.com/2013/02/12/world/asia/zen-buddhists-roiled-by-accusations-against-teacher.html?pagewanted=all&_r=0]

Newspaper article reports that “an investigation by an independent council of Buddhist leaders” from the American Zen Teachers Association has found that Joshu Sasaki, a “Buddhist teacher,” “groped and sexually harassed female students for decades, taking advantage of their loyalty to a famously charismatic roshi, or master.” States that Sasaki, from Japan, arrived in Los Angeles, California, in 1962, where he established 2 Zen centers, 1 in New Mexico, and influenced others “through a chain of some 30 affiliated Zen centers from the Puget Sound (in Washington) to Princeton (in New Jersey) to Berlin (in Germany).” States: “Disaffected students wrote letters to the board of one of Mr. Sasaki’s Zen centers as early as 1991.” Cites a letter by Eshu Martin, a Zen priest, posted in November, 2012, on “SweepingZen.com, a popular Web site,” as calling attention to “the wider Zen world.” Based on interviews with 7 former students, describes “the culture of Rinzai-ji [the center in Los Angeles] and the other places where Mr. Sasaki taught.” Factors identified include: “Women say they were encouraged to believe that being touched by Mr. Sasaki was part of their Zen training.”; “The Zen group, or sangha, can become one’s close family, and that aspect of Zen may account for why women and men have been reluctant to speak out for so long.”; his style, “that sexualizing was teaching for particular women,” was accepted by monks in Sasaki’s circle, “that such physicality could check a woman’s overly strong ego.”; Sasaki “used Zen teaching to justify” the sexualized ways he touched females. States: “And Zen exalts the relationship between a student and a teacher, who can come to seem irreplaceable.” Quotes a resident monk from the Rinzai-ji center who said that “he first became aware of allegations against Mr. Sasaki in the 1980s. ‘There have been efforts in the past to address this with him... Basically, they haven’t been able to go anywhere.’” Noting accusations of sexual misconduct by other Zen teachers in the U.S.A., states: “Critics and victims have pointed to a Zen culture of secrecy, patriarchy and sexism, and to the quasi-religious worship of the Zen master, who can easily abuse his status.”

Orth, Maureen. (2002). Unholy communion. *Vanity Fair*, (504, August):146-149, 181-186.

Orth is a special correspondent for the magazine. A lengthy and detailed journalistic account of the notorious Fr. Paul Shanley, a Roman Catholic priest in Massachusetts who was arrested in 2002 on charges of rape and sexual abuse of a 6-years-old child. Draws from her interviews with nine of Shanley’s accusers. Begins with an account by 1 of his victims from California, and how Shanley in his priest’s role manipulated him in order to sexualize their relationship during the victim’s adolescence. Though the accounts of victims and their family members, she traces Shanley’s sexual exploitation of children and adolescents beginning with his first parish assignment in the 1960s. She regards as alarming the consistency of the patterns of perpetration that the accusers report, stating: “He apparently was a master of manipulation and cunning.” Traces: Shanley’s family of origin; his becoming a priest; his early ministry with vulnerable youth in the Boston, Massachusetts, area in the 1960s; his outspoken and public positions, including a

1977 talk on “homosexuality and pedophilia [n which he] had espoused the belief that the child was the seducer and was not harmed by the relationship, and that the child was traumatized only when the police intervened to question him.” Intersperses these with evidence from personnel files of the awareness of high officials in the Boston Archdiocese of Shanley’s behavior, and the ineffectual efforts to limit him. Continues the story with Shanley being reassigned in 1979 to a parish in Newtown, Massachusetts. There, Jacqueline Gauvreau, daughter of his executive housekeeper, confronted him after a 15-year-old boy reported to her that Shanley had groped him. Gauvreau reported this to the Archdiocese on multiple occasions, including to the new archbishop, Cardinal Bernard Law. The story continues based on accusers who came forward after *The Boston Globe* newspaper series appeared in 2002, and focuses on Greg Ford to depict Shanley’s abuse of minors at the Newtown parish in the 1980s. In 1990, Shanley arranged to be transferred to Palm Springs, California, allegedly for health reasons, and despite serious questions in Boston about him, his status was protected by John McCormack, a seminary classmate, who was the secretary for ministerial personnel in the diocese. After accusations of sexual molestation of minors by Fr. James Porter, diocese of Falls River, Massachusetts, surfaced in the 1990s, similar accusations against Shanley were filed with the diocese. He was returned to Boston, and assessed by Law’s archdiocesan advisory board that was created after the Porter case. The assessment included a clinical consultation at the Institute of Living, Hartford, Connecticut. Despite strong language from a Harvard Medical School examiner – “Father Shanley is so personally damaged that his pathology is beyond repair.” – the board allowed Shanley to continue. He relocated to New York City and then retired to San Diego, California, where he was arrested. The archdiocese’s pattern of a lack of holding him accountable and its unwillingness to fully disclose information about him clearly continued during these relocations. Lacks references.

Pathirana, Saroj. (2012, June 1). [South Asia] Sri Lanka’s hidden scourge of religious child abuse. *BBC News*. [Accessed 01/22/17 at the World Wide Web site of the BBC (British Broadcasting Corporation): <http://www.bbc.com/news/world-south-asia-15507304>]

Pathirana is a journalist with the BBC Sinhala service. Reports on the sexual abuse of children in Sri Lanka in the context of faith communities. States at the beginning: “Pahalagama Somaratana Thera is one of the few Sri Lankan Buddhist monks to have been found guilty of child abuse inside or outside the country. But if Children’s Affairs Minister Tissa Karaliyadda is to be believed, child abuse in religious establishments by both Buddhist and Christian clergy in Sri Lanka is rampant. Yet according to figures from Sri Lanka’s National Child Protection Authority (NCPA), only three Buddhist monks have been convicted of child abuse in Sri Lanka in recent history... Research carried out by the BBC Sinhala service has revealed that over the last decade, nearly 110 Buddhist monks have been charged for sexual and physical assaults on minors in Sri Lanka.” Reports that that “[m]ost Sri Lankan Buddhist temples have a constant stream of boys and adult male helpers who live there for short periods. It is not at all unusual for temples to seek help from youths in nearby villages to prepare for religious ceremonies and in the general day-to-day running of the buildings. This, say critics, provides an ideal climate for abusers to take sexual advantage of vulnerable and impressionable boys mostly under 16 years old.” Reports that “monks at an unnamed eastern Sri Lankan Buddhist temple accused of ignoring constant appeals by parents of abused children to prevent such practices from taking place within its premises.” States that “about 20 Roman Catholic and Protestant priests have been arrested or investigated for sexual abuse of minors over the last 10 years in Sri Lanka.”

Pennsylvania Coalition Against Rape & Pennsylvania Office of the Victim Advocate. (No date). Providing a victim-centered response to the problems of child sexual abuse by clergy. 6 pp. [Accessed 12/11/05 at the World Wide Web site of the Pennsylvania Coalition Against Rape: <http://pcar.org/resources/index>].

“...a document intended to aid sexual violence advocates in their advocacy efforts around sexual abuse in the clergy.” Includes 12 “recommendations to influence church policy” with a rationale for each. Among the topics addressed: provide victims and guardians “with information about secular rape crisis center services...”; report suspected incidents of child sexual abuse to law enforcement and child protective services, and cooperate fully with investigations, including

releasing documents voluntarily; institute a zero-tolerance policy for sexual abuse that includes removal of the alleged perpetrator from access to victims; eliminate offering financial settlements to victims or their families in exchange for secrecy; compensate victims for short- and long-term effects of sexual violence; following an arrest of a faith community employee, admission or finding of guilt, or vindication, make announcements that are public and provide interventions to assist the faith community; abolish the practice of issuing subpoenas for therapy records of victims, and do not sue accusers; appoints victims and their advocates to governance units that “influence faith communities’ policies, procedures and programs around sexual abuse.”; build relationships and work collaboratively with anti-sexual violence coalitions and agencies; partner with victim organizations “to advocate for legislative remedies that will prevent further victimization and improve response to past victimization.”; develop victim-centered policies “for responding to sexual abuse disclosures and allegations” in partnership with anti-rape advocacy organizations. Lacks references.

Pierce, Walter. (2013). Secret confessions. *Style Weekly*, 31(24, June 12):Unpaginated. [Accessed 11/10/13 at the World Wide Web site of *Style Weekly*: <http://www.styleweekly.com/richmond/secret-confessions/Content?oid=1905279>]

Cover story in an alternative weekly newspaper, Richmond, Virginia. The Web version states that the story has been updated since it was originally published. Pierce is managing editor, *IND Monthly*, an alternative newspaper and Web site, Lafayette, Louisiana, where the story originally appeared. Reports on events related to the death of David Primeaux of Petersburg, Virginia, by suicide in December, 2012, following a visit to his home by a group from Louisiana that included males whom Primeaux had sexually abused when he was a Roman Catholic priest in Louisiana and they were minors, and the nephew of a male whom Primeaux had abused and had died by suicide. Primeaux was ordained a priest since the mid-1970s in the Diocese of Lafayette, Louisiana, and worked there until he left the priesthood in 1985. Primeaux and the Diocese “were named as defendants in a [civil] lawsuit alleging sexual misconduct [by Primeaux]” when he was pastor of a Catholic church in Milton, Louisiana, 1982-1985. Brought by the son of a former lay employee of the church, Primeaux was alleged to have molested the male when was 12- and 13-years-old. The lawsuit was filed 8 years later, after Primeaux was no longer a priest and after the statute of limitations for criminal prosecution had expired; the suit was settled. In the discovery phase of the civil suit, the plaintiff’s attorney obtained a psychologist’s report to the Diocese in which Primeaux had admitted beginning in 1980 to committing sexual abuse of minors ““when he was 27 years old and teaching at St. Benedict in Covington, Louisiana... During the 14 months when he was on staff as an instructor [*sic*], he engaged in sexual contact with 5 students.”” After allegations by students against him to the rector, he was suspended from teaching and assigned to manage a Diocesan media office. In 1982, he was transferred to St. Joseph parish, Milton, Louisiana, where he was pastor. The psychological reports states he admitted to sexual contact ““with 7 altar boys from the ages of 13 through 16 years.”” Also reports that he molested 2 adolescents at a parish in Lafayette in 1976 where he worked following his ordination. States: “Primeaux also appears to have selected victims based on what he perceived to be vulnerabilities. In the case of the lay employee’s sons, that vulnerability was a Vietnam vet father who, when he wasn’t distant, was abusive.” After he completed a doctorate in computer science, Primeaux had taught at Troy State University, Montgomery, Alabama and Virginia Commonwealth University, Richmond, Virginia.

Pogrebin, Abigail. (2005.) [Intelligencer] An illicit yoga love story. *New York*, 38(18, May 23):14. Pogrebin is not identified. Based on interviews with Rodney Yee, “yogi to the stars” and “possibly the most popular and prolific [yoga] instructor in the country,” and Colleen Saidman, “co-owner of Yoga Shanti studio in Sag Harbor [a village in Suffolk County, New York],” and a yogi. Briefly reports their comments regarding the sexualization of his teacher role relationship to her as a student, and negative reactions by their students. Quotes Yee: ““The teacher-student relationship is very complicated. That can definitely be taken advantage of by a teacher. And I think a teacher shouldn’t go there. Even though we did.””

Prevent Child Abuse Utah. (No date.) Reporting Child Abuse: A Guide For Utah Clergy. [Accessed 04/14/13 at: http://www.preventchildabuseutah.org/cmsdocuments/ReportingAbuse_Clergy.pdf]

Prevent Child Abuse Utah is a non-profit organization that works to prevent child abuse through education and training. Brochure format. Topics include: legal duties of clergy under Utah's Child Abuse Reporting Law; possible physical and behavioral indicators of child abuse (physical abuse, sexual abuse, emotional abuse, and neglect); 2007 child abuse statistics; what clergy can do help. Includes circumstances under which the law does not apply, e.g. "exempt communication."

Prey-Harbaugh, Julie (as told to Salkin, Allen). (2002). "My female pastor molested me." *Cosmopolitan*, 233(2, August): 154, 156. [Reproduced as: Salkin, Allen, & Prey, Harbaugh. (2008). "Molested by Her Female Pastor." Chapter in Willis, Laurie. (Ed.). Sexual Predators. Farmington Hills, MI: Greenhaven Press, pp. 58-63.]

Brief first person account by a victim/survivor. In sixth grade, she transferred to a new school and had a difficult adjustment. She found friends in a youth group at a United Church of Christ congregation whose pastor was a young woman. Over several years, the pastor singled her out for special attention. When Prey-Harbaugh was 15-years-old, the pastor sexualized the relationship in progressive steps. While these actions confused her, she accepted it, in part because "...this was somebody I was supposed to trust, someone I admired, someone connected to God." The pastor told her that others would not understand this relationship, and so she never told her parents. She internalized responsibility for what she later came to understand was solely the pastor's responsibility. The aftermath affected her psychologically and her relationship with her husband, prompting her to seek counseling. She wrote to the leadership of the congregation where the pastor was then working, and requested that law enforcement be notified, but this was ignored. When she contacted police, she learned that the statute of limitations had expired. In 2000, she hired a lawyer who elicited an investigation from the denomination. The pastor was suspended for a few month and Prey-Harbaugh was sent checks totaling \$3,000. She was so insulted that she never cashed them. She is currently affiliated with Survivors Network of those Abused by Priests (SNAP). A very brief sidebar offers a simple definition of this violation of power as "inappropriate and abusive because [it betrays] the trust of a client or patient and [takes] advantage of the power dynamic."

Reed, Cheryl L. (1997). Unfaithful. *Mother Jones*, 22(6, November/December):45-57, 84-85, 88-89.

Magazine-style article. Very brief segments regarding Roman Catholic priests who are sexually active, celibacy, efforts to change the policy regarding celibacy, and celibacy as a factor in relation to pedophilia. Includes the story of a woman from Phoenix, AZ, who sought counseling from her parish priest after her sister's death. The relationship soon was sexualized, she bore his child, and he withdrew. Eventually, she asked the diocese for child support. After it responded that the sex was consensual, she filed with the state child support enforcement agency. The diocese then garnished his wages in order to pay her. Lacks references.

Rodarmor, William. (1983). The secret life of Swami Muktananda. *The CoEvolution Quarterly*, 40(Winter):104-111.

Rodarmor, a graduate student in journalism, University of California at Berkeley, Berkeley, California, is a former lawyer, park ranger, and wilderness trip leader. Magazine-style articles that draws from interviews with 25 present and former devotees of Baba Muktananda, a swami who died in 1982 in his 70s. Muktananda was from India and was introduced into the U.S. in 1970. He claimed to be enlightened, said he was a Siddha – the representative of a centuries-old Hindu lineage, and taught Siddha meditation. At its peak, his followers operated 31 *ashrams*/meditation centers worldwide. States: "Some of Muktananda's most important former followers now [i.e., after his death] charge [openly] that the guru repeatedly violated his vow of chastity, made millions of dollars from his followers' labors, and allowed guns and violence in his ashrams." He claimed to be completely celibate and taught that curbing the sex drive released *kundalini* energy that led to enlightenment. After his death, reports emerged to the public of his numerous sexual relations with his followers, including adolescents who were minors and as young as 13-years-old. Reports included: forcible intercourse; secretly peeping on girls undressing in their dormitory at

his facility; sexual molestations of a minor. 1 woman reported that Muktananda rationalized sexualizing his relationship with her as an initiation to tantric yoga. Followers who were aware rationalized his actions: he did not achieve vaginal penetration with his penis; he did not ejaculate which was part of preserving *kundalini* energy. Physical beatings, threats, intimidation, the use of firearms by enforcers, isolation of devotees, and overworking of staff and devotees maintained Muktananda's position. The accepted secrecy around financial matters reinforced a culture of unquestioning compliance by his followers. Reports that in 1981, 1 of his swamis, Stan Trout, "wrote an open letter to the movement accusing his guru of molesting little girls on the pretext of checking virginity.", but it was not circulated beyond Muktananda's followers. See also the accompanying sidebar, this bibliography, this section, that was written as an appendix to this article: Trout, Stan. (1993). For a variety of responses to the article, see Backscatter section, i.e., letters to the editors, *The CoEvolution Quarterly*, 41(Spring):127-130 (1984). Includes a response by Rodarmor regarding his sources.

Russell, Jan Jarboe. (2002). Fathers and sins. *Texas Monthly*, 30(6, June):52, 54-55.

Published in advance of the annual meeting of the National Conference of Catholic Bishops in Dallas, Texas, in 2002. Based on a journalist's interview with the family of Jay Lemberger who shot himself to death in 1992 at 21-years-old. Lemberger was a child sexual abuse victim of Rudy Kos, a former Roman Catholic priest in Dallas, Texas, who is serving 3 life sentences in prison for abusing children. In 1997, "a Dallas jury found that the local Catholic diocese had covered up years of unchecked child molestation by Kos and returned a record \$119.6 million judgment in favor of [Jay Lemberger's parents] and other plaintiffs. The judgment – later settled for \$23 million – was at the time the largest sex-abuse judgment against the clergy in history." Discusses Lemberger's parents' and sisters' feelings and attitudes toward the Church and their faith.

Rutter, Peter. (1989). Sex in the forbidden zone. *Psychology Today*, 23(10, October):34-38, 40. [Excerpt from his forthcoming book. See this bibliography, Section I: Rutter, Peter. (1989).]

By a psychiatrist in private practice, San Francisco, California, who is a faculty member and chair of the ethics committee, C.G. Jung Institute, and an associate clinical professor, Department of Psychiatry, University of California Medical School. Magazine-style article. Begins with his realization about 16 years prior "that sexual exploitation by men of women under their [professional] care or tutelage is actually quite common, and that a remarkably similar pattern of sexual conduct is perpetrated not only by male doctors and therapists but by male clergy, lawyers, teachers and workplace mentors." Succinctly describes the vulnerability of persons who "put into [such relationships] their strongest hopes, wishes, fantasies and passions..." and notes that it is typically a man in the role "who has power over [typically women]." Describes an encounter with a patient in his psychiatric practice that forced him to choose between maintaining a therapeutic relationship with her or violating his role and sexualizing the relationship. Notes: "Therapists and clergy invite the women under their care to share secrets, sexual and otherwise, that they would never disclose to anyone else." Sketches the harm that comes from sexualization of a professional relationship, including factors of power and social context in relation to a woman's "physical, psychological, spiritual, economic or intellectual well-being..." Also notes briefly the harm that comes to the male. Explores briefly women's experiences and comments: "Every woman I've spoken to who engaged in forbidden-zone sex described the immeasurable *nonsexual* value she felt the relationship had attained before any sexual behavior took place. All felt they acceded to sex as a way of maintaining a relationship that had extraordinary importance in their lives." Cultural upbringing is also noted as a factor affecting women's compliance. Briefly identifies factors that affect men's crossing professional role boundaries. Closes with a brief discussion about the value of sexual restraint to both women and men, and provides an anecdotal example. An accompanying sidebar presents a guide for women and a guide for men on maintaining boundaries to prevent sexual exploitation.

S., Elizabeth (pseudonym) (as told to Ginty, Molly M). (2002). Sins of the father. *Good Housekeeping*, (January):93-94, 96. [Reproduced as: Ginty, Molly M. (2008). "Taking Her Priest to Court." Chapter in Willis, Laurie. (Ed.). Sexual Predators. Farmington Hills, MI: Greenhaven Press, pp. 75-81.]

First person account by a woman who in the 1970s at age 14 was raped by the priest of her Roman Catholic parish in the Bridgeport diocese, Connecticut. In March, 2001, the diocese reached a \$15 million settlement with 26 persons who as children were sexually abused or molested by 6 priests between 1972 and 1993. The woman's younger sister was molested by the priest at age 7. Includes responses of the bishop after victims reported the events to his office, and the psychological and religious impact of the events on the author.

Salveson, John. (2003). I was abused... and 25 years later I'm still trying to make things right. *Notre Dame Magazine*, (Summer):Unpaginated. [Accessed 11/27/10 at the World Wide Web site of the magazine: <http://magazine.nd.edu/news/11366>]

Samuelson is co-founder and principal, Salveson Stetson Group, Wayne, Pennsylvania. First person account in a university alumni publication. Describes "the devastating impact clergy sexual abuse has on its victims and the [Roman Catholic Church]." Raised in a practicing Catholic family in Long Island, New York, he met Fr. Robert Huneke when Huneke was a new priest in Salveson's parish. After becoming close to the parish youth, Salveson's family, and Salveson, Huneke invited Salveson, then 13-years-old, to accompany him on an out-of-state visit to a former family in Salveson's parish. On the trip, Huneke sexually assaulted him, rationalizing it in religious terms. The abuse continued for 7 years: "Father Bob was expert at making me feel special and completely dependent on him. I was also terrified of him and lived for his approval. He was a priest." Salveson started college at the University of Notre Dame, Notre Dame, Indiana, in 1973. Huneke visited him there and continued the abusive relationship. Then Huneke enrolled in a graduate program at Notre Dame and obtained a position that he used to overcome Salveson's resistance. Salveson terminated the relationship in his senior year. In his early adulthood, he coped with depression, relationship problems, and abuse of alcohol. In 1980, he met with Huneke's bishop, John McGann, Diocese of Rockville Centre, Long Island, which began "a nine-year battle to have Huneke removed from active ministry." McGann transferred Huneke between different parishes and "assigned him to an all-boys high school." Frustrated in his attempts to get Huneke removed from ministry, and having discovered other victims, Salveson and his father and 2 brothers distributed at open letter to parishioners exiting Huneke's church on a Sunday. The event attracted New York City area media attention, and the diocese removed Huneke who, went confronted, admitted to his abuse of Salveson and "supplied a list of other victims." Reports his disappointment at the diocese's treating him "like the enemy." Briefly describes his efforts on behalf of other survivors and to hold the Church accountable, including being regional director of the Philadelphia chapter of SNAP (Survivors Network of those Abused by Priests). States: "Virtually every person I have ever met whom a Catholic priest has abused has gone to the church for help. I have never met one who felt the church took care of him or her properly." Concludes with recommendations for how the Church hierarchy needs to respond.

Samy, Florence, Hui, Beh Yuen, & Raman, A. (2010). Two bomohs held for molesting teens. *The Star Online*, (June 2). [Accessed 02/26/13 at the World Wide Web site of *The Star*, a newspaper based in Malaysia: <http://thestar.com.my/news/story.asp?file=/2010/6/2/nation/6381825&sec=nation>]

Very brief newspaper report that 2 *bomohs* (a Malay traditional healer) in Malaysia have been arrested for "molest[ing] a male and a female teenager in separate incidents." In each case, the *bomoh's* "'treatment'" for ailments involved sexual contact with person seeking their assistance.

Schoener, Gary Richard. (1997, September). "Clergy sexual misconduct: Evaluating a complaint." [Originally presented for the Church of Norway. Accessed at the World Wide Web site of AdvocateWeb, posted 1998: <http://www.advocateweb.org/hope/evaluating.asp>]. Originally presented for the Church of Norway.

Schoener is a psychologist and executive director, Walk-In Counseling Center, Minneapolis, Minnesota. He has consulted in 300+ cases of sexual misconduct by professionals. First section identifies "source of complaint": victim; family of the victim; offender; family of the offender; friend of the victim; another parishioner or counseling client; church staff member or official; a professional colleague of the offender; a member of the community, including potentially the media; authorities, e.g., police or rape center staff. The second section is "complaint

investigation”, and in parallel sequence offers nine ways to confirm or disconfirm a complaint, and is particularly useful for people conducting investigations. The final section lists “types of false and misleading complaints”: misunderstanding; mistaken identity; misinterpretation; exaggeration or distortion; hostile or aggression person with an agenda; personal rather than professional relationship; apparent fabrication; false memory.

_____. (1997). “Identification & prevention of clergy misconduct: Exercises & tools.” [Originally presented for the Church of Norway. Accessed at the World Wide Web site of AdvocateWeb, posted 1998: <http://www.advocateweb.org/hope/identandprevent>] [See also: Schoener, Gary R. (1999). Preventive and remedial boundaries training for helping professionals and clergy: Successful approaches and useful tools. *Journal of Sex Education and Therapy*, 24(4):212-213.]

Presents an annotated description of several videotapes he recommends for prevention training: “Sexual Ethics in Ministry;” “Sexual Ethics for Church Professionals;” “Once You Cross the Line;” “Not in My Church;” and, “Understanding the Sexual Boundaries of the Pastoral Relationship.” Includes cost and ordering information. Also describes a church insurance videotape, “Protecting God’s Children: Preventing Child Abuse in the Christian Community.” Offers brief descriptions of 4 training exercises; references.

_____. (2005, January 20). Clergy sexual abuse of women: Some historical perspectives. [Accessed 11/26/08 at: <http://www.misbruikdoorthulpverleners.nl/literatuur/9.html>]

Presented at an interfaith conference, Clergy Sexual Misconduct: Helping Survivors and Communities to Heal, which was sponsored by Archdiocese of St. Paul and Minneapolis and College of St. Catherine/University of St. Thomas. Brief historical survey with commentary regarding “[t]he sexual exploitation of adult women by clergy.” Concentrates on the 19th and 20th centuries in the U.S.A. Observes: “Although publicly discussed cases go back hundreds of years, for the most part women have been blamed for these events rather than seen as victims.” Draws from a wide range of sources and literature, including academic and popular. Traces a change in the understanding of clergy’s sexualized relationships with parishioners and counselees in the 1980s and 1990s that led to reforms in a variety of faith groups. Traces development of laws relating to this exploitation, and a large number of lawsuits. The case law that has evolved is quite varied, and in some instances provides for accountability, and in others offers protection to churches or clergy. Concludes: “In terms of advocacy, and the handling of complaints, while strides have been made there are still great difficulties in bringing such complaints in most churches.” Not all citations in the text are fully-referenced; not all references are cited in the text.

_____. (No date). “Typology of clergy who engage in sexual misconduct.” [Accessed 10/30/06 at the World Wide Web site of AdvocateWeb, posted 1998: <http://www.advocateweb.org/hope/typologyofclergy.asp>].

Very brief outline of 6 major clinical groups: psychotic and severe borderline; sociopath and severe narcissistic character disorder; impulse control disorder; severely neurotic and/or socially isolated; mildly neurotic and situational breakdown in otherwise healthy person; uninformed/naïve. While clinically consistent, lacks complete descriptions; lacks references. Could function as a handout.

Scott, Eric. (2002). White collar crime. *Community Care*, 1413(July 18-24):43.

Scott is manager, policy and membership, Association of Children’s Welfare Agencies, Sydney, Australia. Editorial column- or letter-style. Expresses the opinion that recent revelations of Australian “church institutional abuse and mismanagement of abuse allegations” regarding sexual acts against minors “have highlighted the lack of progress in understanding or combating institutional child abuse, despite the landmark 1977 NSW (New South Wales) Royal Commission [recommendations].” Concludes: “What is clear is that the NSW and wider Australian community have much work to do to achieve effective and compassionate systems of notification, inter-agency co-operation, investigation and child-protection.”

Sennott, Charles M. (1993). Sins of the Fathers. *Playboy*, 40(7, July):74-76, 144-147.

Sennott is a journalist, foreign correspondent, and editor. Magazine article begins by suggesting “that the scandals [regarding Roman Catholic priests who sexually violate minors and hierarchy who cover-up the violations] screaming across the fronts pages of newspapers and air also weekly [on television programs] are akin to a movement that transformed Christian faith worldwide,” i.e., the Reformation. Notes “questions have suddenly been raised about the clerical culture that produce this kind of sexual deviance and the secretive, insular institutions that covered it up for generations.” The next section regards the notorious James Porter, a former priest. In 1993, “68 of Porter’s victims had reached a reported \$5 million settlement after a series of civil suits. And Porter was still facing a Massachusetts grand jury’s indictment on 46 of charges of molesting victims while he was a priest in the Sixties... The Porter case provides an example of the Church’s complicity in protecting pedophile priests. The pattern has been established in case after case: Priests are caught, sheltered by their fellow priests and shuffled from one parish to another, where the abuse often continues. The hierarchy’s secrets in the Porter case were locked up for years at the Fall River Archdiocese. They were brought to light only through a subpoena by the Bristol County grand jury that indicted Porter.” According to the indictment, “Porter began molesting children with a month” of begin assigned to a North Attleboro parish after being ordained. States: “From 1964 to 1970, Porter was shuffled from parish to treatment center to parish, leaving a trail of molestation accusations” in Massachusetts, Texas, New Mexico, Nevada, and Minnesota. Identifies the Porter case demonstrating “a nationwide pattern of complicity and cover-up” by the Church. Describing the situation in the U.S.A., he cites the work Jason Berry, a journalist and author, Fr. Thomas Doyle, a canon lawyer, and Jeffrey Anderson, a plaintiff’s attorney in Minnesota. Returning to the Porter case, describes the work Frank Fitzpatrick, a child victim of Porter, who, as adult, who established contact with numerous other child victims of Porter. Quotes A. W. Richard Sipe, clinician and clinical researcher, and Fr. Andrew Greeley, a sociologist, regarding Catholic priests, clerical culture, celibacy, and sexuality. Briefly discusses Catholic clinical treatment centers in the U.S.A. regarding priests who have sexually abused minors. The concluding section describes national advocacy efforts by survivors and family members, including Barbara Blaine of Survivors Network for Those Abused by Priests [sic], and Jeanne Miller of Victims of Clergy Abuse Link Up [sic].

Sheler, Jeffery L., & Burke, Sarah. (1992). The unpardonable sin. [Science and Society section.] *U.S. News & World Report*, 113(19, November 16):94-96.

In a brief newsmagazine overview of the phenomenon nationally, refers without citation or year to a nationwide survey conducted by the Graduate Theological Union, Berkeley, California, which found that among all denominations, 1 in 4 clergy has had some kind of sexual contact with a parishioner, and 1 in 10 has had an affair. Also reports with citation that 400+ plus Roman Catholic priests have been reported to Church or civil authorities for sexual abuse of children in the decade preceding publication.

Shourie, Anshu. (1994). Yogi resigns after admission of affairs. *News India Times*. [Accessed 09/18/14 at the World Wide Web site of Hindunet: http://www.hindunet.org/alt_hindu/1994/msg00916.html]

The publication is an English-language weekly newspaper. Reports that Yogi Amrit Desai, “the 62-year-old saffron robe clad founder of the Kripalu Yoga Center, stepped down from the position of the Spiritual Director at the urging of the board of directors,” following his admission “that he engaged in at least three extramarital affairs with followers.” Describes the Kripalu Center, or ashram, as founded in 1972, based in Lenox, Massachusetts, the residence of 275 persons, and having an annual budget of \$8 million. Adds that the Center has a network of about 200 certified teachers in 25 countries. States: “Also known as ‘Gurudev,’ Desai agreed to publicly acknowledge his inappropriate behavior and to pay for any therapeutic help the women might need, according to commune officials.” The interim public relations director is quoted as saying that Desai “‘confessed to the board that he had sexual relationships with three female commune members at various times between 1974 and 1986.’” Reports that Desai had taken a “much publicized vow of celibacy to set an example for his followers,” which anumber had duplicated “as a way to focus energies on yoga and to learn the art of self-containment.” States that 2 of the 3 women had been Kriplau staff members, and that 2 had come forward to the board in the previous

month. Quotes a news release by Kriplau that the board's decision "was based on 'Gurudev's years of silence and denial, the suffering of the women involved and the undue accusations made against one of the women who had the courage to speak.'"

Siemon-Netto, Uwe. (2002). Beddhisim's pedophile monks. [Wire service release by UPI.] [Accessed 04/25/04 at: <http://www.american-buddha.com/pedophile.monks>]

By the UPI religion correspondent. Brief newspaper-style article based on interviews with several individuals, including Leonard Zwilling, University of Wisconsin, Madison, Wisconsin, regarding the sexual use of children by Buddhist monks in Tibet, China, and Japan. According to Zwilling, monks in Asia have, for centuries, sexually used children who resided at their monasteries as novices, although it violates the monk's vow of chastity.

Smith, Andrea. (2003). Soul wound: The legacy of Native American schools. *Amnesty International: The Magazine of Amnesty International USA*, (Summer).

"Andrea Smith (Cherokee) is interim coordinator for the Boarding School Healing Project and a Bunche Fellow coordinating [Amnesty International U.S.A.'s] research project on Sexual Violence and American Indian women." Magazine-style article. Reports on the efforts of the Boarding School Healing Project that addresses the abuse of Native American children in the U.S.A. government's system of off-reservation boarding schools and on-reservation day schools in the 19th and 20th centuries, and their "process of forced acculturation that stripped them of their language, culture, and customs." A number of the schools were operated by Christian churches. States: "Church officials, missionaries, and local authorities took children as young as five from their parents and shipped them off to Christian boarding schools... [and] ...separated from their families for most of the year, sometimes without a single family visit. Parents caught trying to hide their children lost food rations. Virtually imprisoned in the schools, children experienced a devastating litany of abuses from forced assimilation and grueling labor to widespread sexual and physical abuse." The Project is documenting the abuses, and "using a human rights framework to demand accountability from [the federal government] and churches." The human rights violations are based on the targeting of children and the boarding school system as "the tool for perpetrating cultural genocide." States: "Native scholars describe the destruction of their culture as a 'soul wound,' from which Native Americans have not healed. Embedded deep within that wound is a pattern of sexual and physical abuse that began in the early years of the boarding school system... Rampant sexual at reservation schools continued until the end of the 1980s, in part because of pre-1990 loopholes in state and federal law mandating the reporting of allegations of child sexual abuse." Notes the subsequent effect: "Today, sexual abuse and violence have reached epidemic proportions in Native communities, along with alcoholism and suicide. By the end of the 1990s, the sexual assault rate among Native Americans was three-and-a-half times higher than for any other ethnic group in the U.S., according to the Department of Justice's Bureau of Justice Statistics." Also describes the "2001 report by the Truth Commission into Genocide in Canada [which] documents the responsibility of the Roman Catholic Church, the United Church of Canada, the Anglican Church of Canada, and the federal government in the deaths of more than 50,000 Native children in the Canadian residential school system... The report also says that Canadian clergy, police, and business and government officials 'rented out' children from residential schools to pedophile rings." Lacks references.

Smith, Anne Mollegen. (2003). Priest abuse: The scandal that just keeps growing. *Ms.*, 13(1, Spring):11. 2 graphics with accompanying text that update the "accusations of [sexual abuse] by Roman Catholic priests..." 1 graphic of dioceses in the U.S. connects reports of the number of priests accused in each diocese with states "where legislation is likely to go forward that will extend the statutes of limitations on charges of sexual abuse of children, at least temporarily." Also briefly reports on a grand jury report from Long Island, New York, regarding the Diocese of Rockville Centre. [See also this bibliography, this section: Bonavoglia, Angela. (2003).]

Smith, Bryan. (2013). Let us prey. *Chicago*, 62(1, January):78ff. [Accessed 02/05/14 at the World Wide Web site of *Chicago* magazine: <http://www.chicagomag.com/Chicago-Magazine/January-2013/Let-Us-Prey-Big-Trouble-at-First-Baptist-Church/index.php?cparticle=1&siarticle=0#artanc>]

By a staff writer for the monthly magazine. The article on the Web site contains 2 corrections to the original magazine article. Based on numerous interviews, including experts, and “a review of thousands of pages of court documents.” Reports on acts of sexual abuse, including criminal convictions, committed by clergy and lay leaders affiliated with First Baptist Church, Hammond, Indiana, described as “the northwest Indiana megachurch – the 14th largest in the country and the biggest Independent Baptist house of worship in the nation.” Traces the history of the Church since the 1959 arrival of Jack Hyles as the pastor with a “particular band of harsh theology” who led the Church from its “denominational affiliation with the mainline American Baptist Convention” to become an Independent Baptist church, “untethered to any dogma or ritual he didn’t cotton to, unaccountable to any ruling body or person beyond himself.” Describes Hyles as interpreting the bible literally, teaching that “men ruled [their wives] absolutely,” controlled people’s dress, “took it upon himself to arrange marriages,” and taught and practiced child discipline that included physical punishment, including of infants. By the 1975, more than 30,000 people attended services on a single day, and in the early 1990s, “more than 20,000 people came to services each Sunday, making First Baptist the largest church in the nation.” The Church “built its own grammar school, middle school, and high school,” and “Hyles-Anderson College, an unaccredited divinity school where would-be pastors are taught to export the Hyles approach to churches across the country.” Reports that in 1989, “*The Biblical Evangelist*, a magazine devoted to ‘historic evangelical fundamentalism,’” published articles that accused Hyles of sexualizing his role relationship to his secretary, a charge that Hyles denied. States that in 1990, “an attorney and longtime church member” wrote a book that “details the affair and many other misdeeds, including a ‘Watergate-like coverup’ of affairs and sexual abuse First Baptist.” Reports that in the early 1980s, Hyles’ son, David, “the youth pastor at First Baptist,” was rumored to be “having an affair with the daughter of a high-level administrator” at the College, and that “Hyles arranged for his son to take over as pastor” at Hyles’ previous church in Texas. States that David Hyles “was soon kicked out [of the Texas church] after allegations that he had more than a dozen affairs with churchwomen, many of them married,” and later “was chased from a job running the Sunday school at a church in Pineallas Park, Florida, over allegations of more affairs.” Reports that in 1991, a Sunday School teacher and deacon at First Baptist was accused “of fondling a seven-year-old girl,” and eventually convicted and sentenced to prison. Reports that in 1997, “parents of a mentally disabled 12-year-old sued First Baptist over what they alleged was a months-long pattern of rape and torture of their daughter,” and accused “a systematic culture of cover-up” that was fostered by Hyles; the case was settled. Reports that in 1998, “a former Bible teacher at Hyles-Anderson who had become a pastor in Tennessee, and his wife... were convicted on multiple charges of aggravated abuse, assault, and kidnapping of their adopted 11-year-old daughter. The girl told authorities that her father used biblical references to justify beating, torturing, and sexually abusing her.” When Hyles died in 2001, he was succeeded as pastor by Jack Schaap who had attended Hyles-Anderson and married Hyles’ youngest daughter: “Hyles had been grooming his son-in-law... ever since his own son’s prospects had plummeted.” Several people interviewed, including a daughter of Hyles, compared the Church to a cult under the leadership of first Hyles and then Schaap. In 2012, Schaap, “pleaded guilty [in federal court] to taking a 16-year-old girl he was counseling at First Baptist across state lines to have sex.” States that he is incarcerated, awaiting sentencing.

Stanley, Tiffany. (2016). The fall of a megachurch. *Washingtonian Magazine*, 51(5, February):56-61, 165-167. [Accessed 05/11/16 at the World Wide Web site of *Washingtonian Magazine*: <https://www.washingtonian.com/2016/02/14/the-sex-abuse-scandal-that-devastated-a-suburban-megachurch-sovereign-grace-ministries/>]

Stanley is a Washington, D.C.-based journalist. The publication is a general interest, regional, monthly magazine. Magazine-style article based on interviews with people who participated in churches belonging to Sovereign Grace Ministries (SGM) [which became Sovereign Grace Churches in 2014] and report that their children were sexually abused by people affiliated with

those churches. SGM grew out of the Covenant Life Church, an independent church in Gaithersburg, Maryland, which was co-founded by C. J. Mahaney and Larry Tomczak. Covenant Life was the seed for other independent churches, including Sovereign Grace Church, Fairfax, Virginia. In a section describing Mahaney's tenure at Covenant Life and the style of SCM, Stanley states: "SCM represented a society unto itself, one that functioned parallel to mainstream culture and that distrusted that wider, secular world." The decision-making structure was hierarchal and gender-specific: "SCM churches practice complementarian theology, which follows a biblical mandate that 'wives should submit in everything to their husbands' and encourages many women to be stay-at-home-mothers." Adults were to submit to the spiritual authority of the leaders, and small "care groups" were ways to hold members accountable: "Although meant to be supportive circles, care groups could morph into harsh examinations, in which followers were goaded into confessing faults and transgressions." Based on a strict interpretation of Matthew 18, reconciliation was considered the primary way to settle disputes between members. Stanley tells the stories of multiple families affiliated with SCM churches, beginning with the Fairfax church in 1999, which contains themes repeated in the lives of other families. The mother of a 15-year-old son discovered he had been "inappropriate" with the 3-year-old daughter of another family who had entrusted her to him as her babysitter while attending the Church. The mother of the boy went to the Fairfax pastors, who arranged a meeting with the girl's parents. The intent was for the boy's parents to admit the wrongdoing and request the girl's parents' forgiveness. The girl's parents maintain they were told by the pastors to mediate and not pursue action in the secular legal system. Dissatisfied, the parents contacted medical and social services personnel, which led to an inquiry that found evidence of sexual abuse, which triggered a police investigation. The 15-year-old was charged, pleaded guilty to 1 count of sexual battery, and received probation and counseling. The girl's parents report that during the court hearings, the pastors pressured, bullied, and berated them for pursuing action in the secular system. For several years, the pastors held multiple meetings involving the 2 families. After a pastor from the Gaithersburg church was consulted, and another meeting called, a blanket apology was issued for the pastors not being more supportive. The girl's mother called the apology insincere, and the family left the Fairfax church. In 2008, the mother discovered a blog, SGM Survivors, "full of gripes about ministry culture, impassioned but all relatively minor." The mother submitted the family's 9,000-word saga. This elicited stories from other families who "were speaking out about sex abuse" in the Church, stories which repeat the themes of the experiences of the family of the 3-year-old. In 2011, a former SCM board member, Brent Detwiler, sent the SCM pastors "600 pages of ministry e-mails and documents" that revealed and criticized Mahaney's leadership style. Mahaney took a leave of absence, the documents were posted on the World Wide Web, the SCM board appointed an independent panel to conduct a review, and Mahaney stepped aside, an "abdication [that] set off a scandal that was covered by" both religious and secular media. Because "Mahaney's downfall brought attention to the ministry's secrets, SCM's Washington-area churches now had no choice but to respond." The Fairfax pastors called a congregational meeting to acknowledge the sexual abuse and issued an apology to the families. However, a meeting at the Gaithersburg church, the pastors maintained the families with children who were sexually violated had been served well. In a 17-page memo, the church codified its "child-sex-abuse protocols," which called for ministers, upon discovery of a case of suspected child sex abuse, to notify the church's elders, call a lawyer, and establish facts by investigating. "It notes that pastors must notify [secular] authorities about suspected child molesters if their state's laws require it... It also says it may be necessary to call police if the accused is an immediate threat to children – 'but this is unlikely'... Otherwise, it's up to the parents to report abuse." Women formed a support group for mothers of survivors, contacted an attorney experienced with sexual abuse cases, a civil suit was filed in Montgomery County, Maryland, in 2012. It "alleged that SGM, Mahaney, and seven pastors had engaged in a cover-up of child molestation." Eventually, 11 plaintiffs were represented. A short time later, Montgomery County prosecutors filed "child-sex-abuse charges" against a 55-year-old man, Nathaniel Morales, who "had been an active member of Covenant Life Church in the 1980s and early '90s," a period when he was charged with sexually assaulting 3 teenage boys who had been part of the Church. Reports that an investigation by the Gaithersburg church "revealed that between 1990 and 2007 at least five members of the church's staff were told of Morales's abuse. None notified the police." The criminal case against Morales was resolved

by his having been “found guilty and more than two decades after his crimes, was sentenced to 40 years in prison.” The civil suit, however, was dismissed “on technicalities, including the state’s restrictive civil statute of limitations for child-sex-abuse cases.” The concluding section provides updates. States that “[s]ince the scandal, more than 30 churches have left” SCM. Describes the mother of the 3-year-old girl who was sexually abused as having “become an activist” who in 2015 “testified before a Maryland Senate committee to support a bill that would lengthen the civil statute of limitations in child-sex abuse cases by 13 years.”

Stewart, Frances. (2011). Lama Choedak Rinpoche apologises. *Canberra Sunday Times*, (May 1). [Accessed 02/04/13 at the World Wide Web site of The Buddhist Channel, based in Lumpur, Malaysia: <http://www.buddhistchannel.tv/index.php?id=49,10104,0,0,1,0>]

Reports that the Lama Choedak Rinpoche, leader of the Tibetan Buddhist community in Canberra, Australia, the capital city, apologized in December, 2010, to members of the Tibetan Buddhist Society in Canberra “after allegations he had sexual relationships with several women from the group emerged late last year.” Women associated with the Society had contacted the *Sunday Canberra Times*, “alleging the former monk had sexual relationships with several female group members after saying he had separated from his wife.” States that the women provided documents “that showed complaints about Lama Choedak’s conduct were met with stern warnings from senior foreign figures in the Tibetan Buddhist movement, who said talking to the media or telling new group members what had happened could be spiritually damaging and prevent other Canberrans from ‘achieving enlightenment through buddhism.’” The women stated that he “warned them not to reveal his indiscretions.”

Strub, Sean. (2002). Sins of transmission... sexual abuse by priests. *POZ*, (85, October):25-26:Unpaginated. [Accessed 09/29/13 at the World Wide Web site of *POZ*: http://www.poz.com/articles/181_5028.shtml]

By the magazine’s founder. Prompted by recent “[m]edia reports of allegations of sexual abuse by [Roman Catholic] priests [which] have, month after month, detailed a community’s shock, the Catholic church’s arrogance and the requisite pledges of reform.” States: “...one part of the story remains untold: The media have never, to my knowledge, mentioned the likelihood that, given the high rate of HIV among priests, some [sexual abuse] survivors were directly infected by their abusers.” Cites health research studies that found that people who had experienced sexual abuse were more likely to engage in risky behaviors and to acquire HIV as an adult than those who had not been sexually abused. Cites an investigation in 2000 by the *Kansas City Star* newspaper “into priestly AIDS death in 14 states [that] found that priests had roughly six times the average HIV infection rate in their state.” Asks: “How many adults who now have HIV were sexually abused as children? And how many of these were abused priests or other church officials?” Answers the question by briefly recounting his being sexually abused by 2 men, a junior high school teacher and usher at his parish, and a “senior official at the Jesuit boarding school I later attended.” Regarding their status, he states: “They were individuals I respected with that special Catholic blend of trust and fear. Challenging them was inconceivable. I never heard my family or members of our parish criticize anyone associated with the archdiocese. There were the people we prayed for every Sunday, by name. We were taught that the pope was infallible, directly speaking to the word of God. We were not taught that priests were human – and flawed... I remember the admonitions [of his abusers] not to tell anyone... I remember the fear of going to hell.” States that his memories of the abuse “were corroborated by evidence I found in conversations with former classmates and teachers.”

Szasz, Thomas. (2002). Sins of the fathers: Is child molestation a sickness or a crime? *Reason*, 34(4, August/September):54, 56-59. [Accessed 02/09/04 at Reasononline, the magazine’s World Wide Web website: <http://reason.com/0208/fe.ts.sins>]

Szasz is a contributing editor of the magazine, and professor of psychiatry emeritus, State University of New York Upstate Medical University, Syracuse, New York. Reflects on media reports about the expressed rationale for the actions of Cardinal Bernard Law, Archdiocese of Boston, Massachusetts, regarding former priest John J. Geoghan. Geoghan, who was accused of

molesting 100+ minors over 3 decades, was transferred by Law to a new parish despite Law's knowledge of allegations against him. According to a recent deposition, Law defended his actions on the basis of his viewing Geoghan's behavior "as a pathology, as a psychological pathology, as an illness. Obviously, I viewed it as something that has a moral component. It was, objectively speaking, a gravely sinful act." Szasz describes this combination of medical and moral viewpoints as an irreconcilable combination and "a recipe for inaction." Briefly discusses how psychiatric diagnoses have been shaped by moral teachings by religion, and how psychiatric diagnoses have shaped moral judgments. States that Roman Catholic officials relied on "psychiatric absolution" in order to send offending priests to clinical treatment centers and thus "avoid dealing decisively with priests who were guilty of sexual abuse." His position is that "a priest who commits sexual abuse is a criminal who should be imprisoned, not a patient who should be monitored by psychiatrists in the church's pay." He decries the "medicalization of unwanted or prohibited behaviors" because it "hinders our understanding..." Concludes: "A priest who has sex with a child commits a grave moral wrong and also violates the criminal law. He does not treat himself as if he has a disease before he is apprehended, and we ought not treat him that way afterward."

Taylor, Greg W. (with Wolff, Derek, Allen, Glen, & Wangersky, Russell). (1989). Sins of the flesh: Anger and shame grip the Roman Catholic Church in scandals that involve priests and sex crimes. *MacLean's: Canada's Newsweekly Newsmagazine*, (July 17):10-12. [Accessed 12/12/04 at LexisNexis Academic database.]

Magazine-style article. Reports on reactions of Roman Catholics in the province of Newfoundland, Canada, to the emerging revelations of sexual abuse of children by priests and members of lay orders, particularly in regard to those involving the Mount Cashel Orphanage, St. John's, Newfoundland, and the Christian Brothers lay order. The revelations are increasing while 2 inquiries are underway, 1 conducted by a 5-member commission sponsored by the Church's archdiocese in Newfoundland, and 1 sponsored by the provincial government. Notes that: "Similar charges of sexual aberration involving Catholic priests and children have surfaced recently in several other provinces." Also notes that the Canadian scandal was "not the first of its kind to hit the church in North America." Cites the U.S.A. case of Gilbert Gauthier, Louisiana, a "priest [who] was convicted on 11 counts of sexually abusing children." Reactions of those interviewed involve a variety of topics, including: the actions of Church leaders following their discovery of abuses, spiritual disillusionment, the failure of the provincial government to conduct criminal prosecutions of the abuses, celibacy for priests, methods of recruiting and screening candidates, and the suffering of the victims and their families.

Taylor, Laurie. (2010). Suffer the little children. *New Humanist*, 125(1, January/February):Unpaginated. Accessed 07/16/11 at the World Wide Web site of *New Humanist* magazine: <http://newhumanist.org.uk/2207/suffer-the-little-children> [Reprinted in The Times Educational Supplement, February 12, 2010, Issue 4877, pp. 10-16, entitled, 'If you keep quiet, I won't say anything...']

Taylor is chairman of the Rationalist Association and commissioning editor of the magazine. Comments on the Report into the Catholic Archdiocese of Dublin (2009), popularly known as the Murphy Report, and the report of the Commission to Inquire into Child Abuse (2009), popularly known as the Ryan Report. Begins with a brief account of the sexual molestation of him and a friend at Sacred Heart Boarding School, Droitwich, England, circa 1949 when he was 12-years-old. Names 2 Roman Catholic priests as offenders – Fr. Dunworth who molested him, and Fr. Hodgson who offended against his friend. Succinctly describes both how the status of the priests and their ability to transfer guilt to, and impose silence on, the boys made it difficult to act on their knowledge that the actions were wrong. When they reported the priests to the headmaster, Fr. Lythgoe, no action against the priests was taken.

Tieman, Jeff. (2002). Priest scandal hits hospitals. *Modern Healthcare*, 32(19, May 13):6-7,14. Newsmagazine-style article reports that since March, 2002, at least 6 Roman Catholic chaplains who were working in hospitals, mostly in the Midwest, have been suspended as part of an effort to address directly and openly prior instances of alleged sexual abuse. 1 priest was working in a

Milwaukee, Wisconsin, hospital despite a 12-years-old settlement agreement that barred him from such assignments. Some hospital administrators knew the chaplains had been accused previously, and said that Church officials indicated they posed no threat to patients. At least 1 bishop did not inform administrators of an assigned priest's history of accusations against him. Reports that in the wake of the scandal, some hospital administrators are developing new screening and hiring policies, and that one Catholic hospital was formulating a zero tolerance policy regarding chaplains with a confirmed history of sexual misconduct or abuse. There are 634 Roman Catholic hospitals in the U.S.A., the majority of which employ chaplains. Reports that hospital and nursing home settings were once regarded by Catholic healthcare officials as a safe alternative to full-time ministry for priests with alcohol or similar problems, or whose pedophilia was regarded as a treatable behavioral problem. Quotes a healthcare risk management lawyer regarding liability issues for a health facility that employs accused priests.

Tjaden, Patricia, & Thoennes, Nancy. (2002). The prevalence of rape by clergy and other types of perpetrators. *The Resource: Newsletter of the National Sexual Violence Resource Center*, (Fall/Winter):3, 6.

Tjaden is with Tjaden Research Corporation, Breckenridge Colorado. Thoennes is with the Center for Policy Research, Denver, Colorado. Reports their findings regarding "the prevalence of rape by clergy in a nationally representative sample of men and women in the United States," which they conducted in 1995-1996 and was published as: Tjaden, Patricia, & Thoennes, Nancy. (1998, November). Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey. Washington, D.C.: U.S. Department of Justice, National Institute of Justice. "The survey consists of interviews with a random sample of 8,000 U.S. women and 8,000 U.S. men 18 years of age and older... Because the survey included the perpetrator category, 'minister, priest, rabbi, clergy,' it generated data with which to estimate the prevalence of rape by all types of clergy." In addition to the category of clergy, other categories of perpetrator include: intimates and former intimates, relatives other than spouses, friends, persons known commercially, and strangers. They "found that rape by clergy is extremely rare: Only six of the 16,000 respondents included in the survey reported being raped in their lifetime by a priest, rabbi, minister, or other type of clergy. Five of the victims were female and one was male." 5 of the 6 were minors at the time. States: "The number of female and male victims identified by the survey is clergy too small to generate reliable estimates of the prevalence of rape by clergy in the United States. Nonetheless, the numbers provide strong evidence that this type of sexual abuse occurs relatively infrequently." By comparison, the results "shows that women are far more likely to be raped by current or former intimates than by any other type of perpetrator." In decreasing order of frequency, the next categories were relative other than a spouse, and friend.

Todd, Nicholas. (2001). Divine downfall. *The Vancouver Sun*, (February 27). [Accessed 05/10/13 at World Wide Web site of *The Vancouver Sun*: <http://blogs.vancouversun.com/2011/04/26/sai-baba-holy-man-sex-abuser-both/>]

Following the death of Sri Sai Baba in 2011, Todd posted an article of his that was published by the Canadian newspaper in 2001. The post was on his blog for the *The Vancouver Sun*, "The Search: Douglass Todd delves into topics we're told to avoid: religion, ethnicity, politics, sex and ethics." Reports allegations regarding Sri Sathya Baba, "arguably [India's] most famous living swami," who to his "devotees... is an avatar, God on Earth, born of a virgin mother" and who "believe he paranormally transports his invisible soul throughout the globe." States: "Accusations are mounting that Sai Baba has been sexually molesting comely young men for decades during private meetings at his giant ashram in India, where thousands visit each week." Allegations of "sexual abuse" also involve acts against "youth and children." Cites reports from India, Sweden, and London, England, of Sai Baba abusing males in the name of "sexual healing" and adjusting "inner 'kundalini' energy." States that there are "6,700 Sai Baba temples, charity hospitals and schools, mostly in India, but including 500 centres in the U.S. and 70 in Canada."

Toibín, Colm. (1995). Dublin's epiphany. *The New Yorker*, (April 3)45-49, 52-53.

Essay that reflects on recent changes in Ireland and relates them to a series of events “that began to transform both the moral and the political climate of Holy Catholic Ireland,” including 2 that involved sexual misconduct by Roman Catholic priests. The first was the public discovery in 1992 that Eamonn Casey, Roman Catholic bishop of Galway, had fathered a child by a woman from the U.S.A. [See this bibliography, Section I.: Broderick, Joe (1992).] Another was the public discovery in 1994 of the case of Fr. Brendan Smyth, who had been accused of pedophilia in the context of being a priest. [See this bibliography, Section I.: Moore, Chris (1995).] The case involved the Attorney General’s office in Dublin which had failed to act on a request by authorities in Northern Ireland to extradite him from the Republic in 1993. Smyth returned to Northern Ireland, pleaded guilty, and was sentenced to 4 years in prison. Discovery included complaints of a family of a victim to Smyth’s religious order and to Bishop Cahal Daly, and the subsequent lack of action by Church officials who also had attempted to pressure the Belfast family that had made the original criminal complaint against Smyth to withdraw it. Within several months, Albert Reynolds, prime minister of the Irish government since 1992, resigned over the actions of his Attorney General in the Smyth case. Concludes: “Certain things are clear. For one, the Church in Ireland has softened, and it is easier to live here now. This time, it is genuinely possible that what we have been witnessing in Ireland is real – a real shift in attitude, toward a stronger and more liberal democracy.”

Townsend, Tim. (2005). Abusive priests often end up in St. Louis. *St. Louis Post-Dispatch*, March 19:Unpaginated. [Accessed 03/02/12 at: <http://www.artsci.wustl.edu/~stone/priests.htm>]

Townsend “writes about religious issues” for the St. Louis, Missouri, newspaper. Reports on 2 facilities in Missouri used by the Roman Catholic Church as “the only two places in the country where bishops can permanently send dangerous pedophile priests.” The first is Vianney Renewal Center, near Dittmer in Jefferson County, operated by a religious order, Servants of the Paraclete, that is based in New Mexico. In 2002, it was forced to close its treatment center in Jemez Springs, New Mexico. In 1993, the order “agreed to pay \$5.6 million to settle cases of childhood sexual abuse that occurred after a priest had left their treatment center.” The Vianney Center was opened in 1990. Reports that at least 7 of the priests who live at Vianney and a community it operates in Sunset Hills, Missouri, are registered sex offenders, “but most have never been convicted of a crime.” Cites cases of specific priests living at Vianney who were sent there after they found by Church authorities around the U.S.A. to have sexually abused minors but were not convicted in criminal court due to statutes of limitations. Notes that Vianney has no formal recourse if a priest who is not serving a criminal sentence leaves the facility. Another facility, RECON, also called the Wounded Brothers Project, has operated since 1983 in eastern Franklin County, about 6 miles from Vianney. RECON is a private non-profit facility operated by a Franciscan priest and a social worker. Reports that in the previous month, a Wisconsin priest admitted sending and receiving children pornography from his residence at RECON. Based on interviews, reports that nationally, the Church has very few options for “what to do with priests who have been removed from ministry for sexual abuse of minors” and are not responsible to a secular court.

Trout, Stan. (1983). Letter from a former swami. *The CoEvolution Quarterly*, 40(Winter):110-111.

A sidebar that Trout wrote as an appendix to an article. See this bibliography, this section: Rodarmor, William. (1983). States: “It is clear to me that not only had the girls with whom Muktananda practiced his sexual diversions committed acts to which they had given no moral or rational consent... Out of a love for truth and for those who teach it and appear to embody it, we unwittingly set ourselves up for exploitation and betrayal. Our mistake is to deify another being and attribute perfection to him... he planted and nourished false, impossible dreams in the hearts of innocent, faithful souls and sacrificed them to his sport.”

Unger, Rusty. (1991). Church of the heavenly unrest. *New York*, 24(40, October 14):32, 34-38.

Magazine-style article regarding Frank Forrester Church, IV, senior minister for 13 years of Unitarian Church of All Souls, east side of upper Manhattan, New York City. At 1,400 members, it is the largest Unitarian congregation in the U.S. Reports that after Church announced in 1991 that he and his were going to divorce, the fact surfaced that he was sexually-involved with a

married member of the congregation whose marriage was ending in divorce. Reactions among the leadership were divided between those who saw his behavior as a serious breach of professional ethics involving misuse of trust and power versus those who regarded this as a private affair between consenting adults and was not the congregation's business. The leaders were accused by the congregation of deception and coverup by withholding relevant information. Other issues include whether there was victimization, and the relevance of the denomination's professional code of ethics.

Vaccariello, Linda. (2006). A schoolgirl, a priest, and a 41-year-old secret. *Cincinnati Magazine*, 40(3, December):164, 166-167, 234-238, 240, 242-243.

Magazine-style story of an unnamed 58-year-old woman who was raised in the Roman Catholic parish of St. John the Evangelist in Deer Park, part of the Archdiocese of Cincinnati, Ohio. Reports that in 1964, when was 16-years-old, Fr. Norman Heil, 1 of her parish priests, established a secret relationship with her which he sexualized, justifying it through religious rationales and invoking his authority as a priest to reassure her that the behavior was not sinful. In 1965, he impregnated her. She complied with pressured by various individuals in the Church to give the baby for adoption, and her maternity care was paid for by Catholic Charities. Heil was reassigned to a parish in North Dakota. She was also pressured by Church-related individuals to keep silence in order to protect Heil's career as a priest and the Church. He died in 1988, and she was later reunited with her child. In 2004, she filed a civil suit against the Archdiocese, claiming its actions constituted "negligent and intentional infliction of emotional distress, interference with familial relations, loss of filial consortium, breach of fiduciary duty, and negligent supervision and retention." The suit was before the Ohio Supreme Court on appeal by the Archdiocese. Concludes with her reflection that her years of protecting the secret about Heil did not protect either her high school classmates or her family.

Vallely, Paul. (1999). I was a tantric sex slave. *The Independent*, (February 10). [Accessed 04/25/04 at: <http://www.trimondi.de/EN/deba02>]

Vallely writes for the newspaper which is based in London, England. An article about June Campbell, a Scottish philosopher of religion and author of *Traveller in Space: In Search of Female Identity in Tibetan Buddhism* (1996) [see this bibliography, Section I.]. The article is based on her lecture in 1999 at the College for Buddhist Studies in Sharpham, Devon, England. Campbell became a Buddhist in the 1960s, became a Buddhist nun, and lived in a Tibetan monastery in India where she worked as a translator for Tibetan *lamas*, including Kalu Rinpoche. He was 1 of the most revered yogi-lamas in exile outside Tibet, was regarded as a young boy as a *tulku* – the reincarnation of a lama, and, who, as abbot of the monastery, had taken vows of celibacy. In the 1970s, she became his personal translator and accompanied him on trips to Europe and the U.S. He engaged her as his secret sexual consort in tantric practices designed to promote his intellectual and spiritual strength. It was in retrospect that she realized "the extent to which I had been taken advantage of constituted a kind of abuse." Briefly discusses the combination of religion, sex, asymmetrical power in the relationship, and imposed secrecy that bound her to him for 3 years.

Vanzant, Iyanla. (2002). [Ask Iyanla column] I had sex with my minister. *Essence*, 33(7, November):108, 110.

By an advice columnist for the African American-oriented publication who is founder and director, Inner Springs Institute for Spiritual Life Coaching, Silver Spring, Maryland. To address the topic, she uses a letter that she terms a fictionalized compilation based on readers' submissions. The specifics regard a woman who turned to her pastor for help when she was emotionally, psychologically, and spiritually vulnerable, and he sexualized the relationship. Her response briefly addresses implications of taking legal action, and encourages self-examination regarding how "you surrendered your power to an unworthy man [who] took advantage of your vulnerability. Unfortunately, that doesn't make him culpable. On the other hand, it says that you must be stronger, wiser and much more astute about the men you are involved with, regardless of the reason." Encourages counseling from a reliable source.

Vieth, Victor I. (2011). Suffer the children: Developing effective church policies on child maltreatment. *Jacob's Hope: A Newsletter of the Jacob Wetterling Resource Center*, 2(1, June):1-8. [Accessed 12/06/12 at the World Wide Web site of the Jacob Wetterling Resource Center: <http://www.ncptc.org/vertical/Sites/{8634A6E1-FAD2-4381-9C0D-5DC7E93C9410}/uploads/JacobsHope.NL.6.11.pdf>]

Vieth is director, National Child Protection Training Center, St. Paul, Minnesota. "This article includes 10 concrete suggestions for faith institutions that will aid in developing and implementing policies more likely to keep children safe." 1.) Consult with at least one child abuse expert in developing policies. 2.) Understand that insurance providers and some law firms have a vested interest in preventing future abuse – and keeping quiet about past abuse. Subheadings include: The danger of keeping quiet, and The danger of limiting the investigation. 3.) Limit the opportunity for sex offenders to access children. Subheadings describe 8 policies to implement the recommendation. 4.) Conduct a background check and oral screening of workers and volunteers. Subheadings include 4 specific topics to address in an oral screening. 5.) Teach personal safety to children in faith-based schools. 6.) Don't investigate – report. 7.) Develop church policies for sex offenders seeking to attend services or to join a congregation. Subheadings describe 6 policies to implement the recommendation. 8.) Be cognizant that many offenders are seeking "Cheap Grace." 9.) Develop policies for responding to an allegation within the faith community. 10.) Policies must be accompanied with training. Concludes: "Faith communities must recognize the attract of child abusers to their institutions and must be proactive in keeping children safe. Failure to do so will result in additional cases of abuse, and in lifetimes of agonizing physical, emotional and spiritual damage." 48 endnotes.

Wakin, Daniel J. (2003). Confronting his abuser on tape: Voice of anguish demands remorse of priest and bishop. *The New York Times*, (Section A, New York Report) Sunday, February 23):31.

Reports on recent actions by Curtis Oathout, 39-years-old, regarding his sexual abuse by David Bentley, a Roman Catholic priest of the Diocese of Albany, Albany, New York, when he was 9-years-old until he was about 16. In 1993, Oathout told the Diocese of the abuse and received a confidential \$150,000. settlement in 1994. In the spring of 2002, Oathout returned to the Diocese to urge Bishop Howard J. Hubbard and officials to locate other priests in the Diocese whom he alleges abused him. Oathout audiotaped most of the meetings between April and November, 2002. He released some of the tapes and publicly identified himself for the first time. He currently has a lawsuit pending against the Diocese. The article includes dramatic excerpts from the transcripts of Oathout's pointed exchanges with Hubbard and Bentley.

Wall, Patrick (as told to Brosseau, Jim). (2005). [Confession column] The sins of my fathers. *GQ (Gentlemen's Quarterly)*, 75(October, 10):203-205.

First person point of view. Wall, who is 40-years-old, entered a Roman Catholic monastery in 1987, and was ordained as a priest in 1992. He "fell into this 'fixer' role, replacing priests who had 'moral hiccups,' had 'stumbled,' or had left due to 'extraordinary circumstances.'" He worked with parishes in Minnesota after a 'problem' priest had left. Over time, he learned "about archives within various dioceses where information on sexual misconduct was stored." He learned there was "a budget set aside each year for these priest cases; it's just considered a cost of operation." The archdiocese in Minneapolis and St. Paul, Minnesota, asked him to serve in its tribunal system, and he became a judge which allowed him to see "all these solicitation cases from the inside – how the Church had no problem with letting the statute of limitations run out on a problem priest, that it wasn't happening just in the upper Midwest but all over the country..." In 1997, he was asked to "be the subprior at Saint Augustine's Monastery in the Bahamas, which was becoming a dumping ground for priests – places that got them out of the troublesome settings, where they can also run out the statute of limitations." Rather than take the position, he resigned the priesthood. In 2002, he volunteered to help a law firm, Manly & McGuire, in Costa Mesa, California, with its civil cases against Roman Catholic clergy who sexually abused minors. Eventually he was employed to assist the firm. Among the topics very briefly discussed are personal stresses of the cases, and what is healing for survivors who are clients of the firm.

Warren, Jenifer. (1996). Trouble taints a cerebral sanctuary. *Los Angeles Times*, (November 4). Lacks pagination. [Accessed 12/31/12 at the World Wide Web site of the *Los Angeles Times*: http://articles.latimes.com/print/1996-11-04/news/mn-61189_1_cerebral-members]

Warren is a staff writer with the newspaper. Reports on recent events related to the Fellowship of Friends, a tax-exempt religious organization based in Oregon House, California, and its leader of 25 years, Robert Earl Burton. Reports that disillusioned former members and some academics “call it a cult that entraps its mostly well-educated members with a false promise of spiritual evolution. A recently ended lawsuit and accounts from ex-members echo that claim and add another: Burton, they say, has for years seduced young males in the group.” In the civil suit, Troy Buzbee claimed “Burton first demanded sex from him at age 17,” and that “Burton brainwashes members into a state of ‘absolute submission,’ allowing him to feed a ‘voracious appetite for sexual perversion.’” Warren calls the group a “\$26-million empire” with 2,000 members worldwide and reports that in 1970 Burton “formed the fellowship, apparently after convincing a circle of followers that he possessed the powers of a superior being... The group’s roots are in the arcane teachings of two early 20th century Russian philosophers, George Gurdjieff and Peter Ouspensky, whose ideas are referred to as The Fourth Way.” Describes the influence and control by Burton, regarded by followers as a prophet, as extending to “members’ person hygiene, pets, hobbies, reading material, and diet,” as well as clothing, sexual relationships, bearing children, speech, and contact with family and people not in the group. Former members are described as following “Burton faithfully, believing that obedience would accelerate their spiritual growth.” Reports that in 1984, “a former member of the fellowship board of directors,” Samuel Sanders, “sued the group, claiming fraud and alleging that Burton used his ‘god-figure role’ to prey sexually upon impressionable young men.” The suit was settled in 1998 and “led an estimated 100 members to quit.” Includes an interview with Burton’s former secretary and chauffeur, Thomas Easley who “has alleged that Burton forced him to have oral sex on many occasions, assuring Easley that surrendering to him would ‘please the gods and help my soul evolve.’” Quotes another former member who said Burton had a sexual relationship with him that Burton coerced spiritually: “‘Under his teachings, one has to do what one doesn’t want to do in order to evolve spiritually... It’s the least you can do for your teacher.’” Interviews Margaret Singer, “a professor emeritus of psychology at UC [University of California] Berkeley and a cult expert, [who] said the fellowship uses techniques common to many cults. Veneration of a single living leader, authoritarian structure and intensive control of members’ lives fit the classic profile.”

Weatherbe, Steve. (1993). The practice of polygamy: A Mormon colony stirs a B.C. controversy. *MacLean’s: Canada’s Newsweekly Newsmagazine*, 106(33, August 16):16-18.

Magazine-style article regarding “a small colony of practising polygamists” in Bountiful, British Columbia, Canada. Reports that it was established in 1946 as “part of the 10,000-member, Arizona-based United Effort Order,” described as “a fundamentalist sect that broke with the Mormon church over the latter’s decision to abandon the practice of polygamy.” Reports that in 4 separate criminal cases, 4 former members were convicted of sexual assault charges, and that some evidence in those cases prompted the Royal Canadian Mounted Police (RCMP) to conduct a 13-month investigation. The RCMP recommended that the colony’s bishop, Winston Blackmore, and a co-founder, Dalmin Oler, “be charged with practising polygamy” under the Canadian Criminal Code, however the British Columbia attorney general’s office declined to prosecute due to “freedom-of-religion guarantees included in the [Canadian] Charter of Rights.” States: “Much of the negative publicity regarding the colony has been generated by Debbie Palmer, now 37, who was born and raised in Bountiful, but who fled the community along with her children in 1988.” Palmer “has told reporters that at age 15 the colony elders arranged a marriage between her and a 57-year-old man who already had five wives and 37 children...” After he died, “Palmer says, the colony leaders assigned her to a 59-year-old who kept her, another wife and eight children in two uninsulated rooms at the back of a store. Driven to despair and thoughts of suicide, she convinced the elders to move her once again. This time, she became the third wife in a household of 22 children. A combination of stress and physical and sexual abuse, she says, provoked her departure.” The article states: “To Blackmore and his followers, polygamy is not only permissible – it is necessary for salvation.”

Werth, Barry. (2003). [Letter from Hartford] Fathers' helper: How the Church used psychiatry to care for – and protect – abusive priests. *The New Yorker*, 79(15, June 9):61-67.

Werth is a published author and contributor to the magazine. An overview of the history of the relationship between the Roman Catholic Church and the private psychiatric hospital community regarding priests who are clinically impaired, especially those who sexually abused minors, with a focus on Institute of Living, Hartford, Connecticut, founded in 1824 as the Hartford Retreat for the Insane. In 1951, Francis J. Braceland, a prominent psychiatrist, became the Institute's head and transformed its "reputation as a sanitarium for the rich and famous into that of a nationally respected hospital for the seriously disturbed." By 1970, it was the nation's largest private psychiatric hospital with 400 beds. A staunch Roman Catholic, Braceland encouraged bishops to shed antipathies to psychiatry and seek help for trouble priests. Because of Braceland's standing with the bishops, the Institute in 1980s began admitting priests sent by their dioceses for treatment, including those who had sexually molested minors. In the 1990s, the Institute started an impaired professionals and clergy program, noting that it was a convenient clinical option for the Roman Catholic Church. It was also a lucrative program for the Institute in an era of managed health care for private pay, inpatient treatment. Werth draws significantly on the work of A.W. Richard Sipe, interviews, published reports, and first-hand court observation. He also notes the beginnings of other private psychiatric treatment programs for Roman Catholic clergy and religious – Saint Luke Institute in Maryland and the Servants of the Paraclete center in New Mexico. Describes the notorious case of Fr. John Geoghan, a former priest of the Archdiocese of Boston, Massachusetts. Despite psychiatrist's warnings about Geoghan's risk for molesting children, he was sent to the Institute where he spent 3 months in 1986 in treatment. Draws from *Boston Globe* coverage of Geoghan's treatment, discharge diagnosis, and clinical recommendations that concluded he was safe to resume pastoral ministry. The Archdiocese returned Geoghan to a parish. Complaints of his pedophilia were received by the hierarchy over several years, and he was sent to Saint Luke for evaluation. In 2002, he was convicted on criminal charges of indecent assault and battery. Later that year, the Archdiocese settled 86 lawsuits against Geoghan, paying damages of \$10 million. Briefly reports on the case of Fr. Charles Carr, a priest in the Bridgeport Diocese, Bridgeport, Connecticut, whom then Bishop Edward Egan assigned to a boys Catholic high school following allegations by a parishioner's mother that Carr had made sexual advances on her son. Carr was eventually sent for evaluation at the Institute and returned to the school despite warnings from the supervisor of the evaluation process. 5 years later, the 1st lawsuit was filed against Carr in 1995. In 1992, the Institute's role in the evaluation and treatment of troubled priests was reduced to that of an outpatient program, and in 1994 it became a subsidiary of Hartford Hospital. Concludes that the private psychiatric community's lack of complete histories of priests became entwined with the Church's goal to return priests to duty and resulted in serious problems.

White, Lee, & White, Diane (as told to Rubin, Bonnie Miller). (2002). [First-person section] One priest's sins, one couple's suffering. *Ladies' Home Journal*, 119(10, October):50, 52, 54-55.

Leland "Lee" White is 46 years old, a lawyer, and a lobbyist, Arlington, Virginia. He has been active with Survivors Network of those Abuse by Priests (SNAP). Diane White, 35, is married to Lee White. The first part is his brief, first person account that begins with being sexually molested around 1970 by Fr. James M. Silva, a priest at Jesus Savior Roman Catholic Church, Newport, Rhode Island – "I know it's difficult for non-Catholics to understand how I could be so submissive, but when you're raised to be devout, the priest is God on earth and you do what he says." He told only his best friend who believed him because Silva had earlier attempted to molest him. White blocked out the memories, stopped going to church, started drinking alcohol, and had difficulties in personal relationships. As an adult, he experienced flashbacks of Silva's behavior against him, and told his parents for the first time. In 1992, after "news broke about James Porter, a Massachusetts priest who had molested dozens of children" and after Porter pleaded guilty and was sentenced to prison, White filed a civil suit along with 2 others against Silva, other Church officials, and the Diocese of Providence, Rhode Island, on March 17, 1993. Other self-identified victims came forward and joined the suit, alleging instances from 1968-1991 in 5 Rhode Island parishes. a judge consolidated the suit "with those of nearly 40 others involving

11 priests and a nun.” Silva pleaded guilty in 1995 to sexual abuse, received a 7 year suspended sentence that ran concurrent with 7 years probation, and was barred from ministry. The consolidated civil suit has yet to be heard in court. Very briefly describes the impact of his experiences on his family. Concludes: “...I hope the focus will shift to the bishops’ role in the cover-up. They’d better not underestimate the anger of survivors like me.” Diane White presents a nine-paragraph, first person account from the perspective of the spouse of a survivor, including the effects of the childhood experience on him, and her ambivalent thoughts and feelings about his recent activism: “Sure, there are times when I wish Lee weren’t playing such a visible role, but if all the publicity helps protect kids, it’s worth it.” Concludes: “In the end, it’s not about bringing Silva to justice as much as it is about forcing the Catholic Church to make real, meaningful changes regarding its sexual-abuse policy.”

Wilkes, Paul. (1993). Unholy acts. *The New Yorker*, 89(16, June 7):62-72, 74-79.

Wilkes is an author who frequently writes about religion and spirituality. A detailed journalistic report of the case of Fr. Ronald Provost, a Roman Catholic priest who was Wilkes’ parish priest in Wheelwright, Massachusetts, Diocese of Worcester, in 1992 when photographs that Provost had taken the year before of a 10-years-old nude boy from the parish were discovered. He was indicted by a grand jury for a pornography statute violation for posing a minor in a state of nudity. When officials searched his room, they discovered 100+ pictures of nude and semi-nude boys dating to 1977 and a collection of child pornography. This occurred after the diocese had sent him to Saint Luke Institute, Suitland, Maryland, for in-patient treatment. His trial was convened in 1993. He was found guilty, and sentenced to 10 years in prison, 5 of which were suspended and 5 of which were a period of probation with out-patient therapy. At the time of publication, Provost had never apologized to the victim or his family. A civil suit was pending against Provost and the diocese. Wilkes traced Provost’s history and development as a priest through interviews and checking records, like personnel files. While there were persistent rumors and questionable behaviors related to Provost’s strong preference for associating with minors to the extent that he neglected his priestly duties, no formal complaints were ever filed. Wilkes also provides background information about concurrent cases in the diocese involving sexual abuse by priests of male and female children, and a nun.

_____. (2002). The reformer: A priest’s battle for a more open Church. *The New Yorker*, (September 2):Unpaginated. [Accessed 07/05/05 at LexisNexis Academic database.]

Describes the progressive ministry of Fr. Walter Cuenin, a diocesan priest and Roman Catholic parish pastor, Archdiocese of Boston, Massachusetts, and so offers a prism by which to survey briefly the “well-publicized disarray” of the Archdiocese in relation to reports in 2002 of the extent of sexual abuse of minors by its priests and the inadequate responses of its hierarchy over decades. Cuenin states: “And here in a parish, while the issue right now is sexual misconduct, it’s the arrogant abuse of power that fuels both the fury people feel and the determination they have for reform.” Cuenin actively supports Voice of the Faithful, a reform group that recently organized in a Boston suburb in response to the 2002 reports about the Archdiocese, and the Boston Priests’ Forum. Wilkes briefly describes a meeting that he attended with Cuenin and 2 members of the parish, Rodney and Paula Ford, the parents of Greg Ford. Greg Ford was sexually abused by Fr. Paul Shanley while a priest in the Archdiocese beginning when Ford was 6-years-old, and continuing for 6 years. The abuse led to multiple placements of psychiatric hospitals and other therapeutic facilities. Ford is currently involved in a civil suit against the Archdiocese. Includes brief comments from Fr. John O’Malley, a Church historian at Weston Jesuit School, Cambridge, Massachusetts, and James Post, president of Voice of the Faithful.

Wilkinson, Peter. (2005). The life & death of the Chosen One. *Rolling Stone*, 977/978(June 30-July 14):114ff. [Accessed 06/01/04 from ProQuest academic database.]

By a contributing editor. Reports on the death of Ricky Rodriguez, 29-years-old, by suicide in January, 2005, in Arizona. Rodriguez was the son of “Karen Zerby, leader of one of the most secretive and destructive religious cults of the past forty years, the Children of God, known today as the Family International. For decades, the group has operated in the shadows around the world,

bombarded with allegations that its members practiced sexual and physical abuse in the name of God and engaged in organized pedophilia and incest. Zerby played a central and enthusiastic role in the abuse of young members, Ricky chief among them, even going so far as to have sex with her own son when he was twelve.” Zerby joined the group in California in 1969 when it was known as Teens for Christ and headed by its founder, David Brand Berg [also known as Moses David], who commanded the group with strict, unilateral control based on his religious authority. He made Zerby his personal secretary, sexualized his relationship to her, and ordered sexualization of the group: “Wife-swapping and orgies became sanctioned and scheduled events – usually controlled by the men.” In 1972, Berg and Zerby relocated to London, England, where “Berg used his skewed reading of the Bible to justify more extreme displays of free love. Even rank-and-file members were now encouraged to engage in group sex, and younger and younger members were pulled in – teens became fair game... Berg broke down almost every sexual barrier. Any cult woman [he] wanted was available to pleasure him.” Using Zerby, Berg introduced the practice of *flirty fishing* by which the group’s women used sex to entice wealthy men to convert and/or offer financial support to the group. During this period, Rodriguez was born to Zerby in the Canary Islands after she had sex numerous times with hotel workers where she and Berg were living. Berg treated Rodriguez as his son, and “trumpeted [him] as the Messiah who would lead Berg’s flock after the prophet left this earth.” He was raised by women in the group who documented his childhood in publications, including a 1982 book that presented the adults’ use of him sexually. In the 1980s, Berg renamed the group as Family of Love, and began to commit incest and encouraging followers to do the same. Reports that Berg orchestrated Rodriguez to have sexual intercourse with Berg’s granddaughter when both were young minors. Following Berg’s death in 1994, Zerby assumed control. Reports that preceding his death, Rodriguez murdered 1 of the women who had raised him. Draws from statements from former group members.

Wofford, Jerry. (2013). Two Victory Christian employees get jail time after pleading no contest to not reporting child abuse. *Tulsa World*, (March 19). [Accessed 01/11/14 at the World Wide Webs site of BishopAccountability.org: http://www.bishop-accountability.org/news2013/03_04/2013_03_19_Wofford_TwoVictory.htm]

Wofford writes for the Tulsa, Oklahoma, daily newspaper. Reports that 3 employees of the Victory Christian Center, a 17,000 member church in Tulsa, entered no-contest pleas in a county court and were each found guilty of the misdemeanor of failing to report child abuse. Of the 3, the 2 who were assistant youth pastors, a 33-year-old male and a 24-year-old female, “were ordered to spend 30 days in jail, with the remainder of their one-year terms suspended.” The church’s human resources director received a 1-year suspended sentenced, was not ordered to jail, and fined \$500. “Prosecutors allege that the Victory Christian staff members knew about the initial allegations – starting with a report that a child was raped in the church by a staff member – but failed to report them to authorities for several weeks.” Reports that in August, 2012, a janitor of the church, who was also an intern at the church’s summer camp, raped a 13-year-old girl on church property. “Prosecutors said that two days later, she told two of her youth group leaders about the assault and that they told [the 2 assistant youth pastors].” Within 10 days, the church’s human resources director was informed. A week, a report was made to the Tulsa police department. Reports that the accused janitor pleaded guilty in 2012 to 6 felony child-sex charges, including the rape, and was sentenced to 55 years in prison. Reports that 2 youth ministers, the son and daughter-in-law of the church’s senior pastor, learned of the allegations, and “were also charged with one count each of failure to report child abuse.”; their trial is scheduled. Reports that the mother of the 13-year-old testified during the sentencing hearing for the 3 church staff and stated “that her daughter still suffers physical, emotional and spiritual trauma from the event.”

Woodward, Kenneth L. (with King, Patricia). (1989). When a pastor turns seducer. *Newsweek*, 114(9, August 28):48-49.

Reports on national trends in religious communities regarding clergy who commit sexual misconduct through misuse of their role and status: “The shame of the victims, the embarrassment of the congregation and the pride of church hierarchs all conspire to make sexual abuse by clergy second only to incest as a taboo subject. But now churches across the ecumenical spectrum are

recognizing that clerical sex offenders represent a serious social and ethical issue.” Notes that some denominations are developing sexual harassment policies, and that denominational officials are “concerned with local pastors who seduce congregants who rely on them for spiritual guidance and, in times of trouble, pastoral counsel. Such activity strikes at the heart of the pastoral calling because for most Americans, the place to turn first with personal problems remains the clergy... What makes the clerical seduction different from those of secular counselors is the God factor: unlike other therapists, the minister’s power and authority are perceived as ultimately derived from the Lord.” Includes comments from: Glenn Gabbard, Menninger Hospital, Topeka, Kansas; a plaintiffs’ lawyer in Milwaukee, Wisconsin, who represents several victims; a minister in the Lutheran Church-Missouri Synod who in his role sexually engaged 16 women over 15 years, and terms what he did as ‘authority rape’; a victim; people working on abuse prevention and treatment of offenders; Marie Fortune.

_____. (1992). The sins of the Father. *Newsweek*, 119(2, June 1):60.

Briefly reports that legal authorities in Massachusetts are investigating allegations by 50+ male and female adults against James Porter, a former Roman Catholic priest, regarding his sexual abuse of them as minors while a parish priest in North Attleborough, Massachusetts. Sites of the abuse are reported to include “the rectory, at camp, in the confessional, on the basketball court, in the sacristy, alone in school corridors, in the town swimming pool, in Porter’s parents’ house and even in [the victims’] own homes.” Notes that police in Minnesota, where Porter now lives, are investigating an alleged incident there. Includes comments from self-identified victims, journalist Jason Berry, a father of a self-identified victim, and Porter’s wife. Notes the role of Frank Fitzpatrick of Rhode Island, a self-identified victim of Porter’s, whose taped phone conversations with Porter were broadcast over a Boston, Massachusetts, television station earlier in 1992. In the conversations, Porter acknowledged molesting between 50 and 100 children, and claimed to be cured. Following the broadcast, other victims have come forward.

_____. (1993). The sins of the Fathers... are being visited upon their clerical compadres. *Newsweek*, 122(2, July 12):57.

Briefly reports on the impact of “the worst scandal ever to hit the American Roman Catholic Church [in which] as many as 500 priests, by some estimates have been accused of sexually molesting children. Already, the church has paid tens of millions of dollars to victims... Worse, the bishops themselves have been accused by critics of coddling known offenders and hushing up victims who complain.” Includes comments from 3 parish priests, Cardinal John J. O’Connor, Archdiocese of New York, New York, and 2 parents, 1 of whom is a self-identified victim of a priest.

Woolfolk, Lynn (as told to Vassar, Lyndra). (2014). [Elevate: Healing From Within] Sins of the Father. *Ebony*, 70(1, November):79.

Woolfolk very briefly recounts his story of being sexually abused from 12- to 17-year-old by “the [Roman Catholic] priest from our St. Louis parish [in Missouri], [who was] a family friend.” States: “I felt dirty, confused and ashamed.” Some 10 years later he “spotted the priest playing with children outside of [another] church,” and “the anger I had been suppressing immediately resurfaced. I felt like the boy he had abused all over again.” With help from another priest, Woolfolk reported his abuser to the Archdiocese, which responded by transferring him to another parish. Later, in 2002, “St Louis’ prosecuting attorney reached out to me when a scandal broke revealing several cases that involved priests abusing minors nationwide.” At trial, the priest was found guilty of sexual abuse, but the conviction was overturned on the basis of the expiration of the statute of limitations. Woolfolk states: “Still, the jury had found him guilty, and I felt vindicated by that verdict. My spirits lifts. I could move on with my life.”

Wright, Rosalind. (1993). “There is a demon inside my soul.” *Ladies Home Journal*, 110(9, September): 137, 194-196, 198.

By a contributing editor of the magazine and a former member of First United Methodist Church, Dallas, Texas. Reports on the status of the case of Walker Railey. In 1980, Railey, 33-years-old,

was appointed senior minister of First United Church, Dallas, “one of the largest [United] Methodist congregations in the country.” He was also president of Greater Dallas Community of Churches and hosted a weekly television show. In April, 1987, his wife, Peggy Railey, was strangled in her home and deprived of oxygen, resulting in a “permanent vegetative state” and residence in a nursing home in Tyler, Texas. It emerged that Railey had sexualized a relationship with Lucy Papillon, née Goodrich, a congregant of the Church and daughter “of a revered former minister of the [C]” who had been a retired Methodist bishop-in-residence at the Church before his death. Later in April, 1987, Railey attempted suicide. A fact-finding grand jury did not “produce enough evidence to indict Railey” for the attack on his wife. In September, 1987, he voluntarily surrendered his Methodist credentials as a minister, and in November, 1987, moved to San Francisco, California, where he shared a residence with Papillon. Peggy Walker’s parents filed a civil lawsuit for the cost of her care, and an \$18 million judgment was made against him. Reports that Walker has yet to pay on the judgment. In 1992, a Dallas grand jury indicted Walker for the attack; based on nothing beyond circumstantial evidence, he was found not guilty at trial.

X, Father (pseudonym). (2002). The confession of Father X. *Time*, 159(13, April 1):34-35.

By a former Roman Catholic priest who was convicted of felony and misdemeanor charges for sexual behavior with a minor. Very brief first person remarks on several topics: the start of his abusive contact with children; his family of origin, childhood, and entry into the priesthood; factors in the progression to his abusive behavior; confession, repentance, and recidivism; discovery; what he’s learned. [See also the lead story: McGeary, Johanna. (2002) in this bibliography, this section.]

Zezima, Katie. (2004). 9 students at school for deaf say they were abused by nuns. *The New York Times*, (Section A, Late Edition East Coast, May 12):20. [Accessed 06/01/04 from ProQuest academic database.]

Reports that nine former students, all of whom are deaf and mute, have filed a civil lawsuit “saying that they had been sexually, physically and emotionally abused by the Roman Catholic nuns who operated” the now-closed Boston School for the Deaf in Randolph, Massachusetts. The period of abuse was specified as 1944 to 1997 when the plaintiffs were ages 4 to 18. The lawsuit named “14 nuns, one priest, a staff member and Bishop Thomas V. Daily, the retired bishop of Brooklyn who had served in the Archdiocese of Boston, as defendants.” The school was operated by the Sisters of St. Joseph of Boston. The plaintiffs’ attorney, Mitchell Garabedian, stated “that he represented 22 more students willing to sue the defendants.”

V. BROADCAST MATERIAL FROM SECULAR NEWS MEDIA: VIDEOTAPES, DVD VIDEODISCS, AND AUDIOTAPES

ABC News. (2002, April 3). ABC News: Bless Me, Father, For I Have Sinned. [Videocassette. VHS].

ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

A 1-hour special with Peter Jennings, host. Examines how the emerging scandal regarding sexually abusive priests in the Roman Catholic Church and the Church’s responses has “reached this point and how the church rebuilds in the aftermath.”

_____. (2002, April 23). Good Morning America: Mark Serrano and Other Victims of Abuse by Priest Talk to Father Frank Roddhammer about What Could Have and Still Should be Done to Stop Abuse by Priests. ABC Television.

Fr. Roddhammer is a Roman Catholic bishop. [Not examined; based on others’ descriptions.]

_____. (1993, February 24). Nightline: Child Sexual Abuse in the Catholic Church. ABC Television.

[Not examined; based on others’ descriptions.]

_____. (2002, January 21). Nightline: Sins of the Father. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Broadcast the day of the sentencing to prison of John J. Geoghan, a defrocked Roman Catholic priest in the Archdiocese of Boston, for molesting a minor. Ted Koppel, host, interviews Jason Berry, author and journalist, and Ray Flynn, former mayor of Boston, Massachusetts, and former U.S.A. ambassador to the Vatican, on matters related to the disclosure in 2002 of the large number of priests in the Boston archdiocese who committed pedophilia, how the archdiocese had handled the various cases, and the role of the media.

_____. (2002, January 28). Nightline: Sins of the Fathers: Interviews with Mark Chopko and Jason Berry. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Ted Koppel, host, explores issues in relation to the criminal case against John J. Geoghan, a defrocked Roman Catholic priest in the Archdiocese of Boston, for molesting a minor.

_____. (2002, February 21). Nightline: Sins of the Fathers: Catholic Church Deals with Sexual Abuse of Minors by Priests in Wake of Former Priest, John Geoghan, being Charged with Sexual Abuse and Stenced to Prison. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

[Not examined; based on others' descriptions.]

_____. (2002, March 14). Nightline: Sins of the Fathers: The Rising Costs of the Scandal. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Chris Bury, host, examines how the Roman Catholic Church in the U.S. will raise money for recent settlements in cases involving sexual abuse by priests, and talks with a victim. [Not examined; based on others' descriptions.]

_____. (2002, March 25). Nightline: Sins of the Fathers: Spiritual Treatment, Secular Justice. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

[Not examined; based on others' descriptions.]

_____. (2002, April 9). Nightline: Sins of the Father: Turning a Blind Eye. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Segment was broadcast the day after documents were released that showed the Roman Catholic Church Archdiocese of Boston had records as early as 1967 that 1 of its priests, Fr. Paul Shanley, was sexually abusing children, and that rather than being disciplined and removed from positions that gave him access to children, he was routinely reassigned and allowed to continue his ministry.

_____. (2002, April 11). Nightline: Sins of the Fathers: The Big Picture. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Previews an investigative report in the *Dallas Morning News* for April 12, 2002, that will list the Roman Catholic dioceses in the U.S. and whether the bishop has covered-up the sexual misconduct of a priest(s) in that diocese.

_____. (2002, April 24). Nightline: Sins of the Fathers: Trying to Repair the Breach. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

[Not examined; based on others' descriptions.]

_____. (2002, June 11). Nightline: Sins of the Fathers: A National Accounting. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

[Not examined; based on others' descriptions.]

_____. (2002, June 27). Nightline: Sins of the Fathers: Shades of Gray. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Examines the proposed policy of zero-tolerance regarding Roman Catholic priests who commit sexual abuse by considering 1 specific case: a priest used a teenage boy for sex, finally admitted it to the Church, and 15 years later, the boy was paid a cash settlement. Several years ago, the priest told members of his current parish. Most forgave him for what he terms a "mistake"; others left.

_____. (2002, December 13). Nightline: Sins of the Fathers. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

[Not examined; based on others' descriptions.]

_____. (2003, June 17). Nightline: Sins of the Fathers. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

[Not examined; based on others' descriptions.]

_____. (1992, July 23). Primetime Live: Secret No More Follow-up. ABC Television.

A 30-minute segment of a television program. Regarding Roman Catholic priest Fr. James Porter and the Church's handling of his case. Diane Sawyer, host. [Not examined; based on others' descriptions.]

_____. (1993, May 6). Primetime Live. ABC Television.

Regarding sexual abuse by Roman Catholic women religious. Diane Sawyer, host. [Not examined; based on others' descriptions.]

_____. (1996, February 28). Primetime Live: Abuse by Nuns. ABC Television.

Regarding sexual abuse of a minor in a parochial school by a Roman Catholic woman religious, Archdiocese of New York. Diane Sawyer, host.

_____. (2006, August 29). Primetime: The Outsiders: "Cult Murder Suicide." [DVD]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

A followup to a story broadcast January 27, 2005. Begins with a self-made videotape by Ricky Rodriguez, son of David Berg, the founder of the Children of God, a sect established in the 1960s. The group is currently going by the name of Family International. Rodriguez displays weapons and describes his intent to seek revenge and justice for children, including himself, who were sexually abused in the Children of God. ABC's World Wide Web description of the segment reports: "...it's hard to refute that Rodriguez grew up in a sexually charged atmosphere. The group founded as Children of God promoted a strange brew of Biblical prophecy and sexual freedom. Its charismatic leader, Moses David Berg, once said, 'I practice what I preach! And I preach sex, boys and girls.' Berg died of natural causes in 1994." On January 8, 2005, Rodriguez killed Angela Smith, his former nanny, in Tucson, Arizona. The next day, Rodriguez killed himself in California. Schadler interviews Claire Browik, a spokesperson for the group, who denies Rodriguez' claims. Brief interviews with several former members, including Celeste Jones who left the group in 2001, confirm Rodriguez' allegations of sexual abuse of children. Schadler reports that as a child, Rodriguez was presented as a prophet in the sexual revolution, and was the

subject of a manual the group published on child-rearing, 'The Story of Davidito,' written mostly by Berg. It contained suggestive sexual photos and captions.

_____. (2002, March 22). 20/20: Christopher Dixon and Others Claim Sexual Abuse by Pedophile Catholic Priests. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Barbara Walters, host.

_____. (2003, April 11). 20/20: Sins of the Rabbi. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Barbara Walters, anchor, reports on the case of Rabbi Fred Neulander. In 1992, Neulander began having sexualized relationships with women, including members of his congregation, M'kor Shalom, Cherry Hill, New Jersey. In 1994, Neulander's wife, Carol, was brutally beaten to death. Within 3 months after her death, discovery of his sexual violations led to the loss of his position at the synagogue, and he became the prime suspect in her murder. His first trial in 2001 resulted in a mistrial due to a hung jury; his second trial in 2002 resulted in a conviction on the capital offense of hiring 2 men to kill her. He was spared the death penalty and sentenced to a maximum security prison. The motive established at trial was his sexualized relationship from 1994 with a woman that began very soon after he conducted her husband's funeral. [See also this bibliography, Section I: Schwab, Charlotte Rolnick. (2002).] Videotape of testimony from both trials is included. Walters interviews Neulander in prison, the first time he has spoken publicly about the matter. He maintains his innocence and plans an appeal.

_____. (2007, April 13). 20/20: The Preacher's Sin. [Videocassette. VHS]. ABC Television. [For video or transcript, order from ABC News on the World Wide Web: ABCNewsstore.com]

Producer is Bonnie VanGilder. Correspondent Jim Avila reports on "preacher predators" in the Southern Baptist Convention (SBC), the largest Protestant denomination in the U.S.A. with 43,000 independent churches and 16.3 million members. Begins with an interview of Christa Brown who was sexually abused at 16-years-old by a Southern Baptist minister and founded the organization, Stop Baptist Predators. Reports that the SBC structure does not permit a clear way to track the location or status of SBC clergy who are convicted of, or charged with, child sexual abuse. Includes interviews with victims, and congregants of churches where incidents occurred. 1 case involves Sean Davies, a youth minister at First Baptist Church, Greenwood, Missouri, who exploited 8 teenage males in the church, and was found to have a history of similar behavior at a church in Kentucky. Also interviews Ken Ward, a former SBC preacher in east Texas who molested 40+ children, served 5 years in prison, is now serving house arrest, and who describes his process as a pastor for grooming children. Reports the negative consequences of the abuse by 1 of Ward's victims. Includes interviews with SBC leaders who state that clergy abuse is neither widespread nor systemic. Avila interviews the SBC president regarding the absence of a national registry of clergy offenders and the SBC's online listing of clergy which includes convicted sex offenders. [A text version is available at the World Wide Web site of ABC News, accessed 08/31/14: <http://abcnews.go.com/2020/story?id=3034040&page=1&singlePage=true>]

_____. (2011, April 11). 20/20: Shattered Faith. ABC Television. [Accessed 02/12/13 at the World Wide Web site of ABC News: <http://abcnews.go.com/2020/video/scarred-childhood-13334532>]

4-part segment. Producers are Alan B. Goldberg and Gail Deutsch. Anchor Elizabeth Vargas reports on incidents of physical and sexual abuse of minors in churches that self-identify as Independent Fundamental Baptist (IFB). [The IFB is not a denomination; IFB-affiliated autonomous congregations subscribe to a common set of conservative beliefs and practices. Vargas describes the IFB as governed by a doctrine of separation from non-IFB churches because IFB churches consider themselves to be spiritually superior. Women are subordinated to men in a scripture-based hierarchy.] Interviews Tina Anderson, whose family was active in an IFB church in Concord, New Hampshire. Her stepfather was imprisoned for physically abusing her in the name of scripture-based discipline. She states that as a child between 9-11 years, her stepfather sexually molested her, and that when she disclosed this to her church pastor, she was directed to

visit her stepfather in prison and forgive him. At age 14, she began to babysit for a family in the church; at 15, the husband/father raped her twice. She told no one until she discovered she was pregnant, and then confided in her mother who told the church pastor. The pastor assigned some responsibility to Anderson because the offender reported to the pastor that the sex was consensual. The pastor had Anderson write a statement of confession to adultery, which he read to the congregation with her present. She did not file charges because she thought that was what expected of her as a Christian. For her pregnancy, she was sent to live with an IFB family in Denver, Colorado. The pastor of the Denver church directed Anderson to write a letter to the offender's wife in Concord, seeking forgiveness for her sins. [In May, 2011, the offender was found guilty of forcible rape and sentenced to prison.] Also interviews Rachel Griffith of Chicago, Illinois, who was abused sexually by her adoptive father, a lay leader in the family's IFB church. When she disclosed the abuse to the church's youth pastor at 14, he sexualized his relationship to her, and called the relationship adultery, thus assigning moral agency to her. After attempting suicide, Griffith went to the police. Both her father and the youth pastor pleaded guilty to sexual assault and were sentenced to prison. She has filed a civil suit against her church.

_____. (2004). Sins of the Fathers: Sexual Misconduct in the Catholic Church: Catholic Priests and Sexual Abuse. [23 minutes. Videocassette. VHS].

"This video reports on the recent reports that found that many Catholic priests have sexually molested young parishioners. The program examines a diocese in California to investigate what occurred and discusses why the problem was so widespread. [Not examined; based on abstract from PsycINFO academic database, 05/11/07.]

Anthony, Ben. (Producer/Director); McDermott, Quentin. (2008). The End of the World Cult. [1 DVD-video, PAL, 45-min.. sd., col.; 12 cm.] Australia: Australian Broadcasting Corporation.

From the WorldCat abstract: "'Michael Travesser used to be a sailor called Wayne Bent. Then he became the self-proclaimed Messiah, claiming to know the exact hour of an apocalyptic event that will mark the end of the world. You might not believe him, but dozens of people do. In fact, they hang on his every word and serve him with absolute devotion. In this remarkable film, members of Travesser's cult – the Lord Our Righteousness Church – begin preparing for death as he tells them time is fast running out. Filmmaker Ben Anthony obtains unique access to the cult's Strong City compound in New Mexico, USA, to capture the former Seventh Day Adventist minister's powerful hold over his tribe. Anthony discovers females, including teenagers, discussing sexual consummations with Travesser, and meets parents who are desperately trying to prise [*sic*] their children from his grip'—ABC website." Television program broadcast August 11, 2008.

Australian Broadcasting Corporation. (2002, February 18). The Gilded Cage. [Transcript accessed 10/21/08 at the World Wide Web site of Australian Broadcasting Corporation: <http://www.abc.net.au/austory/transcripts/s479623.htm>]

Transcript of "a special extended edition of the *Australian Story*" television program. In 2001, Peter Hollingworth was sworn in as Australia's 23rd Governor-General. He was the former Anglican Church archbishop of the Diocese of Brisbane, Australia. By 2002, he was "under pressure over the mishandling of a sexual abuse scandal at a church boarding school" 11 years prior. A female student at Toowoomba Prep in Southern Queensland was abused "up to 30 times during 1990 when she was 12 and 13" by Kevin Guy, the senior boarding master. In 2001, the woman sued the Diocese. Reports that Guy "committed suicide on the day he was due to appear in court, leaving a note saying he'd loved 20 other schoolgirls." The issue involving Hollingworth is how he handled the matter when it emerged while he was archbishop. In February, 2002, new allegations were presented regarding Hollingworth and his handling of a case involving an Anglican priest who sexualized a relationship with a female teenager who was a minor. The priest, Donald Shearman, a retired bishop, was allowed to continue in ministry. In an interview that was part of the program, Hollingworth's comments about the victim prompted an Anglican inquiry into matters of sexual abuse involving the Diocese. Hollingworth also defended his actions in other abuse cases while he was archbishop, including defending himself against allegations that he covered-up incidents. [See following entry in this bibliography.]

_____. (2005, February 28 & March 27). The Gathering Storm, Parts 1 and 2. [Transcript accessed 10/21/08 at the World Wide Web site of Australian Broadcasting Corporation: Part 1 was at <http://www.abc.net.au/austory/content/2005/s1313448.htm> and Part 2 was at <http://www.abc.net.au/austory/content/2005/s1318800.htm>]

Transcript of the 2-part edition of the *Australian Story* television program: Part 1 was broadcast February 28, 2005, and Part 2 on March 27, 2005. [See preceding entry in this bibliography.] Part 1 reports "the involvement between [an Anglican] priest and a school girl that began in a county town and continued for 40 years. The priest [Donald Shearman], who was a married man, rose to become Australia's most senior Anglican Bishop and a universally admired figure." The woman, Beth Heinrich, was interviewed in the program and provided letters and documents that are quoted. Heinrich met Shearman at 14-years-old when she resided at St. John's Hostel in Forbes, a boarding school run by the Anglican Church in Australia. He and his wife were in charge, and he was also an assistant priest at a church in Forbes where the students were taken for worship. Heinrich others describe his grooming techniques that led to his sexualizing his relationship to Heinrich. Describes a long, involved series of events that stem from the harmful consequences of the relationship for her. In 1977, Shearman and Heinrich met again, and he resumed the relationship, invoking religious language to rationalize it. Part 2 reports that in 1984, Shearman left his wife and children to live Heinrich and her children, but he very soon returned. Shortly afterwards, when Heinrich discovered she was pregnant by him, she informed him, and he ended the relationship. In the 1990s, she sought help, "read some books on sexual abuse, and she recognized that she herself had been abused from the very start of her long relationship with Donald Shearman." She complained to the Brisbane diocese where he resided. At a mediation arranged by the diocese, Peter Hollingworth, the archbishop, was present as an observer. Heinrich asked Hollingworth for compensation and to stop Shearman from preaching, but Hollingworth refused. She asked the diocese for a hearing, but it did not occur. When Hollingworth was named Governor-General of Australia, Heinrich wrote Church and government officials. When "Hollingworth's name became embroiled in the Toowoomba prep school complaints," Heinrich talked to a journalist who published her story in the *Sydney Morning Herald*. The new Brisbane archbishop asked Heinrich "to give evidence an inquiry and later a tribunal which [she] did." Reports that Hollingworth resigned his government position in May, 2003, after the inquiry released its report. The tribunal defrocked Shearman, "the first bishop to have been defrocked in the Anglican Church of Australia."

BBC Archive. (2006, October 1). Sex Crimes and the Vatican. [40 minutes. 1 videodisc, sd., col.; 4 ¾ in.] Distributed by McNabb Connolly.

From the WorldCat academic database entry, quoting the DVD container: "This film investigates how the Vatican and Pope Benedict XVI remain at the heart of a continuing international policy to cover-up the sexual abuse of minors by Catholics priests. In 1962 a document, *Crimen sollicitationis*, was issued in secret to bishops. It outline procedures to be followed by bishops when dealing with allegations of child abuse, homosexuality and bestiality by members of the clergy. It swore all parties involved to secrecy on pain of excommunication. This document was reissued in 2001 by Cardinal Joseph Ratzinger and sent to all bishops." Reporting is by Colm O'Gorman. Originally broadcast on the BBC One television investigation series, Panorama. [A transcript of the television broadcast is available on the Panorama World Wide Web site, accessed 06/25/12: <http://news.bbc.co.uk/2/hi/programmes/panorama/5402928.stm>]

BBC2. (2002, March 19). Suing the Pope. British Broadcasting Corporation.

Correspondent Sarah McDonald. In regard to Father Seán Fortune, a Roman Catholic priest in the Diocese of Ferns, County Wexford, Ireland, Bishop Brendan Comiskey, and males who were child sexual abuse victims of Fortune. The story of Colm O'Gorman. Broadcast on Irish television, RTÉ, April 2, 2002.

BBC One Northern Ireland, & BBC Two. (2012, May). This World: The Shame of the Catholic Church. [58:49 minutes video recording] British Broadcasting Corporation. [Accessed 04/28/16 at the World Wide Web site of YouTube: <https://www.youtube.com/watch?v=4vuyZ90xBpw>]

Correspondent Darragh MacIntyre. Tells the stories of Fr. Eugene Greene of Donegal, and Fr. Brendan Smyth, Roman Catholic priests in Ireland who were convicted of sexually abusing minors in their care. Participants in the section on Greene include: Martin Ridge, a retired detective who worked the criminal case against Greene, and reports the Church had knowledge of Greene's actions before he was convicted; Martin Gallagher, 1 of Greene's known 26 victims; John McAteer, a newspaper editor in Donegal; a family from Donegal whom MacIntyre knows personally; Paul Breslin, a survivor of Greene's; Conal Melly, a former altar boy and survivor of Greene's who tells his story of confronting Greene, which led to Greene's arrest; footage includes: archival scenes; a press conference with a bishop. In the section on Smyth, "the country's most notorious pedophile priest," a key participant is Brendan Boland, a survivor of Smyth's abuse, who is interviewed regarding his coming forward in 1975 at 14 to give testimony to a priest, then Fr. John B. Brady and now Cardinal Seán Brady, Primate of All Ireland, regarding Smyth's abuse of himself and 5 others whom he identified by name and residence. Boland was sworn to secrecy. Afterwards, Brady conducted an interview with a boy whom Boland had identified and who corroborated Boland's accounts. Brady sworn him to secrecy and never reported the information to law enforcement or warned the families of the minors Boland had identified, which allowed Smyth to continue to abuse the 2nd boy's relatives until 1998. Other key participants include: the 2nd boy Brady interviewed; Fr. Thomas Doyle, a Catholic canon lawyer. Footage includes archival scenes; MacIntyre's interview in Rome, Italy with Monsignor Charles Scicluna, the chief Vatican prosecutor; MacIntyre's attempt to interview Brady. Colm Tóibín, author, provides commentary which is interspersed throughout.

The Biography Channel. (2007, May 16). Notorious: Sins of a Priest: The John Geoghan Story. [60 minutes]. New York, NY: A&E Television Networks.

Episode 222 of the television series. Presents the story of Fr. John Geoghan, a Roman Catholic priest in the Archdiocese of Boston, Massachusetts, who was convicted of criminal acts of sexual abuse against children in parishes where he was assigned by the Archdiocese. While serving a prison sentence for the crimes, Geoghan was killed by another prisoner.

Bradley, Barbara. (2002, April 22). Morning Edition: Protestant Scandals. Washington, D.C.: National Public Radio. [8:39 minute audio recording]. [Accessed 05/16/12 at the World Wide Web site of National Public Radio: <http://www.npr.org/templates/story/story.php?storyId=1142136>]

Citing a case in the Church of the Nazarene, examines the phenomenon of sexual abuse in Protestant denominations in the U.S.A. Bradley interviews a woman who at 16-years-old was part of a Church of the Nazarene congregation in Pueblo, Colorado. Grieving her father's death, the church's youth pastor, Gregory Tucker, unordained, began counseling her several times weekly, and sexualized the relationship. As an adult, while talking with a marriage counselor, she referred to the relationship as an affair. The counselor labeled it abuse. She contacted a Nazarene administrator, the general superintendent, who was her former pastor, and reported Tucker's behavior. The response she received indicated it would not act in a way to restrict Tucker's access to females in the church in California that he was currently serving as an ordained pastor. She filed a lawsuit against the denomination, and discovered other minor-age victims of Tucker's from his time at the church in Colorado. The denomination settled the suit with her. She and another Pueblo victim sued Tucker and won a judgment from a jury. Contextual information is provided through interviews with: Gary Schoener, clinical psychologist and consultant in sexual abuse cases; Joyce Seelen, plaintiff's attorney who has sued Protestant churches; Patrick Schultz, a law professor who formerly defending Roman Catholic and Protestant churches; Joe E. Trull, who teaches theological ethics at New Orleans Baptist Theological Seminary. Includes statements from a Nazarene administrator who emphasizes the primacy of forgiving abusers who sin, and "moving on."

Bury, Chris, & Claiborne, Ron. (2004). Catholic Priests and Sexual Abuse. [23 min. videorecording. DVD]. Princeton, NJ: Films for the Humanities & Sciences.

Bury is the host, and Claiborne, a correspondent. "This ABC New program scrutinizes a [Roman Catholic] diocese in California to examine what exactly has happened there. Although sexual misconduct involving priests has been public knowledge for some time now, this research data exposes for the first time the appalling scope of it." Originally broadcast February 27, 2004, on the ABC News "Nightline" television show as the second of a 2-part series, Sins of the Fathers. [Not examined; based on the description by FirstSearch academic database.]

Canadian Broadcasting Corporation Television. (1990, October 30). The Journal: Phil Fontaine's Shocking Story of Sexual Abuse. [7:30 minutes digital video] Toronto, Ontario, Canada: Canadian Broadcasting Corporation. [Accessed 06/13/14 at the World Wide Web site of the Canadian Broadcasting Corporation: <http://www.cbc.ca/archives/categories/politics/parties-leaders/phil-fontaine-native-diplomat-and-dealmaker/shocking-testimony-of-sexual-abuse.html>]

Segment of a current affairs newsmagazine format. Barbara Frum, host, interviews Phil Fontaine, head of the Assembly of Manitoba Chiefs, who earlier in the day met in Winnipeg with representatives of the Roman Catholic Church and called for an inquiry into the abuse of aboriginal children by staff in residential schools that were Canadian government-financed and mostly operated by churches, beginning in the late 19th century. Fontaine reports that he told Catholic Church authorities about the abuse he experienced and witness as a child at the Fort Alexander Indian Residential School, north of Winnipeg, Manitoba, that was operated by the Oblates order of the Church. The forms of abuse that Fontaine spoke about were physical abuse, psychological abuse, deprivation, and sexual abuse. Regarding the prevalence, Fontaine used the example of his Grade 3 class, stating that every single boy experienced a form of sexual abuse. He cites as significant the factors of the extent and intensity of the abuse, and that the Church represented in the highest moral authority in their community. States that impacts of the abuse included a distortion of the children's morality, and some who were abused acted out what was done to them. States he less certain what happened to female students. He hopes that by individuals coming forward to tell of their experiences, it will document for posterity the collective experience of abuse, and begin a collective healing process.

_____. (1991, January 9). Fifth Estate: Violation of Trust. [49 minute videodisc] Toronto, Ontario, Canada: Canadian Broadcasting Corporation.

"Presents the story of 100 years of Indian residential schools and a deliberate government policy to destroy Indian culture." Focus is St. Joseph's Mission, Cariboo Indian Residential School operated by the Oblates of Mary Immaculate, a French order of the Roman Catholic Church, at Williams Lake, British Columbia, Canada. Interviews former students, survivors of abuse, an historian, a therapist, and clergy who ran the school. [Not examined; based on others' descriptions.]

_____. (2002, March 25). The National: Priest Seduces and Abuses Nun. [Videocassette. VHS]. Toronto, Ontario, Canada: Canadian Broadcasting Corporation. [VHS orders: (800)-363-1281. Transcripts may also be ordered.]

Segment of an investigative news television program. Frederic Zalac, reporter, begins by interviewing Yvonne Maes [see this bibliography, Section I.: Maes, Yvonne with Bonita Slunder. (1999).] Maes grew up in rural Manitoba and in 1959 joined an order of Roman Catholic nuns in Montreal, Quebec, Canada. In 1968, she went to Lesotho in southern Africa to serve as a teacher, school administrator, and supervisor of community projects. After 17 years, she was overwhelmed and sought help at the Dominican Sisters Retreat Centre in Durban, South Africa. She took part in an 8-day retreat with an Irish priest of the Redemptorist order, Fr. Frank Goodall, as her director. During the retreat, Goodall sexualized the relationship with her, rationalizing it to her as "the way God wants it for man and woman." Zalac sets this abuse of Maes in the larger context of reports of sexual exploitation of nuns in Africa [see this bibliography, Section I.: Allen, John L., Jr., & Schaeffer, Pamela. (2001).] Analytical comments are included from Sr. Mary John Mananzan, who is not identified, and Fr. Philippe Denis, a theologian in South Africa. Maes also

describes her reaction at the time of Goodall's perpetration, the continuing relationship with Goodall, her reporting him to his superior in London, England, and his order's response. Mananzan and Maes comment on recent public attempts throughout the world to publicize abuse against nuns, and a call for the Vatican to conduct an independent inquiry. Maes briefly describes writing her memoirs, and her order's response. Zalac reports on progressive changes by Cardinal Wilfrid Napier, Archdiocese of Durban, South Africa. [Not examined; based on others' descriptions.]

_____. (2007, February 28). The Fifth Estate: The Good Father. Toronto, Ontario, Canada: Canadian Broadcasting Corporation.

Segment of an investigative news television program. Hana Gartner reports regarding Fr. Charles Sylvestre, a Roman Catholic priest in the Diocese of London, Ontario, Canada, who, beginning in the 1950s, sexually abused female minors in his parishes. "By the time he was arrested and convicted, [he] was identified as one of the worst pedophile priests in Canadian history." He was convicted in 2006 on 47 counts of indecent assault, "one for each of his 47 victims," and sentenced to prison where he died in 2007. The program's investigation found "senior clergy in the Diocese of London knew as far back as 1962 that young girls had complained about Father Sylvestre's abuses. Their response, at the time, was to send Sylvestre to a retreat in Montreal before police investigators could question him. They would send him two more times to treatment facilities. Over time, victims reported the abuse to their teachers and parents; many weren't believed, and 'Sylvestre the Molester,' as he became known, kept on. He retired in 1993." [Not examined; based on a release by the Canadian Broadcasting Corporation. For more information, see the World Wide Web site page accessed 04/01/14: <http://archive.is/Z3CH>]

CBS Inc. (1993, May 21). 60 Minutes: The Archbishop: Coverup by Roman Catholic Church of Pedophilia by its Priests. New York, NY: CBS Inc.

_____. (1994, May 15). 60 Minutes: I Solemnly Swear. [15 minute videocassette. VHS]. New York, NY: CBS Inc. [Videotape orders: (800)-848-3256. Transcripts may also be ordered.]

Ed Bradley, host, discusses child sexual abuse by Roman Catholic clergy with survivors and their families. [Not examined; based on description by WorldCat academic database.]

_____. (2002, June). 60 Minutes II: The Church on Trial. [60 min. videocassette. VHS]. CBS Video. OCLC #: 52975309.

Originally broadcast in 3 parts on "60 Minutes II" television program in 2002. Focus is child sexual abuse by Roman Catholic clergy in the U.S.A. Ed Bradley, narrator.

_____. (2002, June 12). 60 Minutes II: The Church on Trial, Part 2. [Videocassette. VHS]. New York, NY: CBS Inc. [Videotape orders: (800)-848-3256. Transcripts may also be ordered.]

Segment of the "60 Minutes II" television program. Ed Bradley, host; 3 parts. First part recounts the story of the notorious Fr. Gilbert Gauthe, Roman Catholic Diocese of Lafayette, Louisiana, indicted in 1984 on child sexual abuse charges and convicted in 1986. Interviewees include: Ray Mouton, whom the diocese asked to defend Gauthe; an adult survivor who testified as a child victim at the trial; the father of a victim; Gauthe; Fr. Thomas Doyle. Describes the diocese's hierarchy's knowledge of Gauthe's behavior and inaction to protect children. Parts 2 and 3 focus on another diocese, and consist of interviews with a number of principals: priests in the diocese of Cleveland, Ohio; a police officer who investigated the case of 1 victim; a former lawyer for the diocese; Bishop Wilton Gregory, head of the U.S. Conference of Catholic Bishops; a lawyer who has filed a RICO lawsuit against the diocese.

_____. (2002, April 21). 60 Minutes: The Archbishop. [Videocassette. VHS]. New York, NY: CBS Inc. [Videotape orders: (800)-848-3256. Transcripts may also be ordered.]

An update of a broadcast March 21, 1993, about the Roman Catholic Church's Archdiocese of New Mexico and its former archbishop, Robert Sanchez. The archdiocese and its insurance companies have paid out \$30+ million to settle 187 lawsuits brought against the archdiocese. The

church estimates that 100 children were abused by about 20 priests; plaintiffs' lawyers estimate the number of victims as several hundred. Interviewed is Marlene Debray-Nowak who complained to Sanchez that her 10 and 12-years-old sons were being molested by a priest, but the priest was promoted to head the largest parish in the state. Reports on the role of Servants of the Paraclete, a residential treatment facility in New Mexico for pedophilic priests. A number of priests who completed the program went on to serve in the archdiocese and re-offended in those roles. Interviews a number of different victims, including 3 women who report that Sanchez used spiritual and religious language to exploit them sexually. Sanchez resigned when women came forward in 1993. [See this bibliography, Section IIa: Sanchez, Robert. (1993).]

Centre for Research on Religion. (2011). Trauma & Transformation: The Catholic Church and the Sexual Abuse Crisis. [3 DVDs]. Salt and Light Catholic Media Foundation. [World Wide Web site accessed 02/14/18 at: http://saltandlighttv.org/estore/index.php?route=product/product&product_id=127]

The Centre for Research on Religion at McGill University, Montreal, Quebec, Canada, hosted a conference with community partners, including the Canadian Conference of Catholic Bishops, October 14-15, 2011. The focus was "to capture for the [Roman Catholic] Church, from a wide variety of perspectives, the lessons we have learned from [the sexual abuse] crisis and to identify some of the ways forward." The set of DVDs "includes a 55 minute compilation of talks from the conference, as well as each of the presentations in their entirety." Speakers were from Canada and beyond, and includes religious leaders and scholars. [Not examined; based on others' descriptions.]

Channel 9. (2002, June). 60 Minutes: Loss of Faith. [61 min. videocassette. VHS]. Willoughby NSW, Australia: Channel 9. OCLC # 50571584.

Segments of the "60 Minutes" current affairs television program in Australia that investigated allegations of bribery by George Pell, the Roman Catholic Archbishop of Sydney. The allegations were made by victims of sexual abuse of priests. Includes in-depth interviews with victims of pedophilia, and a secretly recorded confession by a Christian Brother. Parts 1 and 2 were broadcast June 2, 2002, and Part 3 was broadcast June 9, 2002. John McAvoy, producer; Richard Carleton, reporter. [Not examined; based on others' descriptions.]

_____. (2012, September 14). 60 Minutes: Breaking the Silence. [? length]. Willoughby NSW, Australia: Channel 9. [Transcript accessed 12/05/14 at the World Wide Web site of 60 Minutes Australia: <http://sixtyminutes.ninemsn.com.au/stories/8532780/breaking-the-silence>]

Danny Keens, producer; Michael Usher, reporter. A brief segment of the "60 Minutes" current affairs television program in Australia regarding Boys Town in Beaudesert, Queensland, operated by the De La Salle Brothers, a Roman Catholic order with a teaching mission, and closed in 2001. Boys Town "was both home and school for the boys who had nowhere else to go. They were the vulnerable ones who had been abandoned, orphaned or just got into a bit too much trouble." It is described as "a model school where disadvantaged young boys and Catholic brothers all lived together as one big happy family." The segment follows the recent initiation of civil action in the Queensland Supreme Court on behalf of 35 former residents. This occurs after "at least two Brothers from Boys Town were convicted of child sex offences." In interviews with adult males, former residents, incidents of sexual abuse, including rape, and physical abuse, including brutality, by staff are briefly reported. Identified offenders include Brother Paul Smith, the director from 1982 to 1993. States that the "Queensland police have now launched a fresh investigation..." Interviewees include several members of the De La Salle Brothers.

Cheung, Leo (Programme Director); Wai, Dick; & Kwan, Peter (Executive Producer). (2002). Sex Scandals in the Roman Catholic Church. [24 minute videodisc] Hong Kong: Asia Television Ltd. OCLC #: 51335943.

ATV News and Public Affairs Production. Television broadcast of July 9, 2002. Focus is the Roman Catholic Church in Hong Kong, China. "This episode examines how Hong Kong Catholic Diocesan [*sic*] is trying to contain the damage caused by sex scandals. A former priest is on trial on charges of molesting a 15-year-old boy more than a decade ago. His case is 1 of 9 alleged

clergy sex abuse complaints against priests in Hong Kong. It investigates the tough challenges facing the Catholic Church in attracting the right men to the priesthood.” [Not examined; based on the abstract in the WorldCat database.]

Ching, Frank, Criveller, Gianni, Kung, Lap-yan, Wai, Dick, Kwan, Peter, & Leung, Nin Yan. (2002). Catholic Church and Child Sexual Abuse. [25 minute videodisc] Asia Television Ltd.; ATV News and Public Affairs Production.

Television broadcast of May 12, 2002. Focus is the Roman Catholic Church in Hong Kong, China. Ching is a journalist and hosts a weekly current affairs program, “Newsline,” which appears on ATV.

Claiborne, Ron. (2003). The Catholic Church under Fire. [23 minute DVD videodisc]. ABC News Productions. Princeton, N.J.: Films for the Humanities and Sciences.

Ron Claiborne, correspondent. Originally broadcast as a segment of the “Nightline” television program, ABC News, that was broadcast June 17, 2003. “Looks at controversy in the Catholic Church – including cases of sexual misconduct – and how the Church can repair the image of the clergy.” [Not examined; based on the abstract.]

CNN. (1993, November 14). CNN Specials: Fall From Grace. Atlanta, GA: Cable News Network (CNN).

A special for television. Bonnie Anderson, host. Part 1 – Clergy Pedophilia Revealed. Part 2 – Clergy Protectionism. Part 3 – The Conditions of Pedophilia. Part 4 – Alleged Victims Band Together.

_____. (2002, April 17). CNN Specials: Fall From Grace. Atlanta, GA: Cable News Network (CNN).

Connie Chung, anchor. During the live broadcast, Chung interviews some key participants in the criminal trial of Fr. Donald Ren Kimball, a Roman Catholic priest, whose criminal trial in California had concluded the day before. Kimball faced multiple counts of sexual boundary violations against 2 women when they were minors in the California parish where he was the youth leader. California law permitted 6 other self-identified victims of Kimball to testify regarding his grooming patterns. Begins by interviewing Mary Agbayni who testified as a witness that in 1977, at 14-years-old and an active member of Kimball’s youth group, she sought his advice on family matters. She reports that he raped her; the jury did not substantiate the charge. She describes part of Kimball’s charisma as her having been raised Catholic: “We children are taught that priests are as close as you can get to God in the human form.” At the time, she rationalized that it was her who had “brought this sexuality out in this man,” and blamed herself for his rape of her. States that she is satisfied with the verdict because the court case allowed other victims to come forward. The next interview is with Ellen Brem; the jury found Kimball guilty “on two counts of lewd acts against her; awaiting sentencing, he faces up to 14 years in prison. Brem reports that when she was 13, Kimball disrobed, fondled, and sexually molested her in the parish rectory. Also briefly interviews her brother, Neil Brem, who reported to authorities that Kimball had violated him sexually. Ellen Brem and Neil Brem were part of a civil suit that Kimball’s diocese settled for \$1.6 million, with a third of the money set aside for other victims. At trial, Kimball’s bishop testified that Kimball admitted to him having had sexual contact with 6 minors under 18-years old. Some of Kimball’s grooming behaviors are described briefly. Also presents a videotape interview that Chung conducted with Kimball while the criminal jury was making its decision. He denies sexual contact with minors, and suggests that Ellen Brem’s motive in accusing him was financial gain. He describes himself as not being prepared for “the number of women [in the parish] who were coming onto” him because he was a priest, or who “wanted the challenge of the forbidden fruit.” Chung very briefly interviews Kimball’s defense attorney and the prosecuting attorney.

_____. (2005, August 19). Live From...: Stories Surface of Hare Krishna Abuse. Atlanta, GA: Cable News Network (CNN). [Accessed 08/21/11 at the World Wide Web site of CNN: <http://transcripts.cnn.com/TRANSCRIPTS/0508/19/lo1.02.html>]

Based on an unedited transcript. Kyra Phillips, host; Drew Griffin, investigation correspondent. Very briefly reports on the settlement of a civil lawsuit in Texas in 2001 filed by 92 people against the International Society for Krishna Consciousness (ISKC), popularly known as the Hare Krishnas. Describes sexual, physical, and emotional abuse of children of Hare Krishna members. States: "During the 1970s and '80s, when most of the abuse is alleged, children were sent away to boarding schools so parents could focus on begging and recruiting other converts... In what the organization now admits was a horrible lapse in judgment, the Krishna converts unfit for other duty were the ones assigned to watch the children." States that since the lawsuit was filed, 500+ former Krishna children have come forward. ISKC has admitted the abuse, issued an apology, agreed to pay compensation, committed to a healing process in the U.S.A., Europe, and India, and closed its U.S.A. boarding schools. Interviews were conducted by with: Anya Pourchot, a victim of sexual abuse as a minor; Joe Fournier, a victim of sexual abuse as a minor; Windle Turley, an attorney in Dallas, Texas; Anuttama Dasa, ISKC communications director.

_____. (2007, March 12). Anderson Cooper 360°: Sins of the Father. Atlanta, GA: Cable News Network (CNN).

Hosted and narrated by Anderson Cooper. A news anchor for the CNN network, Thomas Roberts, 34-years-old, describes being sexually abused as an adolescent by a Roman Catholic priest, Fr. Jeff Toohey, from 1987-1990. Toohey had secured for Roberts a place at a private school, Calvert Hall, in Towson, Maryland, where he was the chaplain. Roberts attempted to escape the abuse by attempting suicide. In college, Roberts learned that a young man had come forward and accused Toohey of molesting him while counseling him when he was 14-to-19-years-old. His civil suit against Toohey was dismissed due to the Maryland statute of limitations. Later, Roberts learned the man's identity, Michael Goles, and contacted him. Roberts reported Toohey's actions against him to officials of the Archdiocese of Baltimore, Maryland, and together, Roberts and Goles cooperated in a criminal case against Toohey. In a November, 2005, plea agreement, Toohey admitted to molesting Roberts, but avoided legal responsibility for Goles' abuse. Toohey was sentenced to 18 months in prison, and released early to home detection. A 2006 attempt by Roberts and Goles with others to change the civil statute of limitations in Maryland was unsuccessful. Includes interviews with Roberts and Goles, interviews with Roberts' mother and sister, and footage from home views and family photographs. Re-broadcast March 19, 2007.

Edmondson, Mark. (Producer), & Fombertaux, Françoise (Researcher). (2010). Compass: Mary Miracles and Saints. Australian Broadcasting Corporation. [Transcript of the broadcast accessed 09/013/14 at the World Wide Web site of the Australian Broadcasting Corporation: <http://www.abc.net.au/compass/s2968600.htm>]

An episode of "Compass," a weekly program of the Australian Broadcasting Corporation. [From the ABC's Web page: "Compass critically examines the world of belief and values, seeking meaning and a sense of purpose in life. It navigates the historical and contemporary, the personal and political, the religious and secular."] A week before the Roman Catholic Church's canonization of Mary MacKillop (1842-1909), "Australia's first saint," the episode examines her life, "road to sainthood," and "the true story behind her excommunication." MacKillop and a priest, Fr. Julian Woods, were co-founders of the Sisters of St. Joseph, a religious order "devoted to teaching the poor," the 1st order in Australia; MacKillop was the 1st leader. Rather than being controlled by a local bishop, the Sisters insisted on governing themselves to be available to respond to a need; the order "founded hospitals and orphanages; and provided shelters for the homeless, former prostitutes and unmarried mothers." Reports that the Sisters stationed in Kapunda, a parish north of Adelaide, "heard disturbing stories" about the behavior of a priest in the parish, Fr. Keating. An interviewee, Sr. Marie Foale, identified as a member of the order and a biographer, reports that the allegations were "that there was something going on between Father Keating and some of the children in the school." The narrator states: "What the sisters heard was that Father Keating was sexually abusing the children." An interviewee, Fr. Paul Gardiner, a priest in the Jesuit order and historian, who was the postulator of MacKillop's canonization process, states that when the Sisters told Woods, he informed the vicar general of the diocese who "took severe action" against Keating, sending back to Ireland. The response angered Fr. Horan,

formerly head of the Kapunda parish, who “swore vengeance – and there’s evidence for this – against Woods by getting at the Josephites and destroying them.” Horan, working as the secretary for the bishop of Adelaide, “urged him to break the sisters by changing their rules,” which the bishop did. Gardiner describes the bishop as “a puppet being manipulated by malicious priests.” The bishop excommunicated McKillop at 29 for refusing to obey the changes regarding the governance of the Sisters. Gravely ill 5 months later, the bishop absolved her and restored her to the order. [The facts of the true cause of her excommunication are a revelation.]

Grasswill, Helen (Writer), McRobert, Trudy (Director), Fleming-Bauer, Deborah (Executive Producer), & Jones, Caroline. (2013). Call of Duty. [1 DVD-video, 31-min.. sd., col.; 12 cm.] Australia: Australian Broadcasting Corporation.

From the WorldCat abstract: Reports the story of Detective Chief Inspector Peter Fox who “‘rose to national prominence’” in 2012 “‘when he defied police rules and disclosed explosive allegations that the Catholic Church had consistently covered up the crimes of paedophile priests in the Newcastle-Hunter region of [New South Wales.]’” Broadcast on ABC 1 on April 29, 2013.

Gross, Terry, Rezendes, Michael, & Robinson, Walter V. (2002, June 25). Fresh Air with Terry Gross, June 25, 2002. [Transcript of the 29 minutes segment; 11 pp.] Livingston, NJ: Burrelle’s Information Service [for National Public Radio].

A production of WHYY radio station, Philadelphia, Pennsylvania. A segment of the broadcast is interviews with members of *The Boston Globe*’s investigative team, reporter Michael Rezendes, and team editor Walter Robinson, which broke the story regarding a Roman Catholic priest, Fr. John J. Geoghan, and his sexual abuse of boys and the coverup of Geoghan’s behavior by Cardinal Bernard F. Law of the Boston Archdiocese. [An audio file is available at: <http://www.npr.org/templates/story/story.php?storyId=1145578>] [Not examined; based on the WorldCat academic database abstract.]

Haggerty, Barbara Bradley. (2007, December 31). All Things Considered: Sex Abuse Scandal Catches Up with Religious Orders. Washington, D.C.: National Public Radio. [Accessed 01/08/08 at World Wide Web site of National Public Radio: <http://www.npr.org/templates/story/story.php?storyId=17728112>]

Reports on the sexual abuse of minors by Fr. Aaron Joseph Cote, a friar in the Dominican order of the Roman Catholic Church, and the order’s actions upon discovery of complaints against Cote. Begins with Cote being questioned by attorney Jeff Anderson in a deposition videotaped in 2006. Background information on the rate of abuse in Catholic religious orders is provided by Patrick Wall, a former Benedictine monk who left the Catholic priesthood in 1998 to investigate “clergy sex abuse for victims and their lawyers.” Anderson’s depositions of Cote, Fr. Raymond Daley, leader of the Dominicans in the 1980s, and Fr. Dominic Izzo, current leader, “reveal a system in which warning signs can go undetected or ignored, and a problem priest can find refuge in new assignments for years.” Traces complaints and concerns about Cote when he was at 2 churches in Somerset, Ohio, a Dominican mission in Peru, and a church in Germantown, Maryland, where a report of Cote’s actions was filed with police and the Dominicans. Later, Cote was allowed by an independent review board of the Rhode Island Catholic bishop to function as a youth minister at a church in Providence, Rhode Island. The head of the board, a former state attorney general, is interviewed after reviewing documents available to Haggerty, and states the Dominicans withheld relevant files, including complaints against Cote, from the board. Concludes with the report that in 2007, the Dominicans settled for \$1.2 million with Brandon Rains who filed a civil suit for Cote’s abuses against him in Germantown. Based on evidence in the lawsuit, “prosecutors in Maryland have reopened a criminal investigation.” [A 12-minutes, 26 seconds audio file is available at: http://www.npr.org/templates/archives/rundown_archive_hub.php?date=12-31-2007]

_____. (2009, February 2). All Things Considered: Abuse Scandal Plagues Hasidic Jews in Brooklyn. Washington, D.C.: National Public Radio. [Accessed 02/03/09 at the World Wide Web site of National Public Radio: <http://www.npr.org/templates/story/story.php?storyId=99913807>]

Reports on the sexual abuse of minors by Orthodox Jewish leaders in Brooklyn, New York, and the response of community leaders. Interviews 2 men in their 20s, Joe Diangelo and Joel

Engelman. Diangeolo was in the *mikvah*, a ritual communal bath before Shabbat began, when he was raped at age 7. Engelman was a *yeshiva*, or Jewish boys' school, student, at 8 when the principal, Rabbi Avrohom Reichman sexually molested him twice a week for 2 months. In 2008, Reichman and others abused as boys by Reichman confronted him. The school, United Talmudical Academy, terminated Reichman, but later that year hired him back. Reports that 4 ultra-Orthodox rabbis in Brooklyn "have been sued or arrested for abusing boys in the past three years." Interviews Dov Hikind, an Orthodox Jew, New York State Assembly member, and radio show host, and Brooklyn District Attorney Charles Hynes regarding the reluctance of people to report accusations to the non-Jewish law enforcement officials. [A 10-minutes, 14 seconds audio file is available.]

Hardy, Eamon. (Producer & Director), & O'Connor, Karen. (Editor). (2004). Secret Swami. [Transcript of the 58+ minutes broadcast.] BBC News. [Accessed 06/28/09 at World Wide Web site of BBC News: http://news.bbc.co.uk/2/hi/programmes/this_world/3791921.stm]

Tanya Datta, reporter. Broadcast on BBC television June 17, 2004, on the "This World" program. An investigation into Sri Satya Sai Baba, "India's biggest spiritual leader, [who] has up to 30 million devotees around the world" from 165+ countries. Reports that "increasing numbers of former followers are alleging he has sexually abused them or their families." Datta reports from: Puttaparthi, India, the site of Sai Baba's ashram; Arkansas in the U.S.A., site of the Arkansas Sai Baba Centre, a commune; Santa Monica, California, U.S.A. Among those quoted is Dr. Michael Golstein, international chairman, Sathya Sai Organisation, who states: "We believe that Sri Sathya Sai Baba is Jesus Christ. Sri Sathya Sai Baba is Buddha. Sri Sathya Sai Baba is the founder of all of the world's religions. Sri Sathya Sai Baba has always been God." Quotes Alaya Rahm whose parents founded the Arkansas Sai Baba Centre, a commune in the U.S.A. Rahm describes traveling in 1997 with his parents to the Puttaparthi ashram when Alaya "was a handsome teenager." Sai Baba met him, took him aside, sexualized the encounter by oiling his genitals, and told him not to tell anyone. When Alaya's father, Al Rahm, asked him whether the guru had used oil, Alaya was surprised. Asking his father how he knew, Al replied that Sai Baba had done the same thing to him when he was 18 and first visited the guru: "The guru had told him it was a ritual healing process." At the time of Alaya's encounter, Al did not see that it was wrong. Alaya Rahm states that on subsequent trips to Puttaparthi, Sai Baba continued to use him sexually, telling Alaya that devotees "just have to be available for Swami to use any time that he feels necessary." Sai Baba directed him not to tell and threatened him with life filled with "pain and suffering" if he did. Quotes Mark Roche who "devoted twenty-five years of his life to Sai Baba" after hearing about him in 1969. Roche describes 2 incidents in which Sai Baba sexualized the guru/devotee relationship with him. Reports that "[t]he scale of abuse has caused alarm around the world," citing closure of a Sai Baba school in Sweden "after disturbing revelations from a young boy," and warnings on the web site of the U.S.A. embassy in Delhi, India, regarding "a noted God man who reportedly indulges in inappropriate sexual behaviour with young male devotees." Describes the techniques Sai Baba uses to establish and maintain his authority over his devotees, and his influential status with the hierarchy of Indian society.

Henderson, Gordon (Producer & Director). The Choirmaster.

SBS program broadcast June 12, 1997. Bill Cameron, narrator. Profiles John Gallienne, a Canadian choirmaster who was convicted of sexually abusing boys at St. George's Cathedral, Ontario, from 1974 to 1990. [Not examined; based on others' descriptions.]

Kent, Nicholas. (Producer). (1996). America Undercover: Priestly Sins: Sex and the Church. An Oxford Television Company Production for Home Box Office and BBC Television.

Broadcast on HBO Network television May 6, 1996. Focus is on the Roman Catholic Church. [Not examined.]

Kirkwood, Peter. (Producer & Director). (1992). Compass: The Ultimate Betrayal: Sexual Violence in the Church. [Videocassette]. Australian Broadcasting Corporation Religious Programmes Department.

The "Compass" program, that was broadcast March 15, 1992, "tells of acts of sexual abuse by priests, clergy, pastors and brothers in the churches of Australia" and "examines how the churches are beginning to address an issue that reaches to the heart of their integrity." Includes interviews with: Peter Powell, Uniting Church minister and counselor; Peter Horsfield, United Church minister and theologian; Kate Gilmore, founding director, CASA House (Centre Against Sexual Assault), Melbourne; John Bayton, Anglican bishop; Jan Tully, Project Anna, Melbourne; D'Arcy Wood, Uniting Church minister and president; Sister Anne Hall, Project Anna, Melbourne; Helen Last, Project Anna, Melbourne. Topics include: incidence of sexual misconduct by religious leaders; preponderance of sexual assault cases committed against women; women who are emotionally vulnerable due to circumstances and turn to clergy for counseling who exploit the vulnerability to sexualize the counseling relationship; sexual violation of those within the churches' care as a betrayal of trust; lack of justice within the churches for women victims; male domination of the churches historically; consequences of sexual violations in the church, including spiritual impact; silence in the churches surrounding awareness of perpetration; legal accountability of the churches; the work of those who seek healing for victims; the need to change the pattern of the churches' denial, and for victims and church leaders to speak out. [Based on a transcript of the program supplied by the producer/director.]

Kurtis, Bill. (Narrator); & Killian, Yvette. (Producer/Writer). (2004). American Justice: Sins of a Priest: The John Geoghan Story. [ca. 50 minute videocassette. VHS] New York, NY: A & E Home Video. Produced by Tower Productions, Inc. for Arts & Entertainment Network. Distributed by New Video. OCLC #: 56078746.

Episode of "American Justice" television series hosted and narrated by Bill Kurtis. "Chronicles the trial, sentencing, and murder of pedophile priest, John Geoghan, and the downfall of Bernard Cardinal Law of the Boston Archdiocese." [Not examined; based on abstract in WorldCat academic database.]

NBC News. (2002, May 28). Dateline. New York, NY: NBC News. [Videocassette. VHS]. Videotape orders: (800)-420-2626. Transcript orders: (800)-777-8398.

Examines allegations that Jehovah's Witness members have covered up cases of child molestation in the Church. Correspondent John Larson talked to former and current Jehovah's Witnesses who say that Church elders protected the alleged molesters and kept secrets that might have put children at risk. [Not examined; based on others' descriptions.]

_____. (2003, May 23). Dateline: Murder on Highgate Lane. New York, NY: NBC News. [Videocassette. VHS]. Videotape orders: (800)-420-2626. Transcript orders: (800)-777-8398.

A segment of the television program entitled "Family Blood." Stone Phillips, host. Reports on the case of Rabbi Fred Neulander. In 1992, Neulander began having sexualized relationships with women, including members of his congregation, M'kor Shalom, Cherry Hill, New Jersey. In 1994, Neulander's wife, Carol, was brutally beaten to death. Within 3 months after her death, discovery of his sexual violations led to the loss of his position at the synagogue, and he became the prime suspect in her murder. His first trial in 2001 resulted in a mistrial due to a hung jury; his second trial in 2002 resulted in a conviction on the capital offense of hiring 2 men to kill her. He was spared the death penalty and sentenced to a maximum security prison. The motive established at trial was his sexualized relationship from 1994 with a woman that began very soon after he conducted her husband's funeral. [See this bibliography, Section I: Schwab, Charlotte Rolnick. (2002).] Includes trial footage and interviews with the defense attorney and witnesses.

_____. (2004, February 22). Dateline: Battling Sexual Addiction. New York, NY: NBC News. [Videocassette. VHS]. [Videotape orders: (800)-420-2626. Transcript orders: (800)-777-8398]

Stone Phillips, host. As an interviewee who describes being a sexual addict, Mark Laaser recounts how sexual addiction affected him in his work as a minister, including that people came to him for counseling and he sexualized counseling relationships multiple times over a 10-year period. He unequivocally states that this was abuse.

Neighbour, Sally. (1996). Four Corners: Twice Betrayed. [50 minute videocassette. VHS]. Australian Broadcasting Corporation.

Neighbour is a reporter. Off-air recording of the program. "The Catholic Church is in crisis over sexual abuse. A number of people have betrayed the church by committing acts of sexual abuse against minors. A cover up that has left victims twice betrayed is revealed." [Not examined; based on FirstSearch academic database abstract.]

Niebuhr, Gustav. (2003, March 18). The Crisis in the Roman Catholic Church. [30 minute videocassette. VHS] Charlottesville, VA: University of Virginia Television News Office.

Niebuhr is the national religion correspondent for *The New York Times*. A lecture sponsored by the Miller Center of Public Affairs, University of Virginia, in which he discusses the impact of the sexual abuse of children by Roman Catholic priests. Edited version to fit a television program format; aired 05/08/03. [Not examined; based on others' descriptions.]

O'Connor, Eamon T. (Producer). (1992, July 12). World in Action: Sins of the Fathers.

Episode of the investigative current affairs television program on ITV in England. Outlines cases of child sexual abuse by Roman Catholic priests in the U.S.A., United Kingdom, and Canada. Includes the case of Fr. Anton Mowatt. Interviewees include Cardinal Joseph Bernardin, Archdiocese of Chicago, Chicago, Illinois; Fr. Thomas Doyle, U.S.A.; Ray Wyre, Gracewell Clinic, Birmingham, England; Fr. Gerald Moorcraft, Northampton Diocese, England; Robert Wilson, district attorney, Georgia, U.S.A.; people who are survivors of abuse. [Not examined; based on the BFI National Archive database, London, England.]

Pittsburgh Today. (1989, November 15). Pittsburgh Today: Interview on Sexual Abuse by Clergy. [50 minute videocassette. VHS]

An episode of a local daily program of KDKA-TV, Pittsburgh, Pennsylvania. "Two television reporters, a clinical social worker and a clergyman interview a woman who was a victim of sexual abuse by a clergyman. Includes questions over the telephone from the television audience. [Not examined; based on the abstract.]

RTÉ. (2010, January 17). Would You Believe?: Unspeakable Crimes. [42 minutes] Raidió Teilifís Éireann (RTÉ), the Irish Public Service Broadcasting Organisation.

Segment of the television program. Reveals the contents of "a strictly confidential letter" from 1997 by Roman Catholic Archbishop Lucian Storero, the Vatican's Apostolic Nuncio to the bishops of Ireland, in which "the Vatican threatens the Irish bishops that if they follow their new child protection guidelines it would support the accused priest if he were to appeal to its authority. The letter tells the Irish bishops that the Vatican has moral reservations about their policy of mandatory reporting and that their guidelines are contrary to canon law... Vatican policy in relation to clerical abuse put the Irish Bishops in direct conflict with Rome. The Vatican has never acknowledged that it was a major part of the problem and that it obstructed bishops who were trying to deal with clerical abusers... Would You Believe? Demonstrates that there was a culture within the Vatican that put the rights of abuser priests over and above the rights of victims and their families." [Not examined. Description accessed 06/20/12 at RTÉ Television World Wide Web site: www.rte.ie/tv/wouldyoubelieve/speakablecrimes.html A link is provided to a PDF copy of the letter.]

Raftery, Mary. (Producer), & Peelo, Mick. (Reporter). (2002, October 17). Prime Time: Cardinal Secrets. Broadcast by Raidió Teilifís Éireann (RTÉ), the Irish Public Service Broadcasting Organisation.

A special episode of the current affairs television program. It led to the establishment of the Commission of Investigation that inquired into the responses of the Roman Catholic Church's archdiocese in Dublin, Ireland, to the discovery of sexual abuse committed by priests. The Commission issued the Report into the Catholic Archdiocese of Dublin in 2009. [Not examined.]

Sloan, David. (Senior Executive Producer), & Pearson, Muriel. (Executive Producer). (2018, September 28). Truth and Lies: Jonestown, Paradise Lost. [82 minutes] ABC Television.

Described as a documentary. Promoted as marking the 40th anniversary when 900+ followers, including nearly 300 children, of Rev. Jim Jones, head of the Peoples Temple, died in a ritualized, mass murder-suicide which he orchestrated at his compound in the jungle of Guyana. Named Jonestown, the compound was on land he leased from the Guyanese government. He had relocated his California-based congregation to what he promised to be a self-sustaining, utopian, agrarian community. Based on interviews with 2 of his sons, Stephan Jones and Jim Jones, Jr., and 8 former members, as well as journalists and authors, and Jackie Speier. Speier, now a Congresswoman from California, was part of the staff of Congressman Leo Ryan, Jr., of California. The on-site visit to Jonestown by Ryan's delegation of staff, journalists, and family of members of Peoples Temple at Jonestown prompted Jones to order his armed bodyguards to attack and murder the delegation, joined by defectors from Jonestown, when they attempted to leave. Draws upon archival audiotapes, including ones recovered by the U.S. Federal Bureau of Investigation, videotapes, and photographs. Jones is described as charismatic, mesmerizing, and powerful; a leader who manipulated people by conducted fake faith healings during his worship services. He is reported as exercising control and dominance over his followers by: assuming authority over people's finances; pitting followers against each other, including members of families; blackmailing followers; ordering corporal punishment, including group beatings, and imposing emotional humiliation; making threats; sexualizing relationships with males and females; depriving people of sleep; imposing forced labor at Jonestown; submitting followers to loyalty tests and demanding unquestioning obedience; posting armed guards at Jonestown; enforcing followers isolation from those outside of the Peoples Temple; creating dependency on Jones. His rhetoric combined religious Pentecostalism, apocalypticism, Manicheanism, and political ideology for an intentionally racially- and economically-integrated church. He is described as abusing drugs, and justifying his behaviors as means necessary to idealized ends.

Ulster Television. (1994, October 6). Counterpoint: Suffer Little Children. [Videocassette] Belfast, Northern Ireland: Ulster Television.

Episode of a television program. Story of Fr. Brendan Smyth, a Roman Catholic priest in Ireland, that was researched by reporter/producer Chris Moore. [See this bibliography, Section I: Moore, Chris (1995).] [Not examined; based on others' descriptions.]

VisionTV. (2005, November 17). 360 Vision: [title unknown]. Toronto, Ontario, Canada: VisionTV. [30 minutes]

Broadcast on VisionTV, a non-profit, "multi-faith and multicultural" Canadian cable television station; a portion of its weekly current affairs program. Kevin O'Keefe reporting. Includes an interview with Gary Schoener, a U.S.A. clinical psychologist who works with victims of sexual exploitation by physicians, counselors, and clergy. Schoener states that far more Roman Catholic priests have abused women and adolescent females than children. Includes an interview with Elizabeth McKenna who describes being sexually abused by her parish priest in Sault Ste Marie, Ontario, Canada. [Not examined.]

Wade, Vince. (1993, May). TV 2 Eyewitness News: Preying from the Pulpit. [40+ minutes; a set of 5 audio transcripts in MP3 format of 6 broadcasts.]. Southfield, MI: WJBK-TV. [Accessed 09/14/14 at the World Wide Web site of Internet Archive: <https://archive.org/details/PreyingFromThePulpit>]

Wade is a reporter for WJBK-TV, a television station in the Detroit, Michigan, area. A series of news reports that was based on a 2-month investigation; broadcast during WJBK-TV's evening news program. "...centering on allegations of child abuse, financial mismanagement, and moral wrong doing by pastors trained at the First Baptist Church in Hammond, Ind., and by their leader, Jack Hyles," who is the pastor of the Independent Baptist church, and influential nationally in some fundamentalist Christian circles. Includes reports of child sexual abuse allegations against lay leaders and clergy who were connected to Hyles, First Baptist Church, and/or were trained at Hyles-Anderson College, an unaccredited, Independent Baptist college in Crown Point, Indiana, that is a ministry of First Baptist. Also reports: allegation that Jack Hyles sexually violated his pastoral role relationship with the wife of a deacon in Hyles' church; allegations that Hyles' teachings regarding the physical discipline of children led to abusive behaviors; the conviction on

1 count of child molestation of A. V. Ballenger, a deacon at First Baptist; legal authorities' statements that members of Hyles' church and persons affiliated with Hyles-Anderson College harassed witnesses in legal proceedings; that Hyles' son, as a pastor in Texas, committed sexual role boundary violations with women congregants. Among those interviewed are minors identified as victims of sexual abuse and a mother of an identified victim who was a minor. [Includes information from the WorldCat academic database and other sources.] [A copy of the series is available from the World Wide Web site of Vimeo; accessed 09/14/14 at: <http://vimeo.com/64954749>]

Weiner, Allison Hope (Producer), & Guerra, Nick (Producer). (Released 07/26/12). Media Mayhem: Losing Faith: Abuse, Cover-Up and the Catholic Church with Fr. Thomas Doyle. [47:47 minutes] Los Angeles, CA.: TheLip.tv [Accessed 08/07/14 at the World Wide Web site of TheLip.tv: <http://thelip.tv/episode/losing-faith-abuse-cover-up-and-the-catholic-church-with-fr-thomas-doyle/>]

Weiner is host of the weekly television program. In episode 45, season 3, she interviews Fr. Thomas Doyle, a Dominican Order priest, Roman Catholic Church, who, a trained canon lawyer, was assigned to the Vatican's embassy in Washington, D.C., where he became involved in cases of sexual abuse of minors by Catholic clergy; he has become an advocate on behalf of victims. She is joined by Guerra who also asks questions of Doyle. Topics include: hierarchical structure of the Church as a factor inhibiting the reporting of sexual abuse; the hierarchy's use of power for control; fears regarding disclosure of abuse; responses by hierarchy to Doyle's and his co-authors early report to U.S.A. bishops, and responses after Doyle was quoted in the media; Doyle's reaction to the death of Pope John Paul II; Doyle's reaction to Cardinal Ratzinger becoming Pope; criminal prosecution of Church leaders in the U.S.A. who were enablers of sexual abuse; legal strategies invoked by the Church; privacy and canon law; concept of a priest's obedience to a bishop; whether there is a correlation to priests who are gay and sexual abuse; hierarchy's denial, minimization, blame-shifting, devaluing of victims and advocates; presence of sexual predators in the priesthood; descriptors of those who violate children; role of an all-male clerical culture; recent events in the Church internationally; U.S.A. military chaplaincy; Doyle's definition of being Catholic; what the hierarchy can do to regain trust; individuals Doyle identifies for prosecution; need for a spiritual response by the Church to victims; damage experienced by victims.

VI. DOCUMENTARIES

A&E Home Video. (1993). Sins of the Fathers. [50 minutes. Videocassette. VHS.] A&E Television Networks. A&E Home Video, 19 Gregory Drive, So. Burlington, VT 05403. (800) 423-1212.

Bill Kurtis, host. Examines child sexual abuse by clergy in the Roman Catholic Church, and the Church's response to it. [Not examined; based on others' descriptions.]

Anthony, Ben. (Director & Cinematographer); Taylor, Flavia. (Producer); Carrido, Jose. (Editor). (2009). Inside a Cult: Messiah on Trial. [45:59 min. DVD] Washington, D. C.: National Geographic Channel.

A documentary broadcast in the U.S.A. on National Geographic Channel, and in Australia on Four Corners, an investigative journalism television program. Draws upon the film crew's access in 2007 to Wayne Bent (né Michael Travesser), 67-years-old in late 2008, who is the leader of The Lord Our Righteousness Church, and its members who follow Bent and live in a compound named Strong City in Union County, New Mexico. [This is a follow-up to Anthony's 2008 documentary on Bent and the Church, Inside a Cult.] The documentary refers to the Church as an "isolated religious cult." A minister in the Seventh-day Adventist Church, Bent left the denomination in 1987 and started the Church; he moved it to New Mexico in 2000. In 2000, he claimed that God spoke directly to him, telling him he was the embodiment of God, divinity and humanity combined, the son of God, the messiah. Beginning in 2006, he encouraged females to lie naked with God, which they understood as referring to him; a number complied. He sexualized relationships with 7 women, including his son's wife, rationalizing the relationship as biblically-based. A result was the dissolution of some women's family relationships. In 2008, he was arrested by New Mexico law enforcement on charges of criminal sexual misconduct involving 2

sisters, 16 and 14. In a 6-day trial, late December, he was convicted of 1 count of criminal sexual contact of a minor and 2 counts of contributing to the delinquency of a minor, and sentenced to prison. Includes: scenes of the court proceedings, including witness testimony; interviews with former follower and with Bent; scenes from the Church's home videos. [Based on other sources: With the exception of Bent, members of the Church did not engage in sexual activity unless instructed to by Bent. In 2011, the state appellate court overturned the convictions on procedural grounds. In 2012, the State Supreme Court overturned the appellate court's ruling, which let stand the original convictions and sentence. Bent was released from prison in 2016.]

Berg, Amy, (Director, Screenplay, Producer); Donner, Frank, (Producer); Lassalle, Hermas (Producer); & Cooke, Matthew (Producer/Editor). (2006). Deliver Us from Evil. [103 min. Videocassette. DVD] Santa Monica, CA: Lionsgate.

Documentary. Presents a series of interwoven stories beginning with Fr. Oliver O'Grady, a Roman Catholic priest convicted in California of sexually abusing minors in parishes he served in the Diocese of Stockton, was sentenced to prison, released in 2000, and deported to his native country of Ireland. Presents stories of several of his victims, including their family members, focusing on Ann Jyono who was victimized by O'Grady from 5-to-9-years-old, and her parents, Bob and Maria Jyono who were members of O'Grady's parish, Nancy Sloan who met O'Grady at a diocesan summer camp where he was working as a priest, and Adam, whose last name is not identified, and his parents. Also traces the pattern of the diocesan hierarchy's awareness of incidents involving Grady since the 1970s followed by its re-assigning him to other parishes until his arrest and conviction resulting in his imprisonment in the 1990s. Includes interviews with O'Grady and scenes of his testimony at a deposition in 2005. Interviews include his explicit admissions of molesting female and male children whom he met as a priest. His youngest known victim was 9-months-old. Includes commentary by Fr. Thomas Doyle, a Church canon lawyer and victims' advocate, Patrick Wall, a theologian, John Manly, attorney for the Jyono family, Jeff Anderson, plaintiff's attorney for a family victimized by O'Grady, a county sheriff from California and O'Grady's last parish, Bill Hodgman, deputy district attorney of Los Angeles, California, Mary Gail Frawley-O'Dea, a psychologist, and Case and Jane DeGroot who describe events in Lode, California, when O'Grady served as an assistant in Case's parish. Includes scenes of deposition testimony in 2004 of Cardinal Roger Mahony, Archdiocese of Los Angeles, who was bishop of Stockton beginning in 1980, and another diocesan official's deposition testimony in 2005 regarding knowledge since 1976 of O'Grady's actions based on reports from complaining families and police records, and the hierarchy's responses. Includes scenes of Ann Joyono and her parents, Nancy Sloan, and Doyle meeting in Rome, Italy, and the attempt by Jyono and Sloan to deliver a letter to the Pope. Nominated for an Academy Award, 2006, as best documentary feature. DVD features include deleted scenes and commentary by Berg and Cooke.

Berry, Jason. (Producer & Director). (2007). Vows of Silence: El Legionario de Cristo. [62 min. videodisc] [Available in Spanish.]

Documentary "...an anatomy of the Vatican justice system, following the haunting saga of [Roman Catholic priest] Father Marcial Maciel, who won the favor of Pope John Paul II despite years of pedophilia accusations... The film follows a secret investigator as witnesses testify about Maciel's sexual abuse, psychological tyranny, and the secret vows he imposed to secure [the] silence [of members of the Legionnaires of Christ, a religious order he founded]." [Not examined; based on others' descriptions.]

Bezeau, Randy N. (Director, Writer, & Producer), & Hoskins, Jannica R. (Co-Producer). (2007). The Fallen Feather: Indian Residential Schools: Canadian Confederation. [94 minutes. DVD]. Revelstoke, British Columbia, Canada: Vision Productions. [Based on the World Wide Web site for the documentary, accessed 08/14/10 at: <http://www.fallenfeathreproductions.com/>]

Documentary hosted by Jannica R. Hoskins, an Oji-Cree Métis, that "provides an in-depth critical analysis of the driving forces behind the creation of Canadian Indian Residential Schools" that resulted in thousands of cases of abuse of First Nations children, including sexual abuse, in government-funded schools that in many cases were operated by religious groups. Based on

historical source documents, survivors' testimonies, and analysis by community leaders. See Chapter 2, "School Life," which includes the subtopic of physical and sexual abuse, and Chapter 4, "Lasting Effects."

Cultrera, Joe (Director, & Writer); & McKiernan, Terry, & Doyle, Anne Barret (Producers). (2018). Sipe: Sex, Lies, and the Priesthood. [?? minutes]. [Accessed 09/14/18: <https://www.sipefilm.com>]

The documentary biopic focuses on the work of A. W. Richard Sipe (1932-2018), a former Benedictine monk and priest in the Roman Catholic Church. As a psychotherapist, Sipe studied mental health issues in priests, including matters related to sexuality, and served as an expert witness in legal cases involving sexual boundary violations by Catholic clergy. Sipe and his wife, psychiatrist and former Catholic nun, Marianne Benkert Sipe, were clinicians who counseled both priests who were abusers and also survivors of clergy abuse. [As of 09/14/18, a public screening of the documentary had not been scheduled.]

Cultrera, Joe (Producer, Director, & Writer); & Corwin Laura, & Walsh, Hugh (Co-Producers). (2007). Hand of God. [ca. 90 minutes]. Boston, MA: WGBH Boston. [VHS, DVD, and transcript may be ordered at: <http://www.pbs.org/wgbh/pages/frontline/handofgod/>]

A documentary produced for "FRONTLINE" television series of Public Broadcasting Service that was broadcast January 16, 2007. Filmmaker Joe Cultrera presents the story of his brother Paul's sexual abuse as an adolescent in Salem, Massachusetts, by Fr. Joseph Birmingham, a priest from the family's Roman Catholic parish. The Cultereras were a close, extended family in an Italian neighborhood. Paul, born in 1949, attended parochial school and was an altar boy at St. James Parish under Birmingham's guidance. The abuse began in 1964 when Paul was 14. Depicts the pervasive role and power of the Church and the status of priests in the family and neighborhood. Includes interviews with Paul and Paul's father, mother, and sister. Birmingham took teenage boys on trips out of town, including overnight stays, and entertained teenagers in the rectory. Paul describes in graphic detail the process of abuse: Birmingham used the sacrament of confession and a counseling relationship to manipulate Paul as precursors to the sexualization of the relationship. He imposed secrecy on Paul as part of penance. Subsequently, Paul internalized blame and guilt for the behaviors, reinforced by a sense of sin. Discusses how it affected his relationship to his parents, his ability to hold a job, his depression, and his relationship to the Church. In 1992, Paul told his former wife about the abuse, the first time he had confided in anyone. In 1994, Paul reported Birmingham's abuse to officials in the office of ministerial personnel in the Archdiocese of Boston in Massachusetts. He was offered the chance to obtain counseling at the Archdiocese's expense and encouraged not to sue the Church. In 1994, Paul told Joe Cultrera who began to trace Birmingham's work history in the Archdiocese, including the role of Fr. John McCormack, a classmate of Birmingham's, whose office in the Archdiocese chancery allowed him to move Birmingham from parish to parish following discovery of other incidents against minors. (In 1998, McCormack later was appointed bishop of the diocese of New Hampshire.) In 1994, Paul located other victims of Birmingham. Includes family photographs and home movies. The press release from PBS announcing the film quotes Joe Cultrera: "The film created an opportunity for my family to deal with these issues in a very intimate way... We have emerged as a more understanding unit. One of my hopes is that the film will inspire other families to talk." The film was screened in Salem, Massachusetts, in June, 2006.

Curran, Tom (Producer). (2011). The Silence. [ca. 28 minutes]. Boston, MA: WGBH Boston. Video and transcript are available, and a DVD may be ordered, at: <http://www.pbs.org/wgbh/pages/frontline/the-silence/>

A documentary produced for the "FRONTLINE" television series of Public Broadcasting Service that was broadcast April 19, 2011. Mark Trahant, a journalist and Native American, describes the sexual abuse of female and male Native American minors in Alaskan villages over decades by Roman Catholic priests and laity who staffed churches and residential schools. First person interviews with survivors. Focuses on Fr. George Endahl, a Jesuit, and Joseph Lundowski, a volunteer whom Endahl supervised and was training to be a deacon, and who supervised a boys dormitory. At St. Michael, a village of 360 people 200 miles south of the Arctic Circle, nearly

80% of the village's children were sexually abused during Endahl's tenure. Endahl is reported to have had over 2 dozen victims and Lundowski over 110. 1 victim of Fr. James Poole reported him to the Fairbanks, Alaska, diocese, which was non-responsive. Due to statutes of limitations, no offenders were ever prosecuted. In 2005 and 2007, civil suit settlements involving the Fairbanks diocese and the Oregon Province of the Society of Jesus were reached with hundreds of survivors. Both the diocese and province filed for bankruptcy. Depicts Bishop Donald Kettler of the Fairbanks diocese meeting with and apologizing to survivors in 2010. Briefly describes serious longterm negative consequences to survivors and their families.

Cushman, Anne. (Writer & Producer), & Hawthorne, Lou. (Director). (1987). Zen Center: A Portrait of an American Zen Center. [53 minutes. 1 videocassette. VHS]. Albuquerque, NM: Miracle Productions.

Filmed on location at the Zen Center of Los Angeles, California. For information about the documentary and circumstances of the filming, see this bibliography, Section IIa: Cushman, Anne. (2003).

Dick, Kirby. (Director); & Schmidt, Eddie. (Producer.) (2004). Twist of Faith. [87 minute videodisc] New York, NY: Home Box Office (HBO)/Cinemax Documentary Films.

A documentary film broadcast on the HBO television cable network on June 28, 2005. Covers events between 2002 and 2004 in the life and family of Tony Comes, a firefighter in Toledo, Ohio. In 2002, when national media attention began to focus on the Roman Catholic Church's Archdiocese of Boston, Massachusetts, Comes, then 33-years-old, discovered that living 5 houses away was a former Roman Catholic priest from the Toledo diocese, Dennis Gray, who had sexually abused Comes beginning when Comes was 14. Gray taught religion at Comes' Catholic school, and frequently took adolescent males out to eat, on recreation trips, and to his cottage where they enjoyed recreational activities and he served them alcohol. Gray left the priesthood in 1987 and taught in the Toledo school system until 2002. Subsequently, Comes reported Gray's behaviors to James R. Hoffman, bishop of the Diocese, who assured Comes that there were no other complaints against Gray. When other of Gray's victims emerged, victims claimed that the Diocese had known years before of Gray's acts against minors, and accused the Diocese of a cover-up. A local attorney and Jeffrey Anderson, a nationally prominent plaintiff's attorney from Minneapolis, Minnesota, filed suit against the Diocese in September, 2002. In December, 2002, Comes went public with his story through the local media. Hoffman died in 2003 before being deposed by Comes' attorneys. Scenes include: Comes telling his daughter in 2002 about his being sexually abused; Comes revisiting Gray's lake cottage, a site of Gray's grooming and abusive activities; footage of Gray's videotaped deposition on June 23, 2003 for a civil suit; Comes discussing issues of shame, guilt, anger, and the enduring impact of Gray's abuse in his personal life and his marriage; comments from Wendy, Comes' wife, and Sandy, his mother, on a variety of topics; 3 other victims of Gray describing how they were groomed and sexually abused as minors, and their reactions; Comes attending the first annual gathering of Survivors Network of those Abused by Priests (SNAP), in 2003 in St. Louis, Missouri, and speaking at an open microphone; Comes convening several of Gray's victims; Comes consulting with his attorney regarding legal tactics by the Diocese to dismiss the lawsuits against it, which happened just prior to Comes' daughter was scheduled to make her first communion in the Roman Catholic Church, and his struggle regarding how he should respond; Comes interacting with his wife, including counseling sessions; Comes interacting with his children; Comes interacting with his friends. In 2004, Comes and other plaintiffs accepted the Diocese's offer to settle suits against it. Comes reluctantly accepted a \$55,000. Settlement; Gray denied all allegations. The film was debuted at the Sundance Film Festival, Park City, Utah. [The DVD version from Home Box Office, 2006, includes audio commentary with the director, producer, Tony Comes, a question and answer session at the first screening of the film in Toledo, Ohio, and deleted scenes.

Dowd, Mark. (Producer). (2003). Abused and Catholic.

Broadcast on Channel 4 in the United Kingdom and Ireland on January 11, 2003. A documentary on clergy sexual abuse and the response of leaders in the Roman Catholic Church. Reports from

the U.S.A. and Rome, Italy. Includes interviews with male and female survivors. [Not examined.]

Gibney, Alex, (Director, Screenwriter, Producer); Vaurio, Kristen, (Producer); Johnes, Alexandra, (Producer); Wider, Jedd, (Producer); Wider, Todd, (Producer). (2012). *Mea Maxima Culpa: Silence in the House of God*. [107 minute video. DVD] Production companies: Jigsaw Productions, Wider Film Productions, Below the Radar Films, & Content Media Corporation. Distributor: HBO Documentary Films. [Premiered 09/09/12 at Toronto International Film Festival, Toronto, Ontario, Canada; U.S.A. premier 11/16/12 at Film Forum, New York, NY; broadcast on HBO television in the U.S.A. 2013.]

A documentary that tells the case of Fr. Lawrence Murphy, a Roman Catholic priest who is estimated to have sexually abused 200+ minors at the St. John's School for the Deaf in St. Francis, Wisconsin, Archdiocese of Milwaukee, from 1950-1974, and elsewhere after he was transferred to the Diocese of Superior following complaints and accusations by students from St. John's. Murphy, who had served at the residential school since he was ordained in 1950, was promoted to headmaster in the 1960s. Survivors describe him as "like a second father" and "like the Pied Piper" during their stay at the school, noting that he as a hearing person who knew how to sign was a factor in their regard for him. Terry Kohut, Gary Smith, Arthur Budzinski, and Bob Bolger, 4 of Murphy's victims, describe how the disability left them vulnerable and made it difficult to report his actions to others. Murphy sexualized the confessions that boys made to him, and used the setting to molest them; he entered the sleeping dorm at night and molested boys in their beds; in summer, he took boys to his personal cabin in Northern Wisconsin and forced them to choose a boy to sleep in his bed; he organized the older boys to molest the younger ones, which survivors understood as breaking their being broken-in for Murphy; he took boys on road trips to visit colleges, and molested them on the trips; he targeted boys who wouldn't object to his actions or who had hearing parents who didn't sign, thus limiting the boys' communication possibilities. When they did take action as adults, law enforcement only cursorily investigated. They retained a lawyer, collected affidavits, and passed out wanted flyers depicting Murphy at the Milwaukee cathedral. In the 1974, Archbishop William E. Cousins met with them. They discovered that complaints about Murphy had been reported to the diocese since the 1950s and that the Vatican had been informed, as well. Cousins refused to remove Murphy from the School; in a later deposition, Cousins said he did not find the allegations credible after talking with Murphy, and stated he never interviewed the accusers because they were deaf. When they complained to the district attorney's office, officials briefly investigated the possibility of current abuse at the school, because the criminal statute of limitations had expired on the earlier cases, but they found nothing because current students would not come forward. Later, however, some students told the dorm supervisor of Murphy's abuse of them, and the supervisor reported it to the diocese. Soon after, Murphy left the school, and went to a parish in Northern Wisconsin, which was never informed of the accusations against him; he abused children there. Gary Smith filed a civil suit against the Archdiocese, but settled without his fully comprehending the Archdiocese's terms. The film traces the ongoing responses to the accusations, including those of the Vatican, especially the role of then Cardinal Josef Ratzinger, head of its Congregation for the Doctrine of the Faith, the contemporary successor to the Church's inquisition. Quotes from a therapist's assessment of the Murphy's cognitive distortions used to justify his abuse of minors. After a church case against Murphy was finally initiated in the Milwaukee archdiocese, it was halted because he was too ill to participate; he died in 1998. Briefly traces various legal attempts to force the Milwaukee archdiocese and the Vatican to open their records, including a bankruptcy court case initiated by 570 victims against the archdiocese. Intersperses the Murphy case was developments in the Archdiocese of Boston, Massachusetts, in 2002, and the government's Murphy and Cloyne Reports in Ireland, which showed the pattern of responses by bishops and the Vatican hierarchy were similar to those in the Milwaukee archdiocese. Also notes the case of Fr. Marcial Maciel, founder and head of the Legion of Christ, and how the Vatican protected him despite knowledge of his being a sexual predator. Notes similarities of the St. John's School case to the abuse of minors at a Catholic school for people who are deaf in Verona, Italy. Includes: narration based on transcripts of statements by survivors; archival documents, video footage, and photographs; interviews with experts (who include A. W. Richard Sipe, Fr. Thomas Doyle, and Patrick J. Wall),

a plaintiff's attorney (Jeff Anderson), advocates (including Colm O'Gorman and Peter Iseley, and journalists from several countries. Bonus feature includes deleted scenes.

Goodwin, Debi. (Writer & Director), Kavanaugh, Peter. (Series Editorial Director), Sumpton, Christopher. (Series Producer), & Bengier, Robin. (Series Producer). (2011). In the Name of Enlightenment. Toronto, Ontario, Canada: VisionTV. [Accessed 01/30/13 at the World Wide Web site of VisionTV: <http://www.visiontv.ca/videos/sex-scandals-in-religion-in-the-name-of-enlightenment/>]

Part of Sex Scandals in Religion, a 4-part documentary series that was broadcast 05/23/11 on VisionTV, a Canadian English-language and satellite television channel. As described by VisionTV: "Buddhism. An image of peace, meditation, gentle respect. Not serial sex abuse. Accusations of tawdry sexual exploitation are threatening the elevated status of this beautiful religion. One of the Dalai Lama's star protégés [Sogyal Rinpoche], the author of one of the most powerful and popular books in the history of Buddhism, and the leader of a global network of holy centers, has left a wake of damaged and abused women. Until now, they have been kept silent. Speaking out for the first time in this documentary, they accuse him of rape, seduction, physical assault and moral deceit. It's an extraordinary story of sexual aggression, spiritual arrogance and avoidance of moral leadership...to the very top." [Not examined.]

Healey-Conlon, Mary (Co-producer, Writer, Director), & Rosen, Louise (Co-producer). (2004). Holy Water-Gate: Abuse Cover-Up in the Catholic Church. [56 minute videodisc] Filmmakers Library, 124 East 40th St., New York, NY 10016. (212) 808-4980. [www.holywatergate.com]

Mary Healey-Conlon, narrator. Healey-Conlon is an assistant professor, Department of Communications Studies and Public Relations, University of Rhode Island, Kingston, Rhode Island. Rosen is an independent producer, Brookline, Massachusetts. An award-winning documentary that "explores the lengths to which sexual abuse has been obscured throughout the [U.S.A.]. It presents testimony from an admitted [Roman Catholic] priest perpetrator, church officials and victims, as well as the story of Father John Bambrick who was himself molested by a priest as an adolescent and continues to seek justice for fellow victims." Includes commentary from Fr. Tom Doyle and Cardinal Francis George. Examines the media's role in addressing the issue. [Not examined; based on an academic database abstract and others' descriptions. A transcript is posted on a World Wide Web site dedicated to the film, accessed 11/22/08: <http://www.holywater-gate.com/story.shtml>]

Humphries, Steve. (Director & Producer). (1998). Sex in a Cold Climate. [50 minute video. VHS] Bristol, England: Testimony Films.

Documentary that traces the stories of 4 women who lived in the Magdalene Asylums in Ireland in the 1940s-1960s. The residential institutions were operated by Roman Catholic nuns. First broadcast March, 1998, on public television Channel Four's Witness series in Great Britain. Basis for Peter Mullan's The Magdalene Sisters. [Not examined; based on other authors' descriptions.]

Kessler, Lisa. (Director & Producer). (2009). Heart in the Wound: Sexual Abuse from the Catholic Church to Civil Society. [20 min.]

Documentary based on Kessler's photographs of events in the Roman Catholic Church, especially in Boston, Massachusetts, beginning in 2002, regarding the sexual abuse of minors by priests, and the hierarchy's response upon discovery. The audio is based on interviews with 3 survivors. Premiered at the Boston International Film Festival in 2009. [For more information, see her World Wide Web site, accessed 12/18/12 at: <http://www.lisakessler.net/gallery.php?ProjectID=5>]

Mack, Joanna. (Producer). (1989). Lost Children of the Empire. Domino Productions.

Documentary televised on May 9, 1989, in England, and later in 1989 in Australia on Australia Broadcasting Corporation. Describes the *child migrant schemes* of England. Includes scenes at Bindoon in Western Australia, which was funded by the Australian government and operated by the Christian Brothers order, Roman Catholic Church. Bindoon was the site of very harsh physical treatment and sexual abuse of children residing there in the care of the order. [Not examined; based on others' descriptions.]

Mendelsohn, Alan. (Writer & Director), Kavanaugh, Peter. (Series Editorial Director), Sumpton, Christopher. (Series Producer), & Benger, Robin. (Series Producer). (2011). Wall of Silence. Toronto, Ontario, Canada: VisionTV. [Accessed 01/30/13 at the World Wide Web site of VisionTV: <http://www.visiontv.ca/videos/sex-scandals-in-religion-wall-of-silence/>]

Part of Sex Scandals in Religion, a 4-part documentary series that was broadcast 05/16/11 on VisionTV, a Canadian English-language and satellite television channel. As described by VisionTV: "In Winnipeg [Canada] and Brooklyn [a borough of New York, New York], allegations of child abuse rock Orthodox Jewry. The sin is compounded by Orthodox Jewish authorities closing ranks around the accused rabbis. It is compounded further as these same holy men try to prevent the victims and their families from going public. The effects on the victims are devastating. But now, the truth comes out. With unusual access to this tightly bound community we find some hope that openness and justice will finally clear out the predators." [Not examined.]

Michalczyk, John J. (Director), & Chopra, Gautam. (Editor). (2013). Who Takes Away the Sins: Witnesses to Clergy Abuse. [54 minutes. DVD.] Etoile Productions.

Michalczyk is a faculty member, Art, Art History, and Film Department, Boston College, Chestnut Hill, Massachusetts. Chopra, a filmmaker, is a part-time faculty member, Art, Art History, and Film Department, Boston College. Personal narratives of individual survivors and advocates regarding the sexual abuse of minors in the Roman Catholic Church. Premiered May 1, 2013, Museum of Fine Arts, Boston, Massachusetts. For the successor film, see this bibliography, this section: Michalczyk, Susan A., & Michalczyk, John J. (Co-producers); Hoatson, Robert. (Field Producer). (2014). A Matter of Conscience: Confronting Clergy Abuse. [Not examined; based on others' descriptions.]

Michalczyk, Susan A., & Michalczyk, John J. (Co-producers); Hoatson, Robert. (Field Producer). (2014). A Matter of Conscience: Confronting Clergy Abuse. [50 minutes. DVD.] Etoile Productions.

Susan Michalczyk is with the faculty, Arts and Sciences Honors Programs, Boston College, Chestnut Hill, Massachusetts. John Michalczyk is a faculty member, Art, Art History, and Film Department, Boston College. The film examines the motives, actions, and repercussions experienced by whistleblowers who spoke to ecclesiastical and civil authorities regarding the sexual abuse of minors within the Roman Catholic Church. Those interviewed include survivors, a mother of survivors, a former high school teacher, Fr. Thomas Doyle, among others. Premiered October 4, 2014, Museum of Fine Arts, Boston, Massachusetts. For the preceding film, see this bibliography, this section: Michalczyk, John J. (Director), & Chopra, Gautam. (Editor). (2013). Who Takes Away the Sins: Witnesses to Clergy Abuse. [Not examined; based on others' descriptions.]

Moskovits, Israel. (Director & Writer). (2007). Narrow Bridge. [93 min., digital] [Location not identified]: IzzyComm Motion Pictures.

An independent film the first "of its kind to break the silence about the existence of sexual abuse in the Orthodox Jewish community and depict the effects of sexual abuse on survivors."

Moskovits, an Orthodox Jew and student at Northeastern Illinois University, Chicago, Illinois, was inspired to create the film after learning about the case of Rabbi Yehuda Kolko. A fictional narrative, it depicts the life of an Orthodox college student, 21-years-old, who was sexually abused at 12 at a yeshiva by a rabbi. [Not examined; based on the director's description: <http://www.narrowbridgefilm.com/>]

Orner, Eva. (Director), & Anthony, Sarah. (Producer). (2019). Bikram: Yogi, Guru, Predator. [96 minutes] London, England: Pulse Films.

A documentary film distributed by Netflix, Inc. through its World Wide Web media-streaming, subscription service for individual viewing in November, 2019. Traces the rise and fall of Bikram Choudhury from Calcutta, India, who arrived in U.S.A. in 1970s and opened a yoga studio in Los Angeles, California. He is the founder of Bikram Yoga

(popularly known as *hot yoga*), a sequence of 26 postures, or *assanas*, and 2 breathing techniques, which are assumed in a 90-minute session in a very warm room, and which he describes as promoting physical and spiritual well-being. Bikram describes himself as acquiring nationally- and internationally-recognized celebrities as students. Interviewees describe him as: a living yogi, a force, a showman, a marketer, bad boy of yoga, father figure of a family, a guru, a teacher, and god-like. Using a base of his students, he began to offer teacher certification courses, which led to the spread of his method through licensed franchises in other states and then to other countries. This resulted in his becoming both rich and famous while based in Beverly Hills, Los Angeles County, California. The teacher training is described as a 9-week, residential course costing thousands of U.S.A. dollars. The atmosphere is described as a sexualized environment which he controlled. Because Bikram personally determined who received a franchise, and because only certified teachers were eligible, trainees' professional future was dependent on Bikram. Includes interviews with: Sara Baughn, a former teacher, who describes being sexually assaulted by him, and who filed a civil suit against him in 2013, and Larissa Anderson, who describes him as raping her, and who sued him in civil court for assault. Reports that their silence about his actions at the time was the trade-off for being able to continue the certification process. Describes their decisions to disclose their experiences. Bikram fled to India in 2016 after losing a civil suit filed by his former legal advisor, which included allegations of sexual harassment. Reports that the Los Angeles County District Attorney's Office refuses to charge him with a crime. States that 6 rape and sexual assault cases were filed against Bikram in civil courts in the U.S.A., and 4 have been settled. Includes archival footage and photographs, and footage from civil depositions. The film debuted at the Toronto International Film Festival, Toronto, Ontario, Canada, September, 2019.

Prater, Jaime M. (Writer, Director, & Producer). (2014). No Place to Call Home. [101 min.] Light My Way Films. [Accessed 12/26/2016: <https://www.youtube.com/watch?v=0V4G00GI51c>]

As a child, Prater and his family of origin lived in Jesus People U.S.A. (JPUSA), a religious commune established in 1972 by Rev. John W. Herrin, Sr., and his wife, Dawn, on the north side of Chicago, Illinois. In addition to being a Christian church, it was residence for several hundred people, and it operated a school for its children. [In 1989, JPUSA aligned with the Evangelical Covenant Church, a denomination with congregations in the U.S.A. and Canada.] Within several years, Herrin was expelled for preying on females in the commune. In 2008, after Prater heard stories from a peer of her having been sexually abused as a minor in JPUSA, he returned to Chicago to start conducting video interviews with people who had lived there, the basis for the documentary. He communicated with 120 people, 70+ of whom reported having been sexually abused or sexually molested while in residence. Includes numerous video and audio interviews with female and male adults who are survivors of child sexual abuse, and with parents of children who were abused, as well as archival videos and photographs. Some strict rules were enforced regarding how adult males and females related, including permission of the leadership being required before a couple could be married. The commune welcomed anyone who sought to belong, included known, registered sex offenders; JPUSA did not limit their access to JPUSA children. Children were intentionally isolated from the secular culture beyond the commune. Spankings were used as discipline by their schoolteachers. Children were often physically separated from, and outside the care and supervision of, their parents. Sleeping arrangements placed single, adult males in close proximity to children. Prater reports that he was sexually abused at 9- or 10-years-old by a single male who was living in Prater's sleeping quarters; children were placed in dorm rooms at about 1-years-old. Prater describes reporting the incident to an adult in JPUSA, who investigated, but accepted the man's denial of the incident. A female survivor describes reporting to her parents being sexually molested. The response was to deny the possibility of evil happening to her if Jesus was in her; she eventually stopped reporting. A mother describes bringing to the attention of leadership her discovery that her child had been

abused; leadership handled the matter internally to avoid involving civil authorities. In addition to abuse occurring at JPUSA's Chicago properties, abuse is also reported to have occurred at a lodge in Missouri, which JPUSA had bought to use as a retreat. The documentary ends with allegations of sexual abuse Rev. Johnny Herrin, Jr., the founder's son, who is a member of the JPUSA leadership council.

Puttkamer, Peter von. (Writer, Producer, & Director), & Gryphon Productions Ltd. for Cariboo Tribal Council. (Producer). (1992). Beyond the Shadows. [28 minute videocassette. VHS.] Montreal, Quebec, Canada: National Film Board of Canada. OCLC #: 319931578.

"A film about the devastating effects of residential/boarding schools on native Indians in Canada, and about the widespread sexual and physical abuse which native people were subjected to by the clergy and nuns who ran them." [Not examined; based on WorldCat academic database abstract.]

Raftery, Mary. (Writer, Producer, & Director). (1999). States of Fear. [A 3-part documentary broadcast on television on April 27, May 4, and May 11, 1999, by Raidió Teilífis Éireann (RTÉ), the Irish Public Service Broadcasting Organisation.] [RTÉ Television World Wide Web site: www.rte.ie/tv/statesoffear/] Reports on the history of the Irish industrial and reform school system for children that was financed by the government and operated frequently by Roman Catholic Church orders. On the day Part 3 was broadcast, the Irish government issued a public apology and promised to establish a commission on child abuse to inquire into the issues raised, including physical, sexual, and psychological abuse and neglect of children. [The Commission to Inquire into Child Abuse, chaired by Justice Mary Laffoy of the High Court, was appointed in 1999. For a book based on the documentary, see this bibliography, Section I: Raftery, Mary, & O'Sullivan, Eoin. (2001).] [Not examined.]

Reidelbach, Dot. (Director); Allen, Laurie. (Producer & Screen Writer). (2007). Banking on Heaven. [80 minute DVD] Las Vegas, NV: Over the Moon Productions.
Dcoumentary regarding the Fundamental Church of Jesus Christ of Latter Day Saints (FLDS) Church. [Not examined.]

Rosenfelt, Scott. (Director). (2011). Standing Silent. [82 minutes. Digital download or DVD: <http://store.nehst.com/standingsilent-dvd.html>]. New York, NY: Bennett-Robbins Productions, LLC.
A documentary that traces the work 2007-2010 of Phil Jacobs, editor of the *Baltimore Jewish Times* and an observant Jew, who published a series of articles about sexual abuse in the Orthodox Jewish community, which included the names of perpetrators, including Orthodox rabbis. Presents the reactions of community members to Jacobs' efforts, and interviews with persons who were victimized. [Not examined; based on others' descriptions.]

Sigers-Beedles, Cas. (Producer & Director). Jones, Catina. (Producer). (2015). Father Forgive Him. [62:35 minutes videodisc. DVD]. Moguldom Studios.

Adaptation of a documentary-style format. Interviewees very briefly discuss a wide range of themes, issues, and topics regarding sexual abuse by religious leaders in faith communities. Primary focus is Christian churches; includes a television segment on a Jewish Hasidic rabbi and yeshiva school teacher. Participants include: anonymous mother of a son, a survivor of child sexual abuse by a Roman Catholic priest, who died by suicide at 21 while under a doctor's care for depression; anonymous male convicted child sex offenders; Anthony Beedles, former minister-in-training; Whitney Bond, from East St. Louis, Illinois, and a student at Candler School of Theology, Emory University, Atlanta, Georgia; Holly Carter, television executive producer; David Clohessy, executive director, S.N.A.P. (Survivors Network of those Abused by Priests), survivor of sexual abuse by his Roman Catholic parish priest when he was a child, and whose brother was a Catholic priest who is a child molester; Jill Dermeyer, clinical psychologist; Barbara Dorris, outreach director, S.N.A.P., a survivor of sexual abuse by her Roman Catholic parish priest she was a child, and a whistle-blower as a parochial school teacher; Diane Dougherty, an ordained priest in the Association of Roman Catholic Women Priests; Phillip Dunston, theology professor, Clark Atlanta University, Atlanta, Georgia, and pastor; Bunnie Jackson-Ransom, public relations

professional, Atlanta, Georgia; Centino Kemp, self-identified child sexual abuse survivor of Eddie Long, a prominent African American mega-church pastor in Georgia; Killer Mike, the stage name of Michael Render, activist and hip-hop artist from Atlanta, Georgia; Julie Medlin, clinical psychologist, metropolitan Atlanta, Georgia; whose practice includes sex offenders; Elizabeth Merritt, survivor of sexual abuse by her Roman Catholic parish priest; Caroline Paris, youth minister from Columbus, Georgia; Russ Parr, radio host, writer, and film director; Rev. Al Sharpton, Baptist minister and civil rights activist; Sherri Shepherd, television personality. Other sources include television news clips and re-enactments. Bonus feature includes brief interviews with Sherri Shepherd and Robert Hoatson, a former Roman Catholic priest who is a survivor of sexual abuse by Catholic priests.

Skubik, Tim. (2002). Michigan at Risk: Sins of the Fathers. [56 minutes. Videocassette. VHS]. A presentation of the Michigan Association of Public Broadcasters and WKAR-TV, East Lansing, MI. Program #1401.

“Michigan at Risk” is a statewide, public television, ongoing, investigative documentary series. This episode discusses how Michigan’s Roman Catholics and the state’s population at-large have been affected by the sexual abuse scandals of the Church. 1st half is a documentary; 2nd half is a call-in segment. Skubik is the host. Broadcast August 28, 2002. [Not examined; based on others’ descriptions.]

Solary, Scott, & Westphal, Luci. (Producers & Directors). (2008). All God’s Children. [67 minutes. 2 videocassettes. VHS]. Brooklyn, NY: Good Hard Working People, LLC, P.O. Box 17077, Brooklyn, NY 11217. [Accessed 04/23/08 at: <http://www.goodhardworkingpeople.com>] [In December, 2008, a DVD version was made available for purchase from: <http://discmakers.filmbaby.com/films/3663>]

A documentary that premiered 04/05/08 at the Sarasota Film Festival, Sarasota, Florida. Described by the filmmakers as “the first documentary to expose issues of child abuse within the Protestant Evangelical missionary community. The film takes a personal look at the consequences of the abuse through the eyes of three missionary families.” While parents serving the Christian and Missionary Alliance denomination, Colorado Spring, Colorado, were stationed throughout West Africa, their children from age 6 were required to attend boarding school at Mamou Alliance Academy in Mamou, Guinea. Isolated from family, the missionary children were physically, sexually, psychologically, and spiritually abused by the missionary staff – houseparents, teachers, health personnel – from the 1950s into the early 1970s. Describes the efforts of a group of former children who as adults tried to obtain an adequate response from Alliance officials to their reports of abuse. Their efforts led to the creation of the Independent Commission of Inquiry that heard from 80 people and concluded that a number of children were “seriously abused.” Reports ongoing efforts to engage the Alliance. Utilizes family photographs, slides, and home movies, and interviews with survivors and family members. Also includes an Alliance representative. [For further information, see this bibliography, Section VII.: Stearns, Geoffrey B., Dunn, Pamela G., Earle, Marcus R., Edmund, Lois J., & Knudsen, Chilton. (1997, November 15).]

Thomson, Noah. (Director, & Producer), Bailey, Fenton, & Barbato, Randy. (Producers), & Card, Mona. (Co-producer). (2007). Children of God: Lost and Found. HBO Documentary Films. [75 min.]

A documentary that premiered at the Slamdance Film Festival, Park City, Utah, January, 2007, and premiered on Cinemax cable television network in September, 2007. Thomson was born into a commune in Brazil of the Children of God (a.k.a. The Family, The Family of Love, & The Family International). Termed both a new religious movement and a cult by some academicians, it was founded by David Brandt Berg (1919-1994) in California in the 1960s. Berg proclaimed himself as God’s prophet. Thomson left the group in 1999 with 2 of his brothers and 2 others. In 2002, Thomson started to create a documentary about the experiences of people born into the group. Includes interviews and scenes from archival video and media reports. Thomson interviewed former members residing in the U.S.A. and South America who briefly discuss their experiences within the group and their significant challenges adjusting to society after leaving. Interviewees include Davida Kelley, a granddaughter of Berg, who describes Berg’s sexual abuse of her and others who were minors, and Berg’s use of religious rhetoric to rationalize his

behaviors. A number of the interviewees report a highly sexualized atmosphere and incidents of the sexual abuse of minors. Thomson's 1st person statements report a sexualized atmosphere in the Brazil commune, including the behaviors of women assigned to be caretakers of the children who sexualized their relationship to him. Reports also include the physical abuse of minors, and the attempted and completed suicides of young adults who were former members.

White, Ryan. (Director), & White, Ryan, Hargrave, Jessica, Braun, Josh, Cotner, Ben, Spingarn-Koff, & Nishimura, Lisa. (Executive Producers). (2017). The Keepers. Los Gatos, CA: Netflix, Inc. [Accessed 10/07/17 at the World Wide Web site of Netflix: <https://www.netflix.com/title/80122179>]

A 7-episode documentary, including dramatized reenactments. Explores the unsolved murders of 2 women, focusing on that of Sr. Catherine Anne Cesnik, School Sisters of Notre Dame, (1942-1969) of the Roman Catholic Church's Archdiocese of Baltimore, Baltimore, Maryland. A factor in the case is whether the murder of Joyce Malecki, under similar circumstances and in the same time period, is connected to Cesnik's. Based on numerous interviews and archival documents, photos, audiotape, and videos. Traces the grassroots effort – which includes former students she taught in high school, self-identified survivors of sexual abuse, their family members, retired law enforcement personnel, and a journalist – to identify those responsible for, and with knowledge about, the deaths. [See the Facebook page, The Keepers Official Group – Justice for Catherine Cesnik and Joyce Malecki. Accessed 10/11/17] Through the spring of 1969, Cesnik had taught at Archbishop Keough High School, a girls' parochial school in Baltimore. In November, when she was teaching in a Baltimore public school, she disappeared; her murdered body was found the following January. Jean Marie Hargadon Wehner, a former student of Cesnik's, describes being sexually abused by Fr. Neil Magnuss (died 1988) after he learned by hearing in confession that she had been sexually abused when she was younger. She was also sexually abused by the Keough school chaplain and counselor, Fr. A. Joseph Maskell (died 2001). His behaviors included involving other adults who sexually abused her in his presence, including some who were unidentified, including a police officer in uniform. Wehner describes the priests' use of Catholic imagery and teachings as part of their sexual abuse, and blaming her for her being sexually abused as a child by an uncle. Maskell termed his abuse of her as "therapy." She states that the priests were "powerful because they represented God." She describes Maskell threatening her with a gun as a way to keep her silent about his actions. Maskell also had status as chaplain for the Baltimore City Police, Baltimore County Police, Air National Guard, and Maryland State Police. Kathy Hobeck, another former student of Cesnik's, also reports that Maskell sexually abused her at Keough. Wehner and Hobeck report that Cesnik was aware of Maskell's unwanted behaviors towards them. Wehner states that very soon after Cesnik disappeared, Maskell took her to view Cesnik's body, threatening Wehner with the same fate if she told about his actions against her. She also reports that an undented abuser of hers, whose actions had been facilitated by Maskell, told her that he, the unidentified abuser, had killed Cesnik to keep her from reporting the abuse to authorities. She describes herself as coping by dissociating. As an adult, she was an Eucharistic minister in Catholic parish and regularly engaged in contemplative prayer. At 38-years-old, during prayer, she began to remember being abused at Keough. Confiding in her parish priest, he advised her to inform a priest on the Archdiocesan staff, whom she says believed her, telling her it was the first complaint against Maskell (Magnus had previously died). In 1992, at the Archdiocese's request, she filed a formal statement regarding the abuse, and Maskell was sent to the Institute for Living, a psychiatric hospital in Connecticut. She was informed that no action would be taken against Maskell without corroboration. In 1993, Maskell returned to the Archdiocese, and was assigned to a parish. When allegations of abuse against him were reported in the local news media, he denied them. Wehner and her family reached out to former students at Keough, seeking those who knew of sexual improprieties there. Among those who came forward was Teresa Lancaster, reporting Maskells' abuse of her, which included being given psychotropic medication and his arranging for her rape by 2 police officers. Dozens of people came forward with consistent accounts of Maskell's behaviors, including facilitation of other adults abusing Keough students. Reports that despite 30-to-100 people talking to law enforcement in 1994, no official records or exhibits can be located. When police and the State's Attorney's Office did not bring criminal charges against Maskell, Wehner and Lancaster filed a civil suit against Maskell, the School Sisters of Notre Dame, the Archdiocese, and a gynecologist to whom Maskell took

Keough students. In 1995, the Maryland court refused to accept witnesses' *recovered memories* as valid, a decision which left the expired statute of limitations intact and resulted in dismissal of the suit. Episodes 5 and 6 consider possible suspects in the murder and/or disposition of Cesnik's body. Episode 6 reports the discovery of facts which support Wehner's earlier description of Cesnik's body at the time Wehner states she was threatened by being taken to view it. Police had long disputed her description as inaccurate and not credible. In Episode 7, Charles Franz, a retired dentist, reports that his summer between 7th and 8th grade in the 1960s, he was serving as an altar boy in his parish when he met Maskell who was an associate pastor. Maskell took particular interest in him, pulling him out of parochial school classes to come to the rectory where Maskell sexually abused him. Franz states that when Maskell learned that Franz had warned other students about Maskell, Maskell threatened him. He states that he told his mother who told the Archdiocese, and that Maskell was then transferred to Keough. States that after the lawsuit was filed against the Maskell and others, Archdiocesan representatives requested he meet with them, and that they were aware of Maskell's actions. A narrator reports that during production, the Archdiocese refused to answer questions in person, but submitted written responses, denying that Franz had made allegations or that the hierarchy had intervened to in 1967 to transfer Maskell out of the parish. The Archdiocese has paid close to \$500,000 in settlements to 16 people who have accused Maskell of sexual abuse. [As of October, 2017, law enforcement authorities are continuing to investigate Cesnik and Malecki's murders.]

VII. REPORTS ISSUED BY FORMAL INQUIRIES, AND SUBMISSIONS TO FORMAL INQUIRIES

Abraham, Lynne, & Hamilton, Marci A. (2010). The Philadelphia Report: The Philadelphia Investigating Grand Jury Report into Allegations of Clergy Sexual Abuse in the Archdiocese of Philadelphia. [Sound recording. 14 sound discs: sd.; 4 3/8 in.] Ramona, CA: Cherry Hill Publishing.

Abraham was district attorney, Philadelphia, Pennsylvania. WorldCat subject: "Catholic Church. – Archdiocese of Philadelphia (Pa.) – Clergy – Sexual behavior." [Not examined; based on the WorldCat academic database abstract.]

Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy. (1990). The Report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy: Volume 3. Conclusions and Recommendations. St. John's, Newfoundland, Canada: Archdiocese of St. John's, 38 pp.

The overall report is also referred to in some media as "The Winter Commission Report" after Gordon A. Winter, its chairman. A followup to the notorious sexual and physical abuse of minors at Mount Cashel Orphanage, operated by the Irish Congregation of Christian Brothers, St. John's, Newfoundland, with public financing The story resurfaced in 1989 after being covered-up in 1975. [See this bibliography, Section I: Harris, Michael. (1990). See also this bibliography, Section I: O'Brien, Dereck. (1991).] This is the third of 3 volumes. (Volume 1 is entitled, Report; Volume 2 is entitled, Background Studies and Briefs.) Presents the Commission's conclusions and 55 recommendations. Sections include: mandate of the Commission; introduction; description of the Commission; conclusions and recommendations in relation to the 5 elements at the heart of the mandate, and accompanying rationale.

Beardsley, Howard, Edmund, Lois, Evinger, James, Poling, Nancy, & Stearns, Geoffrey (with Whitfield, Carolyn). (2002, September). Final Report of the Independent Committee of Inquiry, Presbyterian Church (U.S.A.). Louisville, KY: Presbyterian Church (U.S.A.), 173 pp. Available from: Presbyterian Distribution Service, 100 Witherspoon St., Louisville, KY, 40202. Product #5171002001. (800) 524-2612. pds@ctr.pcusa.org [Available on the World Wide Web: <http://www.pcusa.org/ici/ici-report.pdf>] [The report is also available on the Missionary Kids Safety Net website.]

Report of a 5-person, independent committee, and its staff member, regarding its inquiry into sexual and physical abuse of children by missionaries in the former Congo/Zaire. The committee,

appointed by the Presbyterian Church (U.S.A.), was charged to examine alleged actions committed by perpetrators under appointment by 1 of the Church's predecessor denominations, specifically the former Presbyterian Church (U.S.), or alleged actions against children who were part of a family under appointment by a predecessor denomination. While the charge concerned the period 1945-1978, was geographically focused on Africa, and was demographically focused on children, the committee found acts of commission by 1 missionary that extended to adolescents and adults, occurred also in the U.S., and continued into the 1980s. The committee found that: 2 missionary children were sexually abused by Congolese nationals; 1 missionary child was physically abused by a staff person at a boarding school; 1 United Methodist staff person at a boarding school committed inappropriate sexual contact with younger missionary children, recklessly endangered 1 child so as to result in serious physical injuries, and sexually abused 1 adolescent; 1 Presbyterian missionary, a minister, sexually molested 22 victims a known total of 48 times. His victims: consisted of 19 children and 3 adults; 14 had 1 act committed against them, 6 had 2-10 acts, and 2 had more than 10 acts against them; ranged in age from 6-35; consisted of 5 who were groomed and 17 against whom his actions were opportunistic; included 2 who were his relatives. The findings also include an assessment of the actions and inactions of predecessor mission agencies, and concludes: "...key opportunities were repeatedly missed by church officials who received credible reports of one missionary's abusive behaviors. ...the actions and non-actions of [national church mission support staff] and [missionary] personnel in positions of authority and oversight were *ad hoc*, naïve, or insufficiently focused on the welfare of children." The report goes beyond the standard set of findings and recommendations typical of the independent inquiry model. This is a second generation report that includes educational sections based on the inquiry: a basis in theology, scripture, and the Church's polity for conducting the inquiry; the nature of the abuse and its effects on those abused, their families, and the church; characteristics of child sexual offenders, how perpetration occurred in a close religious community, and what inhibited discovery and intervention; issues related to forgiveness. The report documents the committee's process and methods. Extensive footnotes.

Center for Constitutional Rights, & Survivors Network of those Abused by Priests. (2014, April 11). Supplemental Submission To the United Nations Committee Against Torture In Advance of its Review of the Holy See During Its 52nd Session. 9 pages. [Accessed 04/11/17 from the World Wide Web site of the Center for Constitutional Rights:

https://ccrjustice.org/sites/default/files/assets/files/SNAP_UNCATSuppReportFINAL_2014-04-18.pdf

Part 1, the Introduction, states: "Whereas the first submission primarily highlighted the findings of commissions of inquiry and formal investigations, the cases and examples below further demonstrate that the same policies and practices [of the Roman Catholic Church] are at work in regions in which the scandals have yet to fully reveal themselves. This submission highlights examples of egregious cases and evidence of cover-ups occurring in countries in Latin America and Africa. In particular, cases from Brazil, Chile, Honduras, Mexico, Mozambique, and Peru are emblematic and further highlight the urgent need for serious and comprehensive investigations. In particular, the cases below further reveal the global web and scale of priest-shifting and the dimensions of harm to those in the Global South. They also provide further examples of the blatant refusal of higher-level church officials to cooperate with civil authorities." Part 2 presents the examples which are based on sources including secular newspapers and an independent religious publication. Part 3 is a brief Conclusion: "...the Holy See's policies and practices continue to pose risk of and do serious harm to children around the world. ...the reality is that it has enabled widespread and systemic abuse – and is still doing so – in Catholic institutions and parishes around the world. Moreover, there is still no accountability for those who hold this system in place." 75 footnotes.

Commission of Inquiry. (2011, December). Summary: Sexual Abuse of Minors in the Roman Catholic Church (English translation). Utrecht, The Netherlands: Bishops' Conference of The Netherlands, 23 pp. [Accessed 08/02/13 at: <http://www.onderzoekrck.nl/english-summery.html>]

[The extended version, 430+ pp. in English translation is available as: Deetman, Wim, Draijer, Nel, Kalbfleisch, Pieter, Merckelbach, Harald, Montaeiro, Marit, & de Vries, Gerard. (2011). Sexual Abuse of

Minors in the Roman Catholic Church, Extended Version: Part 1: The Inquiry. Accessed 02/14/18: <https://repository.ubn.ru.nl/bitstream/handle/2066/134158/134158.pdf?sequence=1> Also accessed 02/14/18: http://voormaligonderzoekrck.nl/wp-content/uploads/2017/02/76660_CD_Voorwoord____Hoofdstukken__Engels_.pdf

The Commission was established in 2010 by the Bishops' Conference of The Netherlands and the Dutch Religious Conference to conduct "an independent inquiry into the facts and circumstances surrounding sexual abuse of minors who had been entrusted to the responsibility of institutions and parishes of the Roman Catholic Church in The Netherlands in the period from 1945 to 2010." The head of the Commission was W.J. (Wim) Deetman, a former government cabinet minister; he was joined by "five prominent academics and experts." The Commission "based its findings on empirical data" from 1,795 reports of sexual abuse, including interviews with persons who were victims, a nationwide questionnaire, and historical records from ecclesiastical and other archives. "It reviewed this information in light of the social, cultural, economic and political developments that have occurred over the last 65 years in the Netherlands and in the Roman Catholic Church... Priority was given to investigating and giving advice on the functioning and the help provided by Help & Justice, the former name of the agency established by the Catholic hierarchy as a centre of expertise on sexual abuse in the Roman Catholic Church." The purpose of the Commission "was to identify the nature and scale of this sexual abuse as well as accountability for it." The scope of the study included "minors who fell under the responsibility of persons working the Roman Catholic Church in the Netherlands: priests, brothers, pastoral workers employed by the church and lay persons." No judgment was rendered "on what has been conclusively proved to have occurred or not and on whether the evidence is true or not." General findings were reported. States that in The Netherlands, "[t]he issue of sexual abuse of minors only started receiving attention in the course of the 1980s." Regarding the scale of sexual abuse involving perpetrators working in the Church: "The number of victims that grew up as Roman Catholic, spent part of their youth in a Roman Catholic institution and reported being sexually abused by an offender working in the [Church] before the age of 18 during the period between 1945 and 1981 is approximately 10,000 to 20,000. Their experiences ranged from very mild to severe... It can be assumed that several thousand of these victims suffered serious abuse." Approximately 800 names of perpetrators that were "mentioned in the reports could be traced to individuals who work or worked in dioceses, orders and congregations." Regarding the responsibility of the hierarchy: "In light of the alleged cover-up culture [of the bishops and superiors in the archdiocese of the Netherlands], the Commission examined the degree to which the occurrence of sexual abuse was acknowledged within the Church" by studying 7 dioceses and 16 orders and congregations. Based on documents from ecclesiastical archives, the Commission found that it is "impossible to speak of ignorance at management level due to a culture of silence in the various dioceses, orders and congregations" for the period of "the end of the 1940s to the mid-1950s." Notes that the management response at the time was tailored to the individual perpetrator, and that "[t]here was no structural approach to the problem." Regarding the Salesians of Don Bosco, an order, states: "There is evidence that sexually inappropriate behaviour towards members of the order may perhaps have been part of the internal monastic culture." Regarding superiors' response to cases of abuse, states: "Penance, transfer and possibly treatment were apparently more appealing than expulsion from the order with a view to avoiding the loss of members or preventing a scandal." Also describes a selection process that overlooked candidates for joining the order who had psychological problems, "contrary to the guidelines from Rome with respect to the selection of candidates." Also notes the use of physical violence, "particularly in institutions of education and behavioural training, and more specifically [Catholic] boarding schools and reform schools." The Commission "found instances of the use of excessive forms of violence, combined with sexual abuse, involving the priests of the Holy Heart of Jesus in Juize St. Jozef in Cadier en Keer." States: "Because the problem of sexual abuse was defined as a problem affecting an individual, at the time it did not receive strategic or structural attention, despite the fact that responsible officials, including the cardinal, bishops and superiors, were usually aware of the problems... Throughout most of the 1990s and in the first decade of this century sexual abuse of minors remained secondary to abuse of adults in pastoral relations in the hierarchy's perspective." Notes that "until the end of the 1980s discussion of sexual abuse of minors was taboo throughout Dutch

society. The Roman Catholic Church, like other organisations in Dutch society, has a closed administrative structure and culture.” Regarding the hierarchy’s response, the Commission found: “Reporting the case [involving a minor] to the police was not part of the administrative repertoire of either the bishop or archbishop or superior. That was left to the victims and their parents, who were certainly not encouraged to do so. The measures that were taken against perpetrators were mainly internal sanctions, such as transfer, early retirement or (temporary) suspension. The Commission of Inquiry is critical of the hesitation, and sometimes the unwillingness, of the bishops and superiors to inform the Public Prosecution Service. After all, there is a legal duty to report a case of rape to the Public Prosecution.” States that the “Church has a moral duty to take seriously and assist persons who suffering from complaints and attribute them to experiences of sexual abuse that involved perpetrators working in the [Church]. This moral duty applies in particular because the Roman Catholic Church portrays itself publicly as a guardian of moral standards and values. For many people inside and outside the Church, it is precisely the violation of those standards and values by persons working in the Church that causes a sense of dismay.” The Commission’s 2 main conclusions are: 1.) The scale of abuse 1945-2010 “is relatively small in percentage terms, but is a serious problem in absolute numbers.” 2.) “Bishops and other church authorities were not ignorant of the problem of sexual abuse. Moreover, in the view of the [Commission], in many cases they failed to take adequate action and paid too little attention to victims.” Makes 9 recommendations to the Church. Lacks references.

Commission of Inquiry into Abuse of Children in Queensland Institutions. (1998). Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions. Brisbane, Queensland, Australia: The Commission of Inquiry into Abuse of Children in Queensland Institutions, 380 pp. [Accessed 09/18/12 at: <http://www.ccypcg.qld.gov.au/pdf/genesis/forde-comm inquiry.pdf>]

In 1998, the Australian Minister for Families, Youth and Community Care “established a Commission of Inquiry to examine whether there had been an abuse, mistreatment or neglect of children in Queensland institutions.” The 3-person Commission was chaired by Leneen Forde, the former Governor of Queensland; the Report is popularly referred to as the *Forde Report*. An extensive Executive Summary presents a thorough summary, and includes the Inquiry’s 42 recommendations. Chapter 1 describes the Inquiry, which was conducted from September, 1998, to May, 1999. The 2 “major thrusts” were: “an investigation into past institutional abuse, with evidence from public and private hearings, interviews written submissions and archival research,” and “a review of current systems that included studies of legislation, policy and procedural guidelines, evidence from public and private hearings, interviews and written submissions, and inspections of facilities.” “The focus of the Inquiry [was] on neglect, physical, sexual and emotional abuse, and systems abuse, where the policies and procedures (or the lack of them) of the government of the day resulted in abuse or neglect of children in care.” Briefly describes the outreach to stakeholders and to indigenous peoples. The process of receiving evidence included: 166 interviews with 31 institutional staff and 135 former residents in 105 private hearings; written submissions from 151 persons; expert evidence through written submission and public hearings; on-site inspections; research and archival investigation. Offers a brief profile of the witnesses. Notes that witnesses were provided with counseling support: “Many witnesses experienced symptoms of post-traumatic stress.” Notes: “Of the 159 institutions that were established or licensed under the Acts covered by the Inquiry, 45 (28.3 per cent) were mentioned either during hearings and interviews or in written submissions.” Of the 10 “institutions most commonly referred to in evidence,” 6 were operated by a religious denomination or religious-affiliated group. Chapter 2 “sets out to provide an overview of [child abuse’s] complexities and the factors that may go some way towards explaining how abusive situations have occurred, and still do occur, in institutional settings.” Identifies 5 interrelated factors: societal, government, department, institutional, and individual. States in the conclusion: “This complexity, and limited understanding of the way these factors interact at the systems level, challenges society’s ability to prevent child abuse continuing in institutions. Although the prospect is overwhelming, it can be prevented if strategies are targeted at all levels (individual, institutional, governmental and societal). Rather than focusing attention solely on the ‘deviant’ behaviour of the perpetrator, it is essential that consideration is given to all the players who are ‘cooperating’ – whether consciously

or unconsciously – in creating a high-risk environment for children. At the same time it is important to recognise the ‘convenience’ of placing the blame so widely that no one is left responsible.” Chapter 3 “considers the emergence, consolidation and aims of strategies for dealing with children classified by the State as either criminal, pre-criminal, neglected, or requiring some other form of State care.” Chapter 4 “focuses on the operation of government care and protection of indigenous wards of State, controlled under either the State Children’s Department (SC) or under departments with primary jurisdiction for Aboriginal affairs. ...the history of indigenous children in Queensland institutions is examined within the broader context of life conditions faced by indigenous people since white settlement commenced in earnest in the mid-nineteenth century.” Among the conclusions: “Through administrative default, as well as by deliberate decree, the State of Queensland has perpetuated those same criteria of ‘neglect’ that were used not only to impugn the competency of indigenous parents and families, but also to deprive them of their children.” Chapter 5 is “essentially based on the testimony of witnesses” and archival evidence. Themes addressed that relate to “the care of children in both denominational and government-run institutions are: problems of size and funding; neglect of physical, emotional, social and educational needs; psychological, physical and sexual abuse; staff issues; complaint mechanisms; and the role of the relevant government department.” In addition to 3 government-operated facilities, the “balance of the institutions mentioned in the evidence were church-run, by a variety of denominations,” which included 11 facilities: Roman Catholic (Sisters of Mercy, Sisters of Nazareth, La Salle Brothers), Salvation Army, Presbyterian, and Open Brethren Church. “...most of the evidence reviewed concerns the period from 1930 and 1980, when these large residential facilities predominated.” Among the subchapter topics are living conditions, management of children, and staffing and funding issues. Pp. 87-91 describe complaints of sexual issues that “emerged in almost all of the institutions under consideration... Two particular cases that came to light are illustrative.” The first is of Fr. Errol Stanaway, resident chaplain at St Vincent’s Home at Nudgee, 1959-1963, an orphanage operated by the Brisbane Congregation Sisters of Mercy. Given Stanaway’s archdiocese’s knowledge of history prior to his appointment at St Vincent’s, the Inquiry concluded that “the [Roman Catholic] Church acted with complete disregard for the interests of the children of St Vincent’s.” The other case is of Edwin Smith, a handyman and person in charge of the boys’ dormitory in the 1960s at Silky Oaks Children’s Haven operated by the Open Brethren Church. He pleaded guilty to criminal charges on counts involving former residents and was sentenced to prison. Regarding his access to children and “position of responsibility and trust” that put him “in charge of the daily living arrangements for the children,” the Inquiry comments: “Smith’s only qualification for the role appears to have been his membership of the Open Brethren.” Also notes that in some institutions, children were abused sexually by other children, including Riverview operated by the Salvation Army. Concludes: “The history of institutional care in Queensland up until the 1960s, however, has been one of sacrificing children’s interests to expedience. The cost rather than the quality of care was often the prevailing criterion in determining how children should be housed and managed... Neither the State nor the institutions and their auspicing bodies did enough to prevent abuse taking place.” Chapter 6 “briefly summarises the key elements of the contemporary child welfare system in Queensland and recent developments in the care and protection of children.” Concludes that the “system has been, and continues to be, beset by funding inadequacies, which impact on the staff and services that can be provided. One key effect of this has been the overwhelming focus on child protection interventions, and a virtual absence of focus on prevention and family support.” Chapter 7 “examines how the Queensland government has provided institutional care for young people deemed to be in need of ‘correction’. It is essentially an analysis of the reformatory schools and detention centres that were established to confine children charged with or convicted of criminal offences... Also included in this chapter are three denominational training schools located in Brisbane – Holy Cross [at Woolloowin, operated by the Brisbane Congregation of the Sisters of Mercy], Kalimmna [Vocational Centre at Towong, operated by the Salvation Army] and Mt Maria [at Michelton, operated by the Sisters of the Good Shepherd] – that received the vast majority of girls committed to the care and control of the Director until the establishment of Karrala House in 1963.” Concludes that the denominational schools were deficient in that as large institutions, “individual treatment could never be implemented, and where the regime was necessarily austere on account of the small number of

staff on hand to supervise the excessive numbers of young women. The lifestyle was Spartan, the labour tiresome and the discipline stern. Punishments were harsh, often commencing with solitary confinement and sedation for particularly troublesome residents.” Chapter 8 “provides a brief overview of the juvenile justice system as it currently operates in Queensland.” Among the conclusions: “The over-representation of indigenous children in the juvenile system continues to be a major problem.” Chapter 9 describes the Inquiry’s assessment of “the risk of abuse or mistreatment of children in Queensland’s juvenile detention centres...” Among the conclusions: “The Inquiry found a number of serious shortcomings in the operation of the State’s juvenile detention centres, which do not meet legislative requirements, the relevant UN Conventions or acceptable standards. These shortcomings indicate that young people in detention centres today may be at risk of abuse or mistreatment.” Chapter 10, based on commissioned research, “examine[s] the experiences of indigenous young people in detention.” The conclusion states: “This chapter provides some insight into the experience of young indigenous people in detention centres today. It further confirms some of the shortcomings of detention centres as outlined in Chapter 9, and points to a number of areas of concern to indigenous young people.” Chapter 11 “looks at whether the policies, procedures and practices of [the Department of Family, Youth and Community Care] are sufficiently comprehensive and contain adequate provision to protect children in institutional care.” Concludes that are “deficiencies in current legislation.” Chapter 12 is the Inquiry’s conclusions, including that “unsafe, improper and unlawful care and treatment of children and young people” occurred, and that “breaches of relevant statutory obligations” occurred. Describes principal abuses and statutory breaches, primary factors that made it possible for abuses to occur, and “the effect that the experience of abuse, mistreatment and neglect in institutions has had on the lives of victims of this abuse.” Concludes with recommended “initial steps for reparation and healing.” Regarding sexual abuse, states that complaints “emerged from almost all of the institutions under consideration.” States that breaches of regulations regarding food, clothing, education, and corporal punishment were commonplace. Regarding how abuses occurred, states: “The church organisations were often reliant on volunteers prepared to work long hours for minimal remuneration, such volunteers being drawn from the ranks of the church and apparently motivated by religious commitment. These carers were often young, untrained and intimidated by the hierarchy of their organizations,” including “senior staff whose underlying values and norms determined acceptable standards...” Regarding consequences of abuse, quotes a witness “of how the perpetrator of his sexual abuse rationalized the act: *‘Father [name] told me it wasn’t a sin as I one of God’s chosen children and that God made boys to be special so that those who did God’s work were not led into the temptation of sinning with women. I was told by him that I was not to say nothing to anyone because God would be very angry with me for revealing his secret ways.’* Abuse perpetrated by representatives of the religious faith to which children belonged added more serious enduring effects.” Describes the response when a victim “reported that he had been sexually abused: *‘How dare you tell a lie about a priest, you filthy animal, you shocking thing. You’re a boy of the Devil [name], that’s what you are.’ You know, that’s what I got and I just flogged because of it.’*” 4 of the 6 chapter recommendations regarding reparation, restoration, and healing are addressed to religious authorities. Appendices include: *State Children Act 1911*; *Children’s Service Act 1965*; *Juvenile Justice Act 1992*; *Infant Life Protection Act 1905*; List of Facilities that Fall within the Terms of Reference (includes a list of ‘Licensed Facilities Conducted By or Under the Auspices of Church Organisations’: Anglican, Baptist Union, Roman Catholic, Churches of Christ in Queensland, Lutheran, Methodist, The Open Brethren Assembly, Presbyterian, Salvation Army, and Uniting Church.); Submissions by Academic Institutions and Community Organisations; Other Persons Consulted; List of Witnesses Who Consented to Publication of Their Name; Public Hearings – Professional and Academic Experts; Commissioned Research; Glossary; Witness Responses to the Question ‘What Would You Like to See Come Out of the Inquiry?’; Consultant Recommendations Juvenile Detention Centres; Commission of Inquiry Staff; Bibliography. Chapter endnotes.

Commission of Investigation. (2010, December). Report into the Catholic Diocese of Cloyne. 421 pp. [Accessed 06/20/12 at the World Wide Web site of the Department of Justice and Equality, Ireland: http://www.justice.ie/en/JELR/Pages/Cloyne_Rpt]

In 2009, the Irish government amended the terms of reference of its 2006 Commission of Investigation, into the Roman Catholic Diocese of Dublin, popularly known as the Murphy Commission, to investigate complaints or allegations of child sexual abuse made to the Cloyne Diocese, other Church authorities, and state authorities from January, 1996 to February, 2009, against Catholic clergy operating under Cloyne's aegis. 1996 is "the year in which the Catholic Church in Ireland put in place detailed procedures for dealing with child sexual abuse and two years after the State had been convulsed by the Fr Brendan Smyth case." Chapter 1, "Overview," is a helpful summation of the document, and includes commentary on the topics. Identifies the standards used to assess the responses of Church and Irish authorities to complaints and allegations of clerical sexual abuse of minors. Presents its conclusion that Bishop John Magee "wholly failed to supervise" subordinates responsible for implementation of the Church's standard, Child Sexual Abuse: Framework for a Church Response, issued in 1996. States that implementation "was stymied by Monsignor [Denis] O'Callaghan," who had the assigned direct responsibility. Describes his compliance as limited and incomplete. States: "He also displayed some inexplicable failures to recognise child sexual abuse." Identifies 4 main failures of the Diocese. States: "The response of the Diocese of Cloyne to complaints and allegations of clerical child sexual abuse in the period 1996 to 2008 was inadequate and inappropriate." Also identifies occasions when Church personnel and Irish authorities responded in accord with the standards. Concludes that that change in the Cloyne Diocese "did not occur until the uninvited external examination conducted by Mr Elliott [see Appendix 1] forced Bishop Magee to face the reality that his diocese was seriously deficient in its dealing with clerical child sexual abuse." Chapter 2 describes the Commission's methodology, including: assigned terms of reference and the Commission's interpretation; its definition of child sexual abuse, and examples; sources of evidence, including documents from public agencies and the Church, and testimony from witnesses and experts; scope of the investigation; practice and procedures; formal hearings; report of costs to date (€1.9 million, which does not include third party costs). Chapter 3 describes the Diocese of Cloyne, including its managerial structure, designated responsibility for child protection, and a timeline of Diocesan "officials who dealt with child sexual abuse cases." Chapter 4 describes the child protections procedures and guidelines in the Diocese, 1996-2009, and how they were implemented. Among the Commission's assessments: the Diocese "was never genuinely committed to" implementing the 1996 Child Sexual Abuse Framework for a Church Response, the report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious; the primary person for implementation, Monsignor Denis O'Callaghan, "clearly was not fully supportive of the procedures."; primary responsibility for the failure to implement the procedures is assigned to Bishop John Magee, who "adopted a 'hands off' approach to cases of clerical child sex abuse."; a confidential letter from the Papal Nuncio of the Vatican to the Irish bishops regarding the Framework "gave comfort to those, including Monsignor O'Callaghan, who fundamentally disagreed with the policies of the document."; "...a conflict of interests existed for a number of the members of the interdiocesan case management advisory committee."; O'Callaghan's self-described *pastoral approach* to implementing the Framework "is simply not a sufficient response to a complaint of child sexual abuse," citing its lack of validating the complainants, its not providing for a genuine investigation, its not providing for the protection of other children, its lack of reporting to civil authorities, and its lack of ensuring that the alleged offender is denied access to children; "The Commission considers that the Diocese of Cloyne put far too much emphasis on the concerns of alleged offenders..." Chapter 5 "gives a brief outline of the practices and procedures involved" in the investigation and prosecution of child sexual in Ireland by the An Garda Síochána and the Director of Public Prosecutions, respectively, including practices related to "maintaining a record of all complaints of clerical child sexual abuse." Chapter 6 is a detailed description with commentary of interactions between the Diocese and Irish health authorities, the Office of the Minister for Children, and the National Board for Safeguarding Children in the Catholic Church in their roles regarding extra-familial abuse of minors, particularly from 2005 on. Church procedures in 1996-2009 "required that all complaints of clerical child sexual abuse be reported to the health board/[Health Service Executive]." Reports that "the diocese was aware of the requirement to report allegations of child sexual abuse to the health authorities but did not do so between 1996 and 2008." Chapter 7 describes the complex manner in which the Diocese funded payments related to child sexual abuse. Costs included

counseling and compensation payments for complainants, legal fees, counseling and treatment of priests, child protection training costs, and contributions to a Church trust that, 1996-2005, was “the main source of compensation payments to victims of clerical child sexual abuse in the dioceses of Ireland...” Chapter 8 reports on the Diocese’s provision of training in child protection policies and procedures for the pre-2004 period and afterwards. The Commission assessed that while the Diocese promoted the development of training pre-2004, and that since 2004, there appear to be “considerable measures to put in place a structured training regime,” it was not until 2009 that “satisfactory arrangements for priest to undergo training” were put in place. Chapters 9-25 trace the history of cases involving 18 pseudonymous priests and their behaviors against minors. In addition, a priest accused of child sexual misconduct admitted to “engag[ing] in a sexual relationship with a nun and this relationship involved solicitation in the confessional.” Each chapter concludes with the Commission’s assessment of actions and inactions of Catholic Church representatives, health board authorities, and the Gardaí. Chapter 26 is a similar history of a case, but the identity of the priest, Bishop Magee, is disclosed. Chapter 27 describes the complainants who gave evidence to the Commission, including themes related to: how the abuse was revealed, and stated effects of abuse, including difficulties in relationships, effect on families, and effect on religious belief. Appendix 1 is “The Elliott report and responses to it.” Appendix 2 is “The Minister for Children’s view of the powers of the HSE under the *Child Care Act 1991*.” Appendix 3 is a glossary. Appendix 4 lists the Commission personnel. Index. 120 footnotes.

Commission to Inquire into Child Abuse. (2009, May 20). Commission to Inquire into Child Abuse Report, Volumes I-V. Dublin, Ireland: The Commission to Inquire into Child Abuse. [Accessed 03/12/13 at the World Wide Web site of the Commission: <http://www.childabusecommission.com/rpt/pdfs/>]

Popularly known as the Ryan Report after its chairperson, Séan Ryan, a justice of The High Court of Ireland. The government of Ireland established the Commission administratively in 1999, and by statute in 2000. It was assigned 3 primary functions: “to hear evidence of abuse from persons who allege they suffered abuse in childhood, in institutions, during the period from 1940 or earlier, to the present day; to conduct an inquiry into abuse of children in institutions during that period and, where satisfied that abuse occurred, to determine the causes, nature, circumstances and extent of such abuse; and to prepare and publish reports on the results of the inquiry on its recommendations in relation to dealing with the effects of such abuse.” 4 types of abuse were examined: physical, sexual, neglect, and emotional. The Commission was structured through an Investigation Committee and the Confidential Committee. “Investigations were conducted into all institutions where the number of complainants was more than 20.” The period examined was 1936 to the present; most complaints came from 1936-1970. “Although institutional care belongs to a different era, many of the lessons to be learned from what happened have contemporary applications for the protection of vulnerable people in our society.” The Report consists of 5 volumes and an Executive Summary. [Descriptions based on the Executive Summary.]

Volume 1 consists of 16 chapters.

- Chapter 1 contains a general introduction and the Commission’s terms of reference.
- Chapters 2-3 are a historical background to the “Industrial and Reformatory school system.”
- Chapter 4 describes governments rules and regulations for the residential schools, including guidelines for punishment.
- Chapter 5 outlines preliminary issues e.g., statute of limitation amendments, and anonymity.
- Chapters 6-13 “contain the reports on the Institutions owned and managed by the Congregation of the Christian Brothers. This Congregation was the largest provider of residential care for boys in the country and more allegations were made against this organisation than all of the other male Orders combined.” Among results reported: “Chapter 7 deals with Artane Industrial School in Dublin. Conclusions on sexual abuse are at Paragraph 7.549: “...sexual abuse of boys in Artane by Brothers was a chronic problem. Complaints were not handled properly and the steps taken by the Congregation to avoid scandal and publicity protected perpetrators of abuse.” Chapter 8 deals with the school at Letterfrack, County Galway. “Sexual abuse was a chronic problem. For two thirds of the relevant period there was at least one sexual abuser in the school.” Chapter 13 deals with St Joseph’s School for the Deaf, in Cabra. “It was the subject of Eastern Health Board Investigations in the 1980s which revealed disturbing levels of sexual abuse and peer sexual activity amongst boys who were residents there. ...documents

reveal a persistent failure on the part of school Authorities to protect children from bullying and abuse.”

Volume 2 consists of 16 chapters.

- Chapters 1-3 report an investigation into institutions owned and managed by the Rosminian Order. Among the results reported: Chapter 2 considers material from the Order’s archive in Rome, Italy, which dealt with 7 sexual abusers who worked at St Patrick’s Industrial School, Upton, County Cork. Chapter 3 concerns Ferryhouse, the Order’s industrial school at Clonmel, County Tipperary; 2 religious members of the Order and 1 layman “were convicted of sexual abuse of boys in Ferryhouse.”
- Chapter 4 reports on an industrial school, Greenmount, County Cork, owned and managed by the Presentation Brothers. “The report... contains a detailed analysis of an investigation into allegations of sexual abuse against two Brothers who were on the staff at the time. This matter was dealt with inadequately at the time and one of the Brothers went on to abuse in other schools he was assigned to.”
- Chapter 5 reports on Lota, a residential school for boys with special needs, which was operated by the Brothers of Charity. “The significant element in the account at Lota was the deeply disturbing accounts of sexual abuse by vulnerable children by religious staff. In addition, the indifference of the Congregational authorities in addressing the issue facilitated the abuse in Lota for many years.”
- Chapters 6-16 “cover 8 Industrial Schools run by Orders of nuns... The largest providers of care to these children were the Sisters of Mercy, who ran a total of 26 Industrial Schools in the State during most of the relevant period.” “Chapter 6 looks at the foundation and organisation of the Sisters of Mercy...” Among the results reported: Chapter 13 concerns St Patrick’s Industrial School in Kilkenny for boys up to age 10 that was operated by the Sisters of Charity. “Three male complainants described incidents of sexual abuse and the significant factor in each account was the child’s inability to confide to the Sister who was caring for him. Men who were employed in the school appeared to have ready access to these small boys and there was no awareness of the risks posed by this.” Chapter 14 concerns St Joseph’s Industrial School in Kilkenny, operated by the Sisters of Charity: “In general this was a well run institution but it was dogged at two separate periods in its history by serious instances of sexual abuse and the Congregation did not deal with these appropriately or with the children’s best interests in mind.”

Volume 3 is the Confidential Committee Report and consists of 19 chapters. The Committee “heard evidence from 1090 men and women who reported being abused in Irish institutions.”

Complaints of abuse were received for “216 school and residential settings, including Industrial and Reformatory Schools, Children’s Homes hospitals, national and secondary schools, day and residential special needs schools, foster care and a small number of other residential institutions, including laundries and hostels.”

- Chapters 7, 9, and 13-18 “set out the Confidential Committee abuse reports. “In excess of 800 individuals were identified as physically and/or sexually abusing the witnesses as children in [216 named] settings. Neglect and emotional abuse were often described as endemic within institutions where there was a systemic failure to provide for children’s safety and welfare... Sexual abuse was reported by approximately half of all the Confidential Committee witnesses... The secret nature of sexual abuse was repeatedly emphasised as facilitating its occurrence. Witnesses reported being sexually abuse by religious and lay staff in the schools and institutions and by co-residents and others, including professionals, both within and external to the institutions... Some witnesses who disclosed sexual abuse were subjected to severe reproach by those who had responsibility for their care and protection. Female witnesses in particular described, at time, being told they were responsible for the sexual abuse they experience, by both their abuser and those to whom they disclosed abuse.”
- Chapter 11 and sections of Chapters 13-18 “deal with the effects of abuse on later life.”

Volume 4 consists of 7 chapters regarding the Department of Education which “had legal responsibility under the Children Act 1908 for all children committed to the Industrial and Reformatory Schools.”

- Chapter 6 contains the Commission’s conclusions.
- Chapter 7 is the Commission’s recommendations.

Volume 5 consists of 8 chapters regarding the Irish Society for the Prevention of Cruelty to Children.

Pp. 19-26 of the Executive Summary are the Commission's 43 conclusions, which include the categories of physical abuse, sexual abuse, neglect, and emotional abuse; 18-30 address sexual abuse. Among the conclusions are:

- "18. Sexual abuse was endemic in boys' institutions. The situation in girls' institutions was different. Although girls were subjected to predatory sexual abuse by male employees or visitors or in outside placements, sexual abuse was not systemic in girls' schools."
- "20. Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the Congregation. This policy resulted in the protection of the perpetrator..."
- "21. The recidivist nature of sexual abuse was known to religious authorities."
- "22. When confronted with evidence of sexual abuse, the response of the religious authorities was to transfer the offender to another location where, in many instances, he was free to abuse again..."
- "23. Sexual abuse was known to religious authorities to be a persistent problem in male religious organisations throughout the relevant period."
- "26. In general, male religious Congregations were not prepared to accept their responsibility for the sexual abuse that their members perpetrated."
- "29. Sexual abuse by members of religious Orders were seldom brought to the attention of the Department of Education by religious authorities because of a culture of silence about the issue."
- "30. The Department of Education dealt inadequately with complaints about sexual abuse..."

Pp. 27-30 of the Executive Summary are the Commission's 21 recommendations, which are organized as: "(i) To alleviate or otherwise address the effects of the abuse on those who suffered" and "(ii) To prevent where possible and reduce the incidence of abuse of children in institutions and to protect children from such abuse." Among the recommendations are:

- "3. The lessons of the past should be learned... The Congregations need to examine how their ideals became debased by systemic abuse. They must ask themselves how they came to tolerate breaches of their own rules and, when sexual and physical abuse was discovered, how they responded to it, and to those who perpetrated it. ...the fact [is] that the system failed the children, not just that children were abused because occasional individual lapses occurred."

County Investigating Grand Jury. (2005, September 15). Report of the Grand Jury: In Re Misc. No. 03-00-239. Philadelphia, PA: Philadelphia District Attorney. [Accessed 10/14/05 at the World Wide Web site of the office of the Philadelphia, Pennsylvania, District Attorney:

<http://www.philadelphiadistrictattorney.com/pages/1/index>] [For a very accessible display of the Report, see the World Wide Web site of BishopAccountability.org, accessed 01/06/06 at: http://www.bishop-accountability.org/pa_philadelphia/Philly_GJ_report]

On 09/17/03, a criminal grand jury was empaneled in the First Judicial District of Pennsylvania, and "charged to investigate the sexual abuse of minors by clergy" in the Roman Catholic Church's Philadelphia Archdiocese. The Grand Jury's Report and its findings was released on 09/21/05. The full Report is lengthy, very detailed, and includes 6 appendices, all of which was released. Section 1 is an introduction which begins: "This report contains the findings of the Grand Jury: how dozens of priests sexually abused hundreds of children; how Philadelphia Archdiocese officials – including Cardinal Bevilacqua and Cardinal Krol – excused and enabled the abuse; and how the law must be changed so it doesn't happen again. Some may be tempted to describe these events as tragic. Tragedies such as tidal waves, however, are outside human control. What we found were not acts of God, but of men who acted in His name and defiled it. ...these priests and officials will necessarily escape criminal prosecution. We surely would have charged them if we could have done so." Section 2, Overview of the Sexual Abuse by Archdiocese Priests, reports the Grand Jury's finding that 63 priests in the Archdiocese committed sexual abuse and that "evidence also revealed *hundreds of child victims* [emphasis in the text includes boldface] of these sexual offenders." This is accompanied by the statement that the Grand Jury has no doubt that there were more perpetrators and victims. Describes the harm as including "psychological abuse that scarred

their lives and sapped the faith in which they had been raised.” States: “We were saddened to discover the magnitude of the calamity in terms of the abuse itself, the suffering it has caused, and the numbers of victims and priests involved... Indeed, the evidence arising from the Philadelphia Archdiocese reveals criminality against minors on a widespread scale – sparing no geographic sector, no income level, no ethnic group.” Includes an educational section regarding the nature and dynamics of child sexual abuse based on expert testimony. Includes quotes from victims’ testimony. Section 3, Overview of the Cover-up by Archdiocese Officials, describes the Archdiocese’s actions as “callous, calculating... at least as immoral as the abuse itself... Documents and testimony left us with no doubt that [Cardinal Bevilacqua] and Cardinal Krol were personally informed of almost all of the allegations of sexual abuse by priests, and personally decided or approved of how to handle those allegations.” States: “They chose to protect themselves from scandal and liability rather than protect children from the priests’ crimes.” Describes tactics by the cardinals and other officials to hide “the priests’ crimes from parishioners, police, and the general public.” States: “When they withheld from parents knowledge of the child’s abuse, they sentenced that child to years of lonely suffering. By not reporting the crimes to law enforcement, they frustrated safeguards designed to protect children in society at large... [The abuses] were made possible by purposeful decisions, carefully implemented policies, and calculated indifference.” Section 4, Legal Analysis and Recommendations, reports: “What we found was that many offenses applied to the evidence before us, but were barred by statutes of limitation, while many others narrowly failed to apply because of what we believe are unintended or unwise limitations in the law... For now we were able to document many assaults, but not still prosecutable.” Notes that because the Archdiocese is not organized as a legal corporation under Pennsylvania law, it is immunized from liability for corporate criminal liability.” Concludes: “We are left, then, with what we consider a travesty of justice: a multitude of crimes for which no one can be held criminally accountable.” Also includes 7 specific recommendations for changes in Pennsylvania law. Section 5, Selected Case Studies, presents case studies of 28 priests in complete detail, “presenting the conduct of the sexually abusive priests together with the response of the Archdiocese as it occurred at each step. ...this is our best effort to express the relentless refusal of the Archdiocese to admit what its priests, and its leaders, were doing to children.” The appendices include: the names of the 63 priests; parishes and schools where they were assigned; biographical profiles of most of the 63; selected documents from victims, priests, and Archdiocese officials reproduced in the original form; glossary of terms; newspaper articles.

Dempsey, Julia Quinn, Gorman, John R., Madden, John P., & Spilly, Alphonse P. (1992, June). The Cardinal’s Commission on Clerical Sexual Misconduct with Minors: Report to Joseph Cardinal Bernardin, Archdiocese of Chicago. Chicago, IL: Archdiocese of Chicago, 93 pp.

In 1991, Cardinal Joseph Bernardin, Roman Catholic head of the Archdiocese of Chicago, Illinois, appointed a 3-member commission to examine “areas of concern in regard to sexual misconduct with children by priests” and to recommend actions to take. Chapter 1 is an introduction, and identifies the Commission’s 4 mandates: “address, without delay, any situations involving clergy assignments that might put people at risk; review the existing policies and procedures of the Archdiocese relative to sexual misconduct by clergy, with special attention to the issue of child sexual abuse; address the question of whether and under what circumstances a priest – against whom accusations of sexual misconduct have been lodged – could engage in parish ministry; present recommendations about how the Archdiocese might best incorporate laypersons into its review process.” The chapter also includes information about methodology. The Commission conducted 31 interviews with 41 persons, read research and literature, and solicited written input from people of the Archdiocese, including the heads of schools and institutions. Chapter 2 sets a brief historical context in the Archdiocese since 1983, focusing on the practices of the Office of the Vicar for Priests. Notes the case that prompted the appointment of the Commission. Chapter 3 is educational and describes the nature of the problem of sexual misconduct of minors. Topics include: clinical and legal definitions of terms, scope of the problem, pastoral dimensions, psychiatric and psychological dimensions, and legal dimensions. Includes the Commission’s commentary on various topics. Chapter 4 is a very brief summary of the Commission’s review of cases in the Archdiocese since 1963 which involved 57 Archdiocesan priests, 2 externs, and 3

cases in which the victims were adults, not children. "...the offenses in some cases predated the reports by years, even decades in a few cases. Based on the age and gender of the victims, the Commission comments: "The overwhelming number of cases... involved homosexual ephebophiles, that is, priests sexually attracted to young teen-aged boys." Among the Commission's actions: "In five cases, we recommended the immediate removal of the priests from parish ministry because of the serious nature of the offenses and the present danger the priests posed to children in the parish." Chapter 5 is the Commission's recommendations regarding Archdiocesan structure, policies, and procedures for responding to allegations of child sexual abuse by priests. Key features include a nine-person Permanent Review Board, a 24-hour hotline, and a 2-stage investigative process, development and implementation of a new Archdiocese policy, and increasing the role of laypersons and professionals who are not Archdiocesan employees. Chapter 6 discusses care of "the victims of child sexual abuse – as well as their families and communities – and to the priests who have committed the abuse..." Emphasizes compassion and fairness as the most effective approach to achieve an ultimate goal of "healing for all." Chapter 7 makes recommendations regarding 5 issues: 1.) establishing new agreements for about 800 religious order and 907 extern priests living in the Archdiocese; 2.) establishing procedures for screening religious and extern priests; Archdiocesan seminarians, and permanent deacons; 3.) establishing programs regarding sexuality for seminarians and priests during initial education and formation stages, and as continuing education; 4.) establishing new policy regarding continuity between personal information on Archdiocesan seminarians and information contained in priest personnel files; 5.) establishing a new procedure for screening priests seeking new assignments in the Archdiocese. Chapter 8 contains recommendations regarding the return to ministry of priests who engage in sexual misconduct with a minor. The Commission's position is clear: "We recommend that any priest who engages in sexual misconduct with a minor not be returned to parish ministry or any kind of ministry which would give him access to minors. We have identified no conditions in which an exception can be made to this." 9 appendices include: the Cardinal's letter to the Archdiocese announcing appointment of the Commission; brief bibliographies of the members; brief summaries of interviews conducted; bibliography of works on a variety of topics.

Dublin Archdiocese Commission of Investigation. (2009, July). Report into the Catholic Archdiocese of Dublin. Dublin, Ireland: Stationery Office, 720 pp. [Accessed 11/06/12 at the World Wide Web site of BishopAccountability.org: http://www.bishop-accountability.org/reports/2009_11_26_Murphy_Report/]

Popularly known as the Murphy Report after the chairperson of the Commission, Yvonne Murphy. The 3-volume Report was released November 26, 2009; Chapter 19 was released December 17, 210, along with other portions of the report regarding a specific individual, which affected a number of portions of the Report. A Supplementary Report was released in December, 2010, and is available at the web site. Established in 2006 by government action, the 3-person Commission of Investigation "was established to report on the handling by [Roman Catholic] Church and [Irish] State authorities of a representative sample of allegations and suspicions of child sexual abuse against clerics operating under the aegis of the Archdiocese of Dublin over the period of 1975 to 2004." Of 172 named priests about whom the Commission received information, it selected a representative sample of 46 priests to investigate. Part 1 of the Report describes the context. "Part 2 reports on the cases of the 46 priests who form the representative sample... It is important to realise that it was not the function of the Commission to establish whether or not child sexual abuse actually took place but rather to record the manner in which complaints were dealt with by Church and State authorities." From Chapter 1, "Overview," which presents a summary of the Report: 1.10 Complaints regarding 320+ children (a ratio of 2.3 males to 1 female) were examined against 46 priests. 1.15 The Commission found that the "Archdiocese's pre-occupations in dealing with cases of child sexual abuse, at least until the mid 1990s, were the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the Church, and the preservation of its assets. All other considerations, including the welfare of children and justice for victims, were subordinated to these priorities. The Archdiocese did not implement its own canon law rules and did its best to avoid any application of the law of the State." 1.16 Beginning in 1996, the Archdiocese began to implement new structures and procedures for dealing

with sexual abuse, but “its provisions on support services for complainants were not fully implemented” until 2003, a failure that “caused added distress to complainants.” Concern was expressed that the current structures and procedures, while working well, “are heavily dependent on the commitment and effectiveness of” the Archbishop and the Director of Child Protection Service,” which is not sufficient if the personnel are “uncommitted or ineffective.” 1.17-1.24 The Commission did not accept the defense offered by Church officials that they were ignorant of canon law or civil law when dealing with complaints of child sexual abuse, that they “were on a ‘learning curve’ about child sexual abuse,” that they were unaware of the recidivist nature of child sexual abusers, that high-ranking Church officials were unaware of complaints in the period examined, and that religious orders were unaware of complaints. 1.25-1.26 Church authorities “failed to implement most of their own canon law rules on dealing with clerical child sexual abuse. 1.36-1.46 Actions of individual, named bishops. 1.47-1.54 Actions of individual, named auxiliary bishops. 1.63-1.69 “...poor or non-existent communication both internally in the Archdiocese and between it and other church authorities.” 1.70-1.72 Psychiatric and psychological treatment. 1.73-1.75 Allowing alleged abusers to return to ministry. 1.76-1.80 Interactions between priests who were abusers. 1.81-1.86 Monitoring of priests who offended. 1.92-1.98 State authorities. 1.102-1.106 Complainants. 1.113 Conclusion. Chapter 2 describes how the Commission carried out its mandate. Among the topics: terms of reference; appointment of administrative staff; its definition of *sexual abuse*; voluntary cooperation of witnesses; confidentiality; witness interviews; formal hearings; discovery of documents (100,000), including the lack of a reply to multiple requests of the Congregation for the Doctrine of the Faith, Roman Catholic Church; legal privilege and challenge; research; costs (€3.6 million through April, 2009); additional information received. Chapter 3 regards the Archdiocese of Dublin. Chapter 4 regards the role of canon law and internal Church procedure. Chapter 5 regards the investigation of child sexual abuse cases by the *Gardaí*, and prosecution by the Director of Public Prosecutions. Chapter 6 regards the role of Irish health authorities regarding complaints of child sexual abuse. Chapter 7 regards the report of the Irish Catholic Bishops’ Advisory Committee on Child Sexual Abuse by Priests and Religious, Child Sexual Abuse: Framework for a Church Response, published in 1996, which “set out eight guidelines which should underline the response of Church authorities to allegations of child sexual abuse.” Describes the Archdiocese’s use of the document, and well other Archdiocesan initiatives. Chapter 8 regards the finances of the Archdiocese in relation to compensation of victims, support services for victims, and support for priests. Chapter 9 regards the Archdiocese and insurance coverage related to child sexual abuse. Chapter 10 regards the education and formation of priests of the Archdiocese, with a specific focus on topics related to the sexual abuse of minors. Part 2 begins with an introduction to the Commission’s investigation of the sample of 46 priests, Chapter 11. “The Commission conducted its investigation by means of oral evidence and in-depth analysis of the documentation supplied by all parties.” Of the 46: 11 are or were members of religious orders, 4 of whom are dead; 1 belongs to a United Kingdom diocese; 34 are from Dublin Archdiocese, 10 of whom are dead, 20 are out of ministry, and 4 are in ministry; of the 20 out of ministry, 11 are supported financially by the Archdiocese, and 9 are laicized. 1 priest “admitted to sexually abuse over 100 children, while another accepted that he had abused on a fortnightly basis during the currency of his ministry which lasted over 25 years. “Of the 46 priests surveyed, 11 pleaded guilty to or were convicted in the criminal courts of sexual assaults on children.” There was 1 “clear case of a false accusation of child sexual abuse.” There were 2 cases of suspicions or concerns, but no actual complaint of child sexual abuse. Identifies by Archdiocese position, name, and period in office individuals who “were the main people... who dealt with complaints of child sexual abuse over the period covered by the Commission.” Identifies the centers where priests “were sent for assessment and sometimes for treatment” by psychiatrists and psychologists: Servants of the Paraclete operated a treatment house known as Stroud in Brownhill, Gloucestershire, England, where 8 of the 46 were sent, and Jemez Springs, New Mexico, U.S.A., which was also utilized; the Hospitaller Order of St John of God operated the Granada Institute in Dublin, where 25 of the of the 46 were sent. Chapters 12-57 report the findings for each priest individually by name, with some exceptions, by chapter. The basic format typically contains in chronological order, as applicable: introduction, suspicions and/or complaint(s), reporting of the abuse, investigations by authorities, criminal charges, civil claims, actions of Archdiocesan officials, assessment and/or treatment, media

reports, status, and the Commission's assessment. In addition to offenses committed within the bounds of the Archdiocese, incidents are also reported in other names, e.g., Japan, the U.S.A., and France. For a "case that encapsulates everything that was wrong with the archdiocesan handling of child sexual abuse cases," see Chapter 20, pp. 282-343: 20.177 "Monsignor Stenson told the Commission that *'this case was dreadfully, very poorly handled'* and *'a much more decisive decision should have been made earlier'*. That, in the Commission's view, is a considerable understatement." Chapter 22 describes a priest who as a chaplain at a school for children who were deaf sexually abused students, including during confession. Chapter 24 describes the case of Fr. Ivan Payne, a priest "who is a convicted serial child sexual abuser," whose victims include 16 "people [who] allege they were abused during his time as chaplain in Our Lady's Hospital for Sick Children, Crumlin." Chapter 28 is a lengthy description of Fr. William Carney and complaints, suspicions, and concerns regarding his sexualization of relationships with minors in Catholic orphanages, residential schools, and parish settings. The Commission states in its assessment: "The handling of the Archdiocese of the large number of allegations and suspicions in relation to Fr Carney is nothing short of catastrophic. The Archdiocese, in its handling of the case, was inept, self-serving and, for the best part of ten years, displayed no obvious concern for the welfare of children... No attempt was made by the Archdiocese to provide help or counseling to the victims who were known and no attempt was made to establish if there were any other victims." Chapter 41 describes a "good example of a case which the Archdiocese, the health board, the Granada Institute, the Gardaí, and the Department of Education handled the various complaints well." Chapter 58 describes themes presented by complainants who gave evidence: "These were witnesses were anxious that the Commission should understand and appreciate the potentially devastating long term effects of child sexual abuse, not merely on the child, but also on the wider family." The issues raised include: difficulties in relationships; effect on religious belief; transference of guilt from the offender to the victim; negative effects of the abuse; fear of not being believed; negative effect on the families; betrayal by their Church; reporting to the *Gardaí*; the actions of the Archdiocese toward complainants after 1995. The final part consists 6 appendices (timeline; legal framework regarding child sexual abuse; glossary of terms; map of the parishes of the Archdiocese; bibliography; Commission personnel) and an index.

Evinger, James, Whitfield, Carolyn, & Wiley, Judith. (2010, October). Final Report of the Independent Abuse Review Panel, Presbyterian Church (U.S.A.). Louisville, KY: Presbyterian Church (U.S.A.), 546 pp. Available from: Presbyterian Church (U.S.A.), 100 Witherspoon St., Louisville, KY, 40202. Product #51710010001. <http://store.pcusa.org/5171010001> [Accessed 01/16/18 in PDF format at the World Wide Web site of Presbyterian Church (U.S.A.): https://www.pcusa.org/site_media/media/uploads/iarp/pdfs/iarp_final_report.pdf] [The report is also available through the Missionary Kids Safety Net web site.]

Report of a nearly 7-year, fact-finding inquiry into incidents of physical abuse and sexual abuse committed in non-United States mission fields of the Presbyterian Church (U.S.A.) and/or its predecessor denominations. The inquiry also charted to examine the actions and inactions of mission personnel in relation to incidents. Part 1, supplemented by appendices, describes the structure and function of the inquiry, and the Panel's methodology, procedures, and protocols. Part 2 describes the cases and their contexts, and presents conclusions about the 131 reports submitted about events that spanned 40 years and involved 10 mission fields. Reports included allegations of abuse, and concerns and statements offered in support of another's report of abuse. In 30 instances, the Panel concluded abuse had occurred: sexual abuse committed by an adult (n = 11), sexual abuse committed by a minor (n = 18), physical abuse (n = 1). The Panel found 1 instance of the failure of mission personnel to act to protect minors. The Final Report named 9 individuals who committed violations; 17 were named in private Need-to-Know Reports. Includes identification of themes that transcended mission fields, concluding comments, and recommendations to the Church. Extensive footnotes.

Heed, Peter W., Delker, N. William, & Rosenberg, James D. (2003, March 3). Report on the Investigation of the Diocese of Manchester. Concord, NH: Office of the Attorney General, State of New Hampshire, 154 pp. Available from: Office of the Attorney General, 33 Capitol Street, Concord, NH, 03301-6397.

(603) 271-3671. [Accessed 05/04/03 at the World Wide Web site of the New Hampshire Department of Justice: <http://www.state.nh.us/nhdoj/Press%20Release/3303diocese>]

A public report. "This report is the final product of an intense investigation conducted by the New Hampshire Attorney General's Office ("AGO") into the manner in which the Roman Catholic Diocese of Manchester (the "Diocese") handled allegations that priests committed sexual assaults against minors..." over the last 40 years. The AGO investigation began in February, 2002, and was prompted by Massachusetts media reports regarding practices of reassigning priests after allegations of sexual abuse became known to Church hierarchy. The AGO sought and implemented grand jury subpoenas to obtain Diocese records. "The investigation confirmed initial suspicions that in multiple cases the Diocese knew that a particular priest was sexually assaulting minors, the Diocese took inadequate or no action to protect these children within the parish, and that the priest subsequently committed additional acts of sexual abuse against children that the priest had contact with through the church." In December, 2002, the AGO was prepared to present indictments to a grand jury charging the Diocese of Manchester with multiple accounts of endangering the welfare of a minor. On 12/10/02, the Diocese entered into an agreement with the State that ended criminal proceedings. The Diocese acknowledged that the evidence was likely to sustain a conviction for child endangerment. The State chose not to pursue indictments: "First the Diocese acknowledged that certain of its decisions concerning the assignment to ministry of priests who had abused minors in the past resulted in other minors being victimized. Second, the Diocese agreed to comply with several conditions that will safeguard children, ensure transparency of both its prior and future conduct, and create a system of accountability. The State feels that the agreement with the Diocese accomplished greater protection of children than would have resulted from a criminal trial and conviction." A legal analysis of the State's case is presented. Accompanying the public report were copies of Diocesan documents made available under the New Hampshire Right-To-Know law "in order to provide the public the opportunity to review the facts concerning the Diocese's handling of allegations of child sexual abuse by priests over the last 40 years, as well as the manner in which the State conducted its investigation." The report includes a narrative summary of facts uncovered by the investigation regarding the Diocese's handling of 8 priests who were the subject of allegations of child sexual abuse. Files of 50+ other priests and members of religious orders were also made available to the public. [Note: the PDF version of the Report that is available on the World Wide Web does not print page 2; there apparently is no page 23.] [See also this bibliography, Section II: McLaughlin, Philip T., & McCormack, John B. (2003).]

Hughes, Samuel H. S. (1989-1990). Hearings. [videocassettes.] Royal Commission of Inquiry into the Response of the Newfoundland Criminal Justice System to Complaints.

Commonly known as the Hughes Commission, the Canadian government Inquiry examined responses to reports of sexually abused children in Newfoundland and Labrador, Canada, including the Mount Cashel Orphanage, St. John's Newfoundland, which was managed and staffed by those with affiliation to the Roman Catholic Church. [Not examined; based on FirstSearch academic database description.]

Kersten, E. Campion, & Landgraf, Bruce J. (1993). Special Counsel's Report to the Province of St. Joseph of the Capuchin Franciscan Order. Milwaukee, WI: Kersten & McKinnon, S.C., 39 pp. plus 35 pp. of appendices. Available from: Province of St. Joseph of the Capuchin Franciscan Order, 1740 Mount Elliott Ave., Detroit, MI, 48207; Kersten & McKinnon, S.C., 231 West Wisconsin Ave., Milwaukee, WI.

Kersten is a lawyer and president, Kersten & McKinnon, S.C., a law firm, Milwaukee, Wisconsin. Landgraf is a lawyer and member of the firm. In January, 1993, the Province of St. Joseph of the Capuchin Order, Detroit, Michigan, Roman Catholic Church, commissioned the law firm of Kersten & McKinnon, S.C., as Special Counsel to conduct an investigation into allegations by former students of St. Lawrence Seminary School about sexual abuse committed by Capuchin friars at the school. The Seminary is a boarding school for boys, Mt. Calvary, Wisconsin, that was founded and is operated by Capuchin priests and brothers with lay faculty. The Report consists of: Introduction; Tasks, Methods and Classification of Data; Abuse and Misconduct at St. Lawrence Seminary; Assistance to Victims and Families; Review of Existing Mandatory Reporting and

Misconduct Policies of the Capuchins; Recommendations for Improvements in Policy; Conclusion. The Appendices section includes: Responsibilities for Special Counsel; Bibliography; Selected Wisconsin Statutes; Sexual Misconduct Policy of the Order; United States Catholic Conference Pedophilia Statement (1988); Letters from Special Counsel; Selected Issues of Child Sexual Abuse. Findings include: sexual abuse was committed against 14 minors between 1968-1986 by 5 Capuchins, 1 of whom abused 9 minors; qualified acts, i.e., inappropriate although not criminal conduct, were committed against 9 minors by 5 Capuchins between 1972-1992, 1 of whom acted against 5 minors; the failure in some instances of the School to report allegations or discoveries of abuse as mandated by Wisconsin law, conduct an internal investigation, and notify parents of their sons' reports to School staff.

Kohl, Tonia, & Crowley, Michael. (1998). Not the Way of Christ: The Report of the Independent Pastoral Inquiry into Sexual Misconduct by Clergy or Officers of the Anglican Diocese of Tasmania with particular reference to Paedophilia, edited version, 17 pp. [Accessed 04/24/05 at: <http://www.anglicantas.org.au/pdfs/not-the-way-extracts.pdf>] [A full copy of the report is available for purchase from: Diocesan Office, GPO Box 748, Hobart TAS. 7001]

The Inquiry was commissioned by the Anglican Bishop of Tasmania, Right Reverend Philip Newell, and "was established as a pastoral inquiry in that its function was not investigative or quasi-judicial." It was created with "concern for the continued integrity of the Church in Tasmania and to establish a forum for victims of sexual abuse and misconduct to be heard..." In 1997, Newell appointed Tonia Kohl, a barrister, and Michael Crowley, a clinical psychologist, to conduct the Inquiry. Page 5-9 generally describe the findings that were based on submissions to the Inquiry. Specific details of alleged offenses and acts of sexual misconduct are provided in an appendix to the full report that is not part of this document. The findings also concern the Church's response to reports and allegations: "...the Inquiry concluded that it is possible that there have been significant breakdowns in communication up and down the line with regard to what occurred after a report of sexual misconduct or abuse was made to the Church... Incidents described by parents of unrelated children clearly shows [*sic*] that the system had failed." Among the findings is the conclusion: "If submissions to the Inquiry give an accurate picture of not just historical events but also current events, then it seems reasonable to draw the conclusion that, while there have been a number of accounts of paedophilic and hebephilic activity historically and in recent years, there was no witness who submitted that there were any indications of current paedophilic abuse or hebephilic abuse within the Anglican Church in Tasmania." Pages 9-14 include 31 recommendations for changes in the life, structure, policy, and practice of the Church. The authors describe these as oriented to creating a culture of awareness and an arena of safety for youth. Recommendations are topically organized and address: Bishop's powers; Diocese's sexual harassment policy and sexual harassment response group; ethical, professional, and personal development for clergy; youth activities within the Diocese; Code of Practice for the Protection of Children; legal perspective; 1 named minister who is active in the Diocese; named ministers in other dioceses; named ministers who are deceased. Includes a brief bibliography.

Law Commission of Canada. (2000). Restoring Dignity: Responding to Child Abuse in Canadian Institutions. Ottawa, CA: Minister of Public Works and Government Services. [Accessed 09/13/12 at: http://www.institutionwatch.ca/cms-filesystem-action?file=research/restoring_dignity.pdf]

From the Executive Summary: "In November 1997, Justice Minister Anne McLellan asked the Law Commission of Canada to prepare a report on the means for addressing the harm caused by physical and sexual abuse of children in institutions operated, funded or supported by government. These institutions included residential schools for Aboriginal children, schools for the Deaf and blind, training schools, long-term mental health care facilities and sanatoria. ...a significant power imbalance existed between the children and those in charge of these institutions, one that went beyond the obvious power imbalance between a child and an adult in a position of authority. Many teachers, counsellors, supervisors and guards, for example, had the added weight of institutional authority behind them – the moral weight of a respect religious order or the official power of a government. ...it was important to look not only at physical and sexual abuse but at other types of maltreatment as well, such as neglect, and emotional, spiritual, psychological, racial

and cultural abuse, all of which also have profound and long-lasting effects. Furthermore, it examined the impact of abuse on children who were not abused themselves but who witnessed the abuse of others.” Notes: “Churches often had difficulty recruiting qualified teachers because of low pay, remote locations, a lack of teaching equipment, inhospitable living conditions and a few opportunities for professional development. Staff turnover was a constant problem... The pool of often under-qualified applicants for positions contained some who were abusers and who saw residential schools as places where they could more readily abuse children.” Regarding the needs of survivors, recurring themes were identified: “...an acknowledgement of the harm done and accountability for that harm; an apology; access to therapy and to education; financial compensation; some means of memorialising the experiences of children in institutions; and a commitment to raising public awareness of institutional child abuse and preventing its recurrence.” Part 1, “Issues,” addresses: Why a Report on Institutional Child Abuse?; What Children Experienced; Residential Schools for Aboriginal Children; Needs Identified. Notes in particular the devastating effect on Aboriginal children and communities. Regarding the topic of why abuse occurred in Canadian institutions for children, a number of which were operated and staffed by religious institutions, states: “To date, allegations of child abuse have invariably arisen in connection with residential institutions that were run by governments, and by churches and their lay orders. These organisations wield significant social power and are potent symbols of authority today. They were even more potent symbols of authority in previous decades, when much of the child abuse under consideration took place... The extent of the deference accorded to governments and churches made it difficult for anyone to effectively challenge the policies and acts of officials at the time.” Examples to illustrate topics, e.g., the powerlessness of children in an institution, include citations of sexual abuse by adults affiliated with religious communities. Part 2 identifies 8 criteria by which the Commission assessed redress options: *Respect, engagement and informed choice; Fact-finding; Accountability; Fairness; Acknowledgment, apology and reconciliation; Compensation, counselling and education; Needs of families, communities and peoples; Prevention and public education.* The Commission identifies 5 guiding principles to be applied to all responses to institutional abuse, and discusses them in its application of the criteria in its assessment of redress options, which include: criminal justice process, civil actions, criminal injuries compensation programs, *ex gratia* payments, ombudsman offices, children’s advocates and commissions, public inquiries, truth commissions and similar processes to address systemic human rights abuses, community initiatives, and redress programs. Each assessment “is followed by specific recommendations intended to improve the way in which the process functions as a means for providing redress to survivors of institutional child abuse.” Under community initiatives, describes some church-based efforts, including a congregation’s actions to learn and to offer an apology, and the Anglican Church of Canada’s and the United Church of Canada’s financial assistance of projects to overcome effects of the residential school experience on Aboriginal peoples. Part 3 outlines “a variety of understandings of and approaches to public education and prevention.” An appendix contains a bibliography. Section endnotes.

Meadors, Marshall L. (Jack), Jr., Fresh, Edith M., Evinger, James S., & Bracey, Lauri, B. (2009). Final Report of the Independent Panel for the Review of Child Abuse in Mission Settings. New York, NY: General Board of Global Ministries of The United Methodist Church, 128 pp. [Accessed 05/13/13 at the World Wide Web site of General Board of Global Ministries: http://gbgm-umc.org/global_news/pr.cfm?articleid=5387]

Report of a 3-person, independent panel and its staff member regarding its inquiry. The panel, appointed by General Board of Global Ministries (GBGM) of The United Methodist Church, was charged primarily to examine alleged actions committed in 1945-1978 against missionary children in the former Congo/Zaire. Prompted by a predecessor inquiry and report [See this bibliography, this section: Beardsley, Howard, Edmund, Lois, Evinger, James, Poling, Nancy, & Stearns, Geoffrey (with Whitfield, Carolyn). (2002, September). Final Report of the Independent Committee of Inquiry, Presbyterian Church (U.S.A.).] In the 12 cases reported, the panel found: case 1, GBGM-affiliated missionary: not enough evidence to sustain the allegation that physical abuse of a GBGM-affiliated missionary child had been committed; case 2, GBGM-affiliated missionary: sustained the first-hand allegation that a missionary child not GBGM-affiliated was physically

abused; case 3, GBGM-affiliated missionary: sustained the first-hand allegation of sexual abuse of a missionary child not GBGM-affiliated; case 4, GBGM-affiliated missionary: not enough evidence to sustain an allegation that sexual abuse had been committed against a non-GBGM-affiliated; case 5, GBGM-affiliated missionary: sustained the first-hand allegation of sexual abuse of a GBGM-affiliated missionary child; case 6, GBGM-affiliated missionary: sustained the first-hand allegation of sexual abuse of a GBGM-affiliated missionary child; case 7, GBGM-affiliated missionary: not enough evidence to sustain second-hand allegations of sexual abuse of Congolese children; case 8, non-GBGM missionary: sustained the first-hand allegation of sexual abuse of GBGM-affiliated missionary child; case 9, non-GBGM missionary: sustained the first-hand allegation of sexual abuse of a GBGM-affiliated missionary child; case 10: sustained the first-hand allegation of sexual abuse of a GBGM-affiliated missionary child; case 11: finding of fact was not reached due to non-GBGM status of both the missionary accused of sexual abuse and the child. Case 12, non-missionary: not enough evidence to sustain second-hand allegations of sexual abuse of a GBGM-missionary child. Of 7 children found to have been abused: 6 were abused sexually and 1 physically; the 1 person abused physically was female; 4 females and 2 males were abused sexually. The report consists of: introductory chapter; chapter describing the infrastructure of the panel; chapter describing the panel's methodology; chapter presenting findings of fact; chapter of recommendations and rationales, with 1 addressed to survivors of child abuse and 17 to GBGM; annotated references; appendices, including forms. A preamble written by 2 staff and the president of GBGM "provide[s] information on the current status of our preliminary efforts [regarding the recommendations]."

Murphy, Francis D., Buckley, Helen, & Joyce, Laraine. (2005, October). The Ferns Report: Presented to the Minister for Health and Children. Available from: Government Publications, Mail Order Section, 51 St. Stephen's Green, Dublin 2, Ireland. [Accessed 01/06/06 at the World Wide Web site of BishopAccountability.org: <http://www.bishop-accountability.org/ferns/>]

According to the Executive Summary, Introduction, and Terms of Reference sections of the Report, the Ferns Inquiry was established by Ireland's Minister for Health and Children on 03/28/03. It was "a non-statutory private inquiry to investigate allegations or complaints of child sexual abuse which were made against [Roman Catholic] clergy operating under the aegis of the Diocese of Ferns." The Inquiry was chaired by Francis D. Murphy, formerly a Supreme Court justice. the other members were Helen Buckley, senior lecturer, Department of Social Studies, Trinity College, Dublin, and Laraine Joyce, deputy director, Office for Health Management. Terms of Reference, or the charge, for the Inquiry and the ten components are included. Among the findings reported in the Executive Summary: 1.) "...over 100 allegations of child sexual abuse [were] made between 1962 and 2002 against 21 priests operating under the aegis of the Diocese of Ferns." 2.) Responses by Church authorities varied: "Between 1960 and 1980 it would appear that Bishop Herlihy treated child sexual abuse by priests of his diocese exclusively as a moral problem... By 1980, Bishop Herlihy recognized that there was a psychological or medical dimension to the issue of child sexual abuse." Terms as "wholly inappropriate and totally inexplicable the decision of Herlihy "to appoint to curacies priests against whom allegations had been made in respect of whom a respected clerical psychologist had expressed his concerns in unambiguous terms as to their sustainability to interact with young people." Also terms as equally inappropriate Herlihy's "decision to ordain clearly unsuitable men into the priesthood when he knew or ought to have known that they had a propensity to abuse children." Criticizes the failure of Bishop Comiskey "to stand aside from the ministry of those priests against whom allegations had been made and in respect of whom information was or should have been available to the Bishop." 3.) The Inquiry was generally satisfied with current Diocesan procedures related to child protection. 4.) Of formal complaints of child sexual abuse made to the *An Garda Síochána* against 8 priests, the handling of 1 complaint "was wholly inadequate." Of 6 cases recommended to the Director of Public Prosecutions, criminal proceedings were instituted in 3, convictions obtained in 2, and in the third case, "the accused priest committed suicide." 5.) While Health Boards have "wide ranging statutory obligations to promote the welfare of children...", the Inquiry was concerned that the South Eastern Health Board "appeared to be unaware of the very limited nature of the statutory powers available to them to intervene for the protection of children in the

circumstances under investigation by the Inquiry.” Chapter 2 of the full report is educational and addresses child sexual abuse and abusers. Chapter 3 describes the legal and managerial structures of the Diocese of Ferns, the South Eastern Health Board, and the *An Garda Síochána*. Chapter 4 reports allegations of abuse in the Diocese. Chapter 5 reports the Diocese’s response to the allegations. Chapter 6 reports the South Eastern Health Board’s response. Chapter 7 reports the response of the *An Garda Síochána*. Chapter 8 includes conclusion and proposed remedies, including “a public education programme and regulatory and legislative changes that would provide protection to children abused by third parties.”

National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. (1997). Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. Sydney, Australia: Human Rights and Equal Opportunity Commission, 689 pp. [Accessed 03/11/12 at the World Wide Web site of Australian Human Rights Commission: http://www.hreoc.gov.au/social_justice/bth_report/report/index.html]

The Inquiry was initiated by the Attorney-General of Australia “in response to increasing concern among key Indigenous agencies and communities.” Conducted by the Human Rights and Equal Opportunity Commission of Australia, the Inquiry was to “trace the past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Island children from their families by compulsion, duress or undue influence, and the effects of those laws, practices and policies.” The Inquiry also examined: current laws, practices, and policies affecting those separated; principles for justifying compensation for those affected; the need for changes in current laws, practices, and policies. Government practice was to remove Indigenous children from their parents, siblings, and communities, placing them in residential institutions operated by the government and religious institutions. “The Inquiry took evidence orally or in writing from 535 Indigenous people throughout Australia concerning their experiences of removal policies.” Includes extensive verbatim testimony of witnesses. Some children were sent to institutions at 2, 3, or 4 days following their birth; between half and 2/3 of the children were removed before they were 5-years-old. Regarding the consequences of removal, states: “The effects for the children removed ranged from psychological harm to loss of native title entitlements. Most suffered multiple and disabling effects.” Part 2 “traces the history of forcible removal of Indigenous children.” States: “Indigenous children have been forcibly separated from their families and communities since the very first days of the European occupation of Australia.” Goals included inculcating European values, conversion to Christianity, merging/absorbing/assimilating, and satisfying a national need for cheap labor. The chapter on Queensland reports, “[Indigenous] children were vulnerable to physical and sexual abuse,” and cites examples. Cites testimony of a witness: “We had religion rammed down our throats from hypocrites who didn’t know the meaning of the word. We used to get whipped with a wet ironing cord and sometimes had to hold other children (naked) while they were whipped, and if we didn’t hold them we got another whipping.” A woman testified that the Anglican facility where she lived assigned her to work at a farm where she was raped. When she returned to the facility, she reported her experience to the matron who “washed [her] mouth out with soap and boxed [her] ears,” and said that “awful things” would happen to her if she “told any of the other kids.” She was re-assigned to the farm where she “was raped and slashed with a razor blade on both of [her] arms and legs because [she] would not stop struggling and screaming.” Returning to the facility, she again told the matron. In response, “I got a belting with a wet ironing cord, my mouth washed out with soap and put in a cottage by myself away from everyone so I couldn’t talk to the other girls. They constantly told me that I was bad and a disgrace and if anyone knew it would be shame to Sister Kate’s Home.” She then attempted suicide for which she was hit by a belt. When she discovered she was pregnant, she was hit by a belt, and blamed “for everything that had happened.” Regarding the Northern Territory, states: “The missions received little government funding until the mid-1930s which made it very difficult for them to provide dispossessed Aboriginal people with sufficient food or water.” Reports that disease “was prevalent at the missions.” A witness testified: “The saddest times were the abuse. Not only the physical abuse, the sexual abuse by the priests over there. And they were the saddest because if you were to tell anyone, well, the priests threatened that they would actually come and get you. Everyone could see what they were doing but were

told to keep quiet.” The witness reported that 4 priests and 2 nuns sexually assaulted both boys and girls.” Part 3 describes the effects of separation on the Indigenous families and communities. States: “For the majority of witnesses to the Inquiry, the effects have been multiple and profoundly disabling.” The report notes that within the Indigenous culture, children removed from their parents also lost “broader kinship networks” by being removed their community. To promote the objective of absorbing children “into white society, Aboriginality was not positively affirmed,” and “many children were told either that their families had rejected them or that their families were dead.” States: “Culture, language, land and identity were to be stripped from the children in hope that the traditional law and culture would die by losing their claim on them and sustenance of them... When a child was forcibly removed that child’s entire community lost, often permanently, its chance to perpetuate itself in that child. The Inquiry has concluded that this was a primary objective of forcible removals and is the reason they amount to genocide.” States: “Almost 1 in every five (19%) Inquiry witnesses who spent time in an institution reported having been physically assaulted there.” States: “Children were more likely to have been physically abused on missions (62.8% of those placed on missions) than in foster care (33.8%) or government institutions (30.7%).” States: “Almost one in ten boys and just over one in ten girls allege they were sexually abused in a children’s institution.” Quotes a witness: “When I was at Castledare I was badly interfered with by one of those [religious] brothers. I still know the room [in the church]. I was taken, selectively taken, and I was interfered with by one of those brothers. And if you didn’t respond in a way you were hit. I never told anyone that.” Commenting on the effects of sexual abuse on the witnesses, states: “The common psychological impacts have often manifested in isolation, drug or alcohol abuse, criminal involvement, self-mutilation and/or suicide.” As steps to justify compensation, Part 4 “identifie[s] the wrongs involved in the forcible removal of Indigenous children from their families,” and defines principles “to employ to remedy the harms caused by those wrongs.” Major harms were: deprivation of the children’s liberty, abolition of parental rights, procedural abuses of power, and breach of guardianship or fiduciary obligations, including failure to provide care to standards contemporary at the time, failure to prevent abuse and exploitation of children, and failure to involve parents in decision-making. States: “This Inquiry concludes with certainty on the evidence that while child removal policies were often concerned to protect and ‘preserve’ individual children, a principal aim was to eliminate Indigenous cultures as distinct entities.” Utilizes a human rights framework for developing principles for reparation based on Theo van Boven’s 1996 principles developed for the United Nations. Recommends that reparation consists of: “1. acknowledgement and apology, 2. guarantees against repetition, 3. measures of restitution, 4. measures of rehabilitation, and 5. monetary compensation.” Recommends that reparation extend to children forcibly removed, family members, communities, and descendants. Recommends concrete actions to apply the components of reparation, including actions by churches and religious agencies. Part 5 first evaluates principal government responses to the effects of separation, including elements of a human rights framework – self-determination, non-discrimination, and cultural renewal. Chapter 19, “Responses of Churches and Other Non-Government Agencies,” makes recommendations regarding access to personal and family records in church archives, availability of counseling and related services provided by churches, and the return of mission lands. Part 6 analyzes contemporary separation of Indigenous minors, focusing on juvenile justice, child welfare, family law, and adoption. Denominations and religious agencies involved in residential missions included: Roman Catholic, Anglican, Church Missionary Society, Lutheran, Aborigines Inland Mission, The Salvation Army, Presbyterian, Methodist, Baptist, and Uniting Church.

O’Callaghan, Peter, & Briggs, Freda. (2003, May). Report of the Board of Inquiry into Past Handling of Complaints of Sexual Abuse in the Anglican Church Diocese of Brisbane. Brisbane, Queensland, Australia: Anglican Diocese of Brisbane, 471 pp. [Accessed 09/08/12 at: <http://anglican.org.au/docs/AnglicanReport.pdf>]

Report of the 2-person Board that was appointed by the Diocese of Brisbane, Anglican Church of Australia, to conduct an independent, confidential inquiry “into past handling of allegations of sexual abuse or misconduct in the Anglican Diocese of Brisbane.” The Board was assigned to examine sets of complaints against specific individuals that the Church had received, as well as

others referred to it. Notes: “The Board would be naive if it did not recognise that there will be a great deal of public and media interest in this enquiry because the former Archbishop of Brisbane [i.e., Rev. Peter Hollingworth] is now the Governor General of Australia.” The *Report Overview* section describes: background; the Diocese; the Board’s procedures, including a defense in response to criticisms; summary of “essential findings” for each of 9 complaints; recommendations. Extensive quotation from sources, which include: transcripts of civil trial testimony; formal correspondence and internal documents from Church-related institutions; statements of children who were abused; report of a consultant psychiatrist; transcripts of a victim’s audiotape recordings of conversations with the offender; formal mediations. The time period of the sexual offenses ranged from the 1950s into the 1990s. The roles of those identified as offenders or against whom allegations were made include: school counselor; resident house master of a school; school bursar and parish leader of a boys group; bishop; a priest functioning as a precentor; university lecturer; parish priest; assistant parish priest and hostel warden. Some offenders are named. Identified victims included minors and adults, female and male. Settings in which the offenses were found or alleged to have occurred included: St John’s Hostel at Forbes parish; Dalby parish; Brisbane Grammar School; St Paul’s School, Bald Hills; Toowoomba Preparatory School (boarding school and day school for boys and girls); Anglican Church Grammar School; St John’s Cathedral, Brisbane; a university; offender’s residence; student’s residence. Some cases involved events that included: monetary settlements by the Church; a civil suit that resulted in a trial that the Church lost; criminal charges filed against the offender. Pp. 61-64 are the terms of reference. Pp. 65-471 contain the full report for each of the 9 complaints. Among the case-specific findings were: failure of Church-related officials to report incidents to police authorities; “Briefly put, the welfare of the abused students, was subordinated to considerations as to what seen to be the best for the reputation of the School.”; complaints against the offender “were not handled fairly, reasonably and appropriately...”; “Dr Hollingworth’s decision, whilst made in good faith, and in consultation and without demur of the bishops whom he consulted, and in the belief that precautionary conditions imposed minimised the risk of recurrence, was untenable. Thus the Board finds that this complaint was not handled fairly, reasonably and appropriately.” Also reports occasions when Hollingworth was found to have acted “fairly, reasonably and appropriately.” States: “The Board believes that many of the problems for the Diocese and child sex abuse victims has been the lack of clear guidelines for reporting suspicions and reports of child sexual abuse.”

Office of the Attorney General, Commonwealth of Massachusetts. (2003). The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston: Executive Summary and Scope of Investigation. Boston, MA: Office of the Attorney General, Commonwealth of Massachusetts, 11 pp. [Accessed 07/19/05 at the World Wide Web website of BishopAccountability.org, “General Resources” section at the subsection, “Reports of Attorneys General, Grand Juries, Commissions, and Organizations”: <http://www.bishop-accountability.org/resources/#reports>]

This abbreviated version is based on the entire document, The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston: A Report by the Attorney General, issued by the Office of the Attorney General of the Commonwealth of Massachusetts, July 23, 2003. [The entire document is also available at the website of BishopAccountability.org] The Executive Summary section is pp. 1-6; the section describing the scope of the 16-month investigation is an appendix, pp. 1-1 to 1-5. The *Problem* and *Background* subsections report that at least 237 priests and 13 other workers of the Roman Catholic Archdiocese of Boston “are alleged to have sexually abused at least 789 children since 1940.” Also reports that: “During this period, the Archdiocese has shown an institutional reluctance to adequately address the problem and, in fact, made choices that allowed the abuse to continue.” [The *Report* was issued to create an official public document.] The *Purpose* subsection describes 3 main objectives of the investigation that was begun in 2002 by the Office of the Attorney General of Massachusetts into the problem of sexual abuse of minors in the Archdiocese. The *Findings* subsection presents the 3 findings of the Report and a brief commentary. Finding 1: “The investigation did not produce evidence of recent ongoing sexual abuse of children in the Archdiocese of Boston, but it is too soon to conclude that the Archdiocese has undertaken the changes necessary to ensure that abuse has stopped and will not occur in the

future.” Finding 2: “The investigation did not produce evidence sufficient to charge the Archdiocese or its senior managers with crimes under applicable state law.” Finding 3: “The investigation did produce evidence that widespread sexual abuse of children was due to an institutional acceptance of abuse and a massive and pervasive failure of leadership.” Enumerates nine reasons for the Finding. 1.) “Top Archdiocese officials knew of the extent of the clergy abuse problem for many years before it became known to the public.” 2.) “The Archdiocese’s response to reports of the sexual abuse of children, including maintain secrecy of reports, placed children at risk.” 3.) “The Archdiocese did not notify law enforcement authorities of clergy sexual abuse allegations.” 4.) “Archdiocese officials did not provide all relevant information to law enforcement authorities during criminal investigations.” 5.) “The Archdiocese failed to conduct thorough investigations of clergy sexual abuse allegations.” 6.) “The Archdiocese placed children at risk by transferring abusive priests to other parishes.” 7.) “The Archdiocese placed children at risk by accepting abusive priests from other dioceses.” 8.) “The Archdiocese placed children at risk by transferring abusive priests to other dioceses in the United States and abroad.” 9.) “The Archdiocese failed to adequately supervise priests known to have sexually abused children in the past.” The *Conclusion* subsection contains strongly worded language about the Archdiocese’s actions, inactions, motives, and lack of a demonstrated “commitment to reform proportional to the tragedy it perpetrated.” Identifies 5 indicators for the Archdiocese to meet. The scope of the investigation is reported as an appendix. The Office of the Attorney General’s investigative team “involved eleven Assistant Attorneys General, ten State Police officers, a civilian criminal investigator, five civil investigators, two paralegals, and support staff.” More than 30,000 pages of Archdiocese documents were reviewed. A grand jury investigation was also begun, subpoenas issued, 500+ documents marked as exhibits, and 100+ hours of testimony heard. The effort also included the involvement of the Attorney General’s Civil Rights Division which “initiated regular meetings with top officials in the Archdiocese to discuss immediate and long term changes to the Archdiocese’s policies and procedures for handling sexual abuse allegations and its commitment to take all necessary steps to ensure the protection of children.”

Office of the Attorney General, State of Maine. (2004). *A Report by the Attorney General: On the Allegations of Sexual Abuse of Children by Priests and Other Clergy Members Associated with the Roman Catholic Church of Maine*. Portland, ME: Office of the Attorney General, State of Maine, 12 pp. + Appendix. [Accessed 07/18/05 at the World Wide Web website of BishopAccountability.org, “General Resources” section at the subsection, “Reports of Attorneys General, Grand Juries, Commissions, and Organizations”: <http://www.bishop-accountability.org/resources/#reports>]

The *Introduction* section, pp. 1-3, describes the process that led to the *Report*, beginning in 2002 when “the Roman Catholic Diocese of Portland [Maine] contacted the Office of the Attorney General and the Cumberland County District Attorney’s Office seeking to establish a procedure to turn over ‘pertinent information to public authorities regarding past allegations of child abuse.’” Investigators reviewed Diocesan personnel files and relevant documents, and interviewed victims of alleged abuse by clergy. Further investigations were conducted by some offices of the eight District Attorneys in Maine. States: “After the District Attorneys reported back to the Attorney General’s Office that they had found no prosecutable cases within the statute of limitations, the Attorney General’s Office conducted an additional investigation and analysis for two purposes: (1) to determine whether the Diocese, the Bishop or other administrative personnel had any criminal liability arising from their supervisory role over the accused priests or other individuals, and (2) whether any of the living priests, clergy members or other Church employees subject to allegations posed a significant present threat of sexually abusing children or teenagers...” The Attorney General’s Office found no criminal liability on the part of the Bishop, the Diocese or its administrative staff. [It], however, found that a small number of former priests and other clergy members may pose a continuing risk to the public, given the persistent nature of some forms of child sexual abuse. The Attorney General’s Office has taken additional steps to assess and protect against that risk.” The *Past Prosecutions* section, pp. 3-5, states that 5 Maine District Attorneys have “brought criminal prosecutions for the sexual abuse of minors against priest, clergy members or laypersons working for Catholic schools or churches” in 1984, 1987, 1988, and 1993. Specifics of name, legal action, and legal outcomes are provided. The *Other Reported Complaints* section,

pp. 5-9, states that “the Attorney General’s Office and the District Attorneys received information alleging sexual abuse of a minor by 20 living and 15 deceased priests of the Diocese, seven laypersons (associated with the Church through employment at a Catholic school or parish), and six living and give deceased priests or brothers supervised by other orders of the Church not associated directly with the Diocese of Portland... The State also received allegations from 17 victims against a priest or priests (or other clergy members) who could not be identified by the victim or the Diocese.” Briefly discusses the status of Maine’s statute of limitations laws and evidence standards in relation to these complaints. Some complaints date to the 1930s and most occurred in the 1960s, 1970s, and early 1980s. The Office of the Attorney General reviewed records of 8 individuals, and, where appropriate, conducted additional investigation. Conclusions and followup actions are briefly described. The section on the Diocese’s response, pp. 9-12, states that investigators “concluded that there was no criminal liability on the part of the Diocese.” Findings, however, also included instances in which priests were returned to ministry after complaints of sex abuse and treatment, the assignment of priests against whom allegations had been made without parishioners being informed, and that the Diocese “routinely [has] requested confidentiality as part of monetary settlements with alleged victims.” Findings also included that “it appears the Diocese has routinely reported suspected abuse to the appropriate district attorney since it became a mandatory reporter in 1997.” In another finding, the Report states: “The Diocese’s failure to notify its parishioners of the allegations against some of the priests assigned to their parishes placed children and adolescents at risk of abuse.” A very brief *Concluding Comment* section states: “Timely reporting is the key to effective law enforcement. The Attorney General encourages anyone who has been a victim of sexual abuse to report it to local law enforcement authorities, the District Attorney’s Office or the Office of the Attorney General.” Appendix includes relevant portions of Maine criminal law.

Olsson, Trevor, & Chung, Donna. (2004, May 26). Report of the Board of Inquiry into the Handling of Claims of Sexual Abuse and Misconduct within the Anglican Diocese of Adelaide, Adelaide, Australia: Anglican Diocese of Adelaide, 94 pp. + 3 pp. appendix. [Accessed 12/28/08 at the World Wide Web site of South Australian Policy Online, University of Adelaide:
[[http://www.sapo.org.au/pub/pub122.html?q=report%20board%20inquiry%20into%20handling%20claim](http://www.sapo.org.au/pub/pub122.html?q=report%20board%20inquiry%20into%20handling%20claims)
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In 2003, the Synod of the Diocese of Adelaide, Anglican Church of Australia, engaged Justice Trevor Olsson and Donna Chung to act as a Board of Inquiry “to inquire into and report upon the [Diocese’s] handling of [complaints about sexual abuse or misconduct by any Church worker prior to Synod 2003].” The authors are not described. Pages 1-2 is an Executive Summary organized as findings and recommendations. Pages 13-94 is the report, followed by an attachment which is the Terms of Reference issued by the archbishop of the Diocese. The Board and its secretariat conducted a 3-phase information-gathering process: contact potential sources of information, i.e., witnesses and documents, and request input; conduct preliminary, informal interviews with respondents; conduct 2 formal settings to take detailed evidence from 95 witnesses. Paragraphs 55-71 describe basic and key facts of child sexual abuse based on clinical research and literature, “features [which] emerged, in one case or another, in the course of the evidence before [the Board].” Paragraphs 72-88 describe the constitutional setting of the Diocese of Adelaide in the Anglican Church’s Province of South Australia. Paragraphs 89-104 describe the disciplinary processes of the Diocese, which the Board calls “both relatively complex and certainly very time-consuming.” Paragraphs 105-129 describe and comment on the Diocese’s structures for dealing with complaints, and note specifically the case of Robert Brandenburg, an Anglican lay worker for whom “there were reasons to believe that he had been guilty of many acts of sexual abuse of young children associated with the CEBS [Church of England Boys Society] organisation, committed over a lengthy period of time.” Paragraphs 130-154 address the Diocesan Response Group, comment on its limits and ineffectiveness, and critique the Diocese’s administrative processes. Paragraph 152 contains a specific recommendation regarding Diocesan administrative arrangements and sexual abuse or misconduct cases. Paragraphs 155-200 address the “Brandenburg Scenario” due to its being an “important part of the relevant historical background,” “the subject of a large amount of evidence,” and its role in the “rise [of] particular considerations

of general importance and significance.” States: “The evidence before the Board overwhelmingly establishes that, over many years, Brandenburg was guilty of serious and sustained sexual abuse of a staggering number of young members of CEBS.” Regarding leaderships’ examination of his actions, the report states: “It must be said in the plainest terms that what occurred at the time was a gross process failure.” Paragraphs 201-219 discuss the Church’s response to his death and subsequent events. Paragraphs 220-246 discuss issues arising from the evidence, and illustrate the Board’s “conclusions by reference to specific scenarios.” Concludes: The processes used to deal with complaints of sexual abuse within the Church were not, in many cases, transparent and objective, and left the complainant feeling, at best, extremely disappointed.” The section ends with recommendations. Paragraphs 247-276 are general conclusions and a series of topic recommendations regarding complainant rights, structure of processing complaints of sexual abuse, the processing of complaints, the influence of risk management on the approach to complaints, proposals by the National Sexual Abuse Working Group of the Church, and publication of the report.

Parkinson, Patrick, Oates, Kim, & Jayakody, Amanda. (2009, May). Study of Reported Child Sexual Abuse in the Anglican Church. Sydney, New South Wales, Australia: General Synod, Anglican Church of Australia. [Accessed 10/24/09 at the World Wide Web site of Anglican Church of Australia: <http://www.anglican.org.au/>]

Parkinson is with the Faculty of Law, University of Sydney, Sydney, Australia. Oates is emeritus professor, Medical Faculty, University of Sydney. Jayakody is a research assistant. From Chapter 1, Executive Summary: “...the Professional Standards Commission [of the Anglican Church of Australia] requested a report on the nature and extent of reported child sexual abuse by clergy and church workers, including volunteers, since 1990. The study excluded Church schools and children’s homes... The aims of this research study were to: • understand the characteristics of accused persons and complainants and the circumstances of the offence. • ascertain patterns of abuse in relation to similarities or differences in gender and age of the child complainants. • inform the Church on what steps could be taken towards better prevention of sexual abuse within church communities. The report analyses 191 alleged cases of child sexual abuse, reported from 17 dioceses throughout Australia between 1990 and 2008... This represents most, but not all of the reported cases...” Among the key findings: 3/4 of complainants were male, and most were 10-15-years-old at the time of the abuse; most of the accused “were either clergy or were involved in some form of voluntary or paid youth work.”; 27 accused persons had more than 1 allegation and accounted for 43% of all cases; abuse lasting ≥ 3 years “was significantly more common amongst male complainants.”; most alleged abuse episodes occurred in the accused person’s home or on Church premises; average delay of complainants reporting to the church was 23 years; the church treated as substantiated “just over half of the cases,” and a third as inconclusive; erroneous allegations by child complainants were rare.” Chapter 2 is a brief introduction, and includes prevalence data, studies of religious offenders, and comparisons to offenders in the general population. States: “...the purpose [of this study] was to see what patterns could be discerned by examining a very large sample of the required cases known to the Church, in order to improve the processes of the Church for the future.” Chapter 3 very briefly describes the methodology of the descriptive study, which used a convenience sample, regarding participants, procedure, and statistical analyses. Of 23 dioceses, 17 participated, 3 declined, and 3 had no relevant cases. Data used was archival and from diocesan personnel files. Chapter 4 reports results organized by topics. For reporting and investigations: 79.1% of complaints of child sexual abuse were to the Church by the complainant; 3/4 of all complaints were made after 2000. For characteristics of accused persons: 135 accused persons were in the study ($n = 133$ male, $n = 2$ female); 24% were either dead at the time the complaint was made, or died during investigation; nearly 2/3 were clergy or clergy candidates; over 50% were in their 20s or 30s at the time of abuse; there were no significant characteristic differences between those with multiple complainants and those with 1 complainant. For characteristics of complainants: 50.6% were under 14 at the time of alleged first abuse, and few were under 10; 49% of males and 25.6% of females reported no family support, and 39% of males and 55.8% of females reported some. Also reports: circumstances of abuse; length of relationship between the accused person and the complainant from first to last alleged

incident; relationship basis between complainant and accused by the accused person's job; age of complainant at first abuse; gender; type of alleged abusive behavior by gender of complainant; location of abuse by complainant gender and accused person's job. For complainant reporting and disclosure, results are reported for: year the alleged incident took place; age of complainant at time of complaint by gender; length of time before complainant 1st disclosed by complainant gender; time difference between incident and complaint to the Church. For outcome of investigations and action taken, results are reported for: assessment by the Church at the time; action taken in relation to accused person by time period in which complaint was made to the Church; action taken by the Church by decision concerning the substantiation of the case. Chapter 5 is a discussion of results. States: "The most likely explanation of the levels of abuse of boys in church communities by contrast with the gender distribution of victims of extrafamilial abuse generally, is that churches give many more contexts for male abusers to be alone with boys than with girls, and that parents and congregations provide much less supervision of such relationships." Notes significant gender differences in victimization and reporting. Notes the limitation of the quality of available data due to the inadequacy of record-keeping by the dioceses. Chapter 6 consists of 5 conclusions and 8 recommendations based on the conclusions, which are: "1. Concentrate on youth groups and organisations. 2. Enforce Codes of Conduct strictly. 3. Focus educational efforts on awareness of the risk of abuse of boys. 4. Improve record keeping. 5. Develop a pastoral response to victims of sexual abuse for the long-term." 5 pp. of references.

Senate Community Affairs References Committee. (2001). Lost Innocents: Righting the Record – Inquiry into Child Migration. Canberra, Australian Capital Territory, Australia: Commonwealth of Australia, 325 pp. [Accessed 11/18/12 at the World Wide Web site of Senate of the Parliament of Australia: [http://pandora.nla.gov.au/pan/36671/20030819-](http://pandora.nla.gov.au/pan/36671/20030819-0000/www.aph.gov.au/senate/committee/clac_ctte/child_migrat/report/index.htm)

[0000/www.aph.gov.au/senate/committee/clac_ctte/child_migrat/report/index.htm](http://pandora.nla.gov.au/pan/36671/20030819-0000/www.aph.gov.au/senate/committee/clac_ctte/child_migrat/report/index.htm)]

In 2000, the Senate of the Parliament of Australia created a Senate Community Affairs References Committee inquiry into the history and treatment of unaccompanied minors, typically under 16 years, brought to Australia under approved child migrant schemes of the governments of England and Australia. The Australian government transferred it guardianship of the children to its state governments, which transferred responsibility to receiving agencies, including a number operated by those sponsored by religious entities. States in Chapter 1: "The child migration scheme is now universally recognised as having been fundamentally flawed with tragic consequences... The evidence received by the Committee overwhelmingly emphasised the dark, negative side of child migration – the brutality of life in some institutions where abuse and assault, both physical and sexual, was a daily occurrence and where hardship, hard work and indifferent care was the norm..."

The fundamental imperative for former child migrants of the recognition and acknowledgment of their past experience was constantly emphasised in evidence to the Committee [emphasis in the original]." Chapter 2 "provides background information on child migration to Australia in the 20th century," including rationale for, and policies. Also discusses child migration from Malta to Australia, and provides a larger context for England's child migration schemes dating to the 17th century in North America. Chapter 3 "discusses some of the factors related to the process of sending the child migrants to Australia," noting that a "number of organisations and religious orders were involved," including, but not limited to: Barnardo's Homes; Fairbridge Society; the Roman Catholic religious orders of the Christian Brothers, Sisters of Mercy, and Poor Sisters of Nazareth; Church of England; Methodist Church; Presbyterian Church; Salvation Army. Estimates that 6,000-7,500 child migrants were sent to Australia in the 20th century. Chapter 4 reports on "whether any unsafe, improper, or unlawful care or treatment of children occurred in government and non-government institutions responsible for the care of child migrants; and whether any serious breach of relevant statutory obligations occurred..." States: "Broadly speaking, the abuse and assault referred to in evidence fell into three categories – sexual, physical, and psychological..." States: "Sexual assault was perpetrated by a range of persons including priests at the institution... Children who were sexually abused and assaulted referred to their shame, about carrying this guilt around for a lifetime and never being able to confide in a family member, any detail of their childhood or adolescent experiences." Paragraphs 4.15-4.34 address sexual assault, stating the accounts received by the Committee "are undoubtedly

the most serious form of criminal abuse perpetrated against the child migrants.” States that of the 207 public and confidential submissions received by the Committee, “38 recounted episodes of sexual assault. All but 14 of these, almost two-thirds, were from the Christian Brothers institutions in Western Australia – Bindoon, Castledare, Clontarf, and Tardun.” The vast majority of the 38 submissions reporting assault occurred in the late 1940s to mid-1950s. Paragraphs 4.20-4.28 focus on the Christian Brothers, calling the accounts “horrendous” and “an account of systemic criminal sexual assault and predatory behaviour by a large number of the Brothers over a considerable period of time.” Paragraphs 4.29-4.34 address sexual abuse at other institutions. Paragraphs 4.20-4.29 identify factors that contributed to the neglect and abuse. The Committee concludes that the actions “go way beyond anything that could conceivably be argued as normal for the time. Such actions were illegal then and they are illegal now.” Chapter 5 “discusses issues of responsibility for the child migrants... and the role of both government and non-government bodies...” States: “In addition to the knowledge and concealment of criminal assault by the superiors in the Catholic Church, submissions outlines stories of concealment and cover-up by the police, by health personnel and by State authorities... The federal government shares in this responsibility of not taking positive action to protect the welfare of the migrant children when negative comments were known.” Also addresses the issues of reparations. Chapter 6 focuses on child migrants’ search for identity, stating: “The sense of dislocation and not belonging, of loss of family and of emptiness has had a profound impact on their lives and on the lives of their partners and children.” Chapter 7 focuses on “the importance of providing continuing funding for travel assistance to enable former child migrants to revisit their country of birth and be reunited with their families.” Chapter 8 addresses “the effectiveness of measures by Australian governments and the receiving agencies to provide counselling or any other services that are designed to reduce or limit trauma caused by the removal of child migrants from their country of birth.” Chapter 9 “canvasses the legal options open to child migrants to pursue both criminal and civil actions arising from abuses suffered during their time in institutional care,” and specifically addresses cases involving the Christian Brothers. Chapter 10 regards the “need for a formal acknowledgement and/or an apology by Australian governments for the human suffering arising from the child migration schemes.” Among the 8 appendices, the topic of statute of limitations for civil and criminal proceedings is addressed, including specifically churches with corporate status. The report includes 33 recommendations. Bibliography; extensive footnotes.

Stearns, Geoffrey B., Baggarley-Mar, Kathleen, Mar, Keith, Merlin, Eugene, Bonner, Dismas, & Higgins Ray. (1993, November 22). Report to Father Joseph P. Chinnici, O.F.M., Provincial Minister, Province of St. Barbara: Independent Board of Inquiry Regarding St. Anthony’s Seminary. Oakland, CA: Franciscan Friars of the Province of St. Barbara. [PDF version accessed on 07/07/07 at the World Wide Web site of BishopAccountability.org: <http://www.bishop-accountability.org/reports/1993-11-StAnthonysSeminary/>]

In 1992, the Province of St. Barbara, part of the Franciscans of the Roman Catholic Church, committed to establish an independent board of inquiry to investigate reports of sexual abuse against students of St. Anthony’s Seminary and members of the Santa Barbara Boys’ Choir. The Seminary, in Santa Barbara, California, was operated 1898-1987, by the Province as a boarding school for male middle and high school students, a portion of whom pursued a vocation in the Order. The Board was convened in January, 1993, with a mandate to assess the nature and extent of sexual abuse for the period 1964-1987. This is the public version of the Board’s report. Chapters include: process; findings; recommendations; theological and spiritual considerations; appendix. The findings section includes 5 representative, composite cases to illustrate the range and nature of the of the offenders’ abuse and its effects on victims. Among the findings: 11 friars (25% of the faculty) perpetrated sexual abuse against minors; a 12th friar was identified as having engaged in conduct that could have been preliminary to intended abuse, i.e., grooming; 34 students were found to have been victims; a 35th student was identified as probably being groomed for sexual abuse. Of the 11 friars who offended, 9 had 1 or 2 known victims, 1 had 7 known victims, and 1 had 18. There was a wide range of sexually abusive practices found to have been committed. Circumstances for, and locations of, the abuse varied, and included the imposition of secrecy and threats. The Provincial Minister’s dispositions of the offending friars is reported. The report includes the effects on: victims in terms of central themes and specific

psychological and spiritual reactions; families of victims and the Greater Community of St. Anthony's. Describes briefly the culture of the boarding school that fostered an environment in which abuse could occur. Recommendations section addresses: prevention of future abuse; response to offenders; response to victims and families; response to the public and the Church; creation of a permanent, independent response team. The Foreword states: "a cancerous evil existed in the institution which exerted, and continues to exert, its pernicious effects in the lives of those who were abused and in the life of the Province." [A portion of the report was posted on the World Wide Web site of Survivors of Clergy Abuse in Catholic Seminaries, accessed on 06/01/03 at: <http://www.arizweb.net>] [See also this bibliography, Section I: Pullen, Elizabeth. (1998).] [In 2012, BishopAccountability.org posted on its World Wide Web site "the entire archive – over 8,500 pages of priest files and other documents – obtained by survivors of sexual abuse committed by Franciscan priests and brothers... This is by far the largest release of religious order documents in the history of the sexual abuse crisis." Accessed 10/14/12 at: <http://www.bishop-accountability.org/franciscans/>]

Stearns, Geoffrey B., Dunn, Pamela G., Earle, Marcus R., Edmund, Lois J., & Knudsen, Chilton. (1997, November 15). Final Report of The Independent Commission of Inquiry to the Board of Managers of the Christian and Missionary Alliance. [Accessed 04/23/08 at the World Wide Web of Missionary Kids Safety Net: <http://www.mksafetynet.net/fhome>]

By a formal inquiry commission reporting on the abuse, including sexual, of the children of missionaries in Africa who lived at the Mamou Alliance Academy boarding school, Mamou, Guinea, 1920s-1971. Context is the Christian and Missionary Alliance Church. Very detailed and comprehensive inquiry and report. [The private Need-to-Report has been posted on the World Wide Web, accessed 02/12/11 at Missionary Kids Safety Net website: <http://www.mksafetynet.net/reports/Need%20to%20Know%20Report%20-%20January%2020,%201998.pdf>]

Suffolk County Supreme Court Special Grand Jury, Term 1D. (2003, January 17). Suffolk County Supreme Court Special Grand Jury, Term 1D, Grand Jury Report, Criminal Procedure Law (CPL) Section 190.85(1)(c). Suffolk County Supreme Court, New York, 181 pp. [Accessed 04/25/05 at the World Wide Web site of BishopAccountability.org, "General Resources" section at the subsection, "Reports of Attorneys General, Grand Juries, Commissions, and Organizations": http://www.bishop-accountability.org/resources/resource-files/reports/Suffolk_B_Fitzgerald.pdf] [See also the website of the Suffolk County District Attorney's Office: <http://www.co.suffolk.ny.us/da/drcv%20GRAND%20JURY20REPORT.pdf>]

The Special Grand Jury was convened on 05/06/02 and extended to 02/28/03 "to complete its investigation into the [Roman Catholic] Diocese of Rockville Centre (New York), its Priests and Parishes... [It] heard testimony from 97 witnesses and considered 257 exhibits many consisting of multiple pages and documents." Exhibits included personnel records, memos, notes, and "the secret archive files of forty-three priests." The Grand Jury issued 51 subpoenas to the Diocese "for the production of documents and witnesses." It also heard testimony from victims, Diocesan priests, parents of victims, and women religious. It reports that it conducted an "exhaustive review" of the "response of the Diocese to the criminal conduct of priests." It had "unprecedented access to thousands of pages of records, memos, notes and other confidential documents..." Pages 3-171 are the "Findings of Fact," and pp. 172-181 are its "Conclusions" and "Recommendations." The Diocese of Rockville Centre is the sixth largest in the U.S. and consists of 134 parishes serving about 1.3 million people. States at the outset: "The Grand Jury finds that the priest perpetrators of sexual abuse flagrantly violated many of [the Church's] rules of conduct. A general failure of supervision from officials of the Diocese, to individual pastors and other priests living in rectories, compounded and perpetuated these violations with devastating consequences for children." The report presents summary accounts of acts of sexual abuse of minors by 18 Diocesan priests and of the responses of the Diocese in each case. Includes grooming behaviors of the perpetrators, actions by families who complained, expressions of concern by various individuals related to parishes, reasons why victims delayed disclosing the acts against them, rationalizations and threats used by perpetrators to control their victims, effects of the abuse on the

victims, requests by victims and their families for assistance, and the Diocese's failure to report criminal activity to legal authorities. The victims included both male and female minors. The Grand Jury's statements in relation to 1 case, Priest R, are applicable to its overall findings: "Priests committed crimes against children of the Diocese. These crimes were treated as a matter of sin and never reported to law enforcement authorities. The culture of the Diocese was one of secrecy and obfuscation. Diocesan officials purposely withheld information from parishioners and from their own priests and pastors. Recommendations from Diocese-selected facilities that evaluated abusive priests were ignored... Most children did not report the crimes against them until long after the criminal statute of limitations had lapsed. Those who did were promised help, but received little. Instead, they were ignored, belittled and revictimized. In some cases the Grand Jury finds that the Diocese procrastinated for the sole purpose of making sure that the civil and criminal statutes of limitation were no longer applicable in the cases... Priests and Diocesan officials lied about what they knew about sexually abusive priests to their parishioners and to the public at large. This policy put children at grave risk..." Section 3, "Child Sexual Abuse Syndrome," summarizes the dynamics of child sexual abuse through 5 phases as presented by an expert witness who appeared before the Grand Jury. Section 4, "The Mandatory Reporting of Child Sexual Abuse," sharply critiques the written and published statements of a Diocesan priest who was 1 of the primary architects of what became the Diocese's standard legal response to allegations. Section 5, "Diocesan Policy and Practice – The Church's Response to Clergy Sexual Abuse," consists of topical subsections that use strongly worded critiques of the Diocese: a summary of overarching themes; the role of the Diocesan Office of Legal Affairs; the administration of the Diocese's Uninsured Perils Fund; the role of the Diocesan Office for Priest Health Services; the effectiveness of the Diocesan Sexual Abuse Policy. The "Conclusions" section is based on the Grand Jury's findings of fact, which include: priests in the Diocese committed criminal acts against children; no "priest in the Diocese who knew about these criminal acts [ever] reported them to any law enforcement agency."; the tolling provisions in New York State's Criminal Procedure Law "did not effectively work to allow a criminal prosecution."; Diocesan officials "failed in their responsibility to protect children."; there should be a "statutory legal requirement for priests to report the abuse of a child to law enforcement" that includes serious penalties for a violation; the Diocese "as an institution [is] incapable of properly handling issues relating to the sexual abuse of children by priests."; "...the conduct of certain Diocesan officials would have warranted criminal prosecution but for the fact that the existing statutes are inadequate."; "The Grand Jury finds the actions of Diocesan officials who were responsible for making and implementing policy reprehensible..." The "Recommendations" section is the Grand Jury's set of recommended legislative, executive, and administrative actions to serve the public interest. These include 21 changes to New York State law. The complete exhibits of the Grand Jury are not included in this version of the document.

The Truth Commission into Genocide in Canada. (2001). Hidden from History: The Canadian Holocaust: The Untold Story of the Genocide of Aboriginal Peoples by Church and State in Canada: A Summary of an Ongoing, Independent Inquiry into Canadian Native "Residential Schools" and their Legacy. Vancouver, British Columbia, Canada: The Truth Commission into Genocide in Canada, 113 pp. [Accessed 12/28/06 at: <http://www.canadiangenocide.nativeweb.org>]

Produced by an independent, non-governmental inquiry. "This report is the child of a six-year independent investigation into the hidden history of genocide against aboriginal peoples in Canada. It summarizes the testimonies, documents and other evidence that proves that Canadian churches, corporations, and the government are guilty of intentional genocide, in violation of the United Nations Convention on Genocide, which Canada ratified in 1952, and under which it is bound by international law." The Introduction states that all 5 of the crimes constituting genocide by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (December 9, 1948), "occurred systematically and purposely in Canadian Indian Residential Schools for nearly a century, and cost the lives of at least 50,000 aboriginal children, according to statistics of the federal Department of Indian Affairs." Part 1 summarizes evidence of intentional genocide in the schools which were established by the Canadian government in the 1880s and operated by major religious denominations in Canada – Roman Catholic, United Church of

Canada, Presbyterian, Methodist, and Anglican. Acts against children and youth included exposure to diseases, homicide, physical violence, torture, forced sterilization, forced abortion, infanticide, and medical experimentation. Notes that after the assumption of guardianship powers by some school principals between 1993 and 1941 "...that the first evidence of organized pedophile networks in those residential schools emerges." Part 2 connects ongoing, deleterious consequences for the aboriginal peoples of Canada to the Gradual Civilization Act in Upper Canada, 1857, and the residential schools system. The next section is a summary of findings and recommendations. Findings are based on the evidence of 158 persons presented at 3 public forums, 1994-1998, personal affidavits, and governmental ecclesiastical records. Appendix VI is entitled, "Evidence of ongoing crimes against aboriginal children in British Columbia, including institutionalized pedophilia."

Victoria Police. (2012, October 19). Transcript. Melbourne, Victoria, Australia: Family and Community Development Committee, Victoria Parliament Inquiry into the Handling of Child Abuse by Religious and Other Organisations, 12 pp. [Accessed 02/22/18 at the World Wide Web site of the Victoria Parliament: https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Transcripts/Victoria_Police_19-Oct-12.pdf]

The transcript includes the testimony of staff of the Victoria Australia – Graham, Ashton, Police Deputy Commissioner, and Findlay McRae, Director of Legal Services. Accompanying them, but not speaking, was Rod Joining, Detective Superintendent, "the officer in charge of the sexual crimes division of Victoria Police." Also included is their responses to questions from members of the Family and Community Development Committee which conducted the hearing "under the provisions of the Parliamentary Committees Act 2003." Ashton gives the majority of the testimony which provides detail to prior written submissions. From Ashton's testimony: "...we have conducted an analysis of material that we have available to us on child sexual abuse involving religious organisations in Victoria [January, 1956- June, 2012]... This is the first time we have a full aggregation and analysis of the information..." Summarizes the analysis:

"It is Victoria Police's view that keeping quiet about these complaints [of sexual abuse of minors] hinders the detection of the offenders and the prevention of offences. Victoria Police has concerns that existing protocols within religious organisations may be more focused on internal church issues such as legal liability and public relations rather than [sic] the long-term interest of victims. The existing processes... lack transparency, independence, oversight, offender rehabilitation and criminal justice."

States: "To date, Victoria Police has not had a single referral of a child sexual abuse allegation by the [Roman] Catholic Church... If the Catholic Church is serious about changing its practices and its culture, it should be proactively reporting offences to the state rather than waiting for victims to come forward [to the state]." Reports that in the time period reviewed, 2,110 offenses were committed against 519 "distinct victims," 370 of which "were within the Catholic Church system," and 87.3% were male, aged between 11 and 12 years. Regarding family status, states: "...children with only one parent were at an increased risk of being victims of child sexual abuse." Regarding vulnerability, states: "...offenders exploited their positions of trust to gain access to and commit child sexual abuse against children in the aftermath of traumatic events," including immediately after funerals of their family members, and after "having confided in an offender in relation to other matters causing them emotional distress." Regarding physical abuse, states: "...often physical abuse under the guise of punishment was a pretext for isolating the victim, culminating in sexual abuse... It is almost certain that acts of physical abuse by an offender served to both instil [sic] fear and enforce compliance with sexual abuse." Regarding patterns of offenders, states: "...we do have intelligence which indicates that it was probable offenders were aware or complicit in each other's offending in some instances." Regarding factors that contributed to non-disclosure at the time the victim was abused, states: "They included fear of the offender, fear of non-belief and fear that the abuse was normal or necessary as a result of religious manipulation... The average reporting lag for the total offending in our research was 23.6 years." Describes "adverse social or psychological impacts" on victims as clearly correlated to the Catholic Church in Victoria. Next, Ashton describes the Church's historic patterns of responding to discovery of child sexual abuse as obstructive and dismissive, and used to discourage child

sexual abuse allegations... Since 1966 the Catholic Church of Victoria has upheld approximately 620 cases of criminal child abuse, none of which they have reported to police.” Identifies circumstances which increase the risk to children and hinder the Police ability to perform: the Church is not required to report to Police those clergy laicized under canon law, which prevents them from being added to a sex offender registry or being legally restricted; Church officials “have alerted alleged offenders to police investigations and discouraged victims from reporting incidents to police.”; Church confidentiality agreements imposed on victims in settlements deny the police information. States that the Church’s current protocols “continue to drive underreporting and adult victim impacts,” as well as impeding Police investigations, preventing identification of other victims, and decrease the ability of the Police “to understand the complexities of child sexual abuse and long-term impacts.” Among the topics addressed in Committee members’ questions is mandatory reporting of abuse by clergy, and issues involving a victim who does not wish to report to Police.

Westchester County April ‘E’ 2002 Grand Jury. (2002). Report of the April ‘E’ 2002 Westchester County Grand Jury Concerning Complaints of Sexual Abuse and Misconduct against Minors by Members of the Clergy. Westchester County Supreme Court, New York, 13 pp. [Accessed 07/15/05 at the World Wide Web site of BishopAccountability.org, “General Resources” section at the subsection, “Reports of Attorneys General, Grand Juries, Commissions, and Organizations”: <http://www.bishop-accountability.org/resources/#reports>]

On 04/29/02, the Grand Jury “began to hear evidence in connection with complaints of sexual abuse and misconduct against minors by members of the clergy.” [The religious denomination of the clergy is not identified. The location of the judicatory that was responsible for these clergy is not identified.] The Grand Jury met from April to June, and “received testimony from 21 witnesses, including 8 victims of sexual abuse or misconduct, and reviewed 31 exhibits consisting of thousands of pages of documents.” Witnesses also included a parent of a victim and a psychologist who is an expert witness on child sexual abuse; evidence also included records obtained by subpoena. The Grand Jury submitted its report to “James R. Cowhey, Justice of the Supreme Court, State of New York, pursuant to CPL 190.85(1)(c), recommending legislative action based upon specific findings.” Part 2 consists of 4 brief recommendations to the New York State Legislature that propose changes to New York State law that would: eliminate the New York statute of limitations in criminal law “where the victim of a sex offense is a minor.”; require “clergy members and other employees or officials of a religious institution [to] immediately report to law enforcement authorities any allegation of sexual abuse and/or misconduct toward a minor”, and provide “criminal penalties for an individual or organization that allows an employee with a known record of child sexual abuse or misconduct access to minors.”; prohibit “confidentiality agreements when settling [civil] claims of sexual abuse and misconduct involving minors.” Part 3 consists of the Grand Jury’s findings and is divided into 4 subsections. The first, *Why Victims Do Not Report These Crimes Promptly*, includes the finding: “The overwhelming evidence demonstrated that sexual abuse and/or misconduct by a member of the clergy had shattering psychological effects on the victim-child... The trauma experienced by the victims heard in this proceeding was especially acute, since victims viewed the offender as both a family friend and a religious authority, indeed God’s representative.” Notes a pattern of perpetration that involved establishing trust with the victim’s family prior to commission and acting as a substitute parental authority. The clergy role was also a significant factor in the deferred reporting. Notes that the response of the religious institution contributed to the silencing of victims. Concludes: “The abuser should not be permitted to cause this silence, and then avoid prosecution and punishment by the mere passage of time.” The second subsection, *The Religious Institution Failed to Report Complaints of Abuse*, includes the findings: “In the face of overwhelming evidence of sexual abuse and misconduct presented by victims, other minors and adults who witnessed the abuse, the religious institution never reported such allegations to law enforcement authorities. Further, in each and every one of these cases, the evidence demonstrated unequivocally that neither the victims nor their families ever were counseled by the religious institution to contact law enforcement authorities themselves.” The third subsection, *The Religious Institution Failed to Supervise Clergy-Abusers*, includes the finding: “...the religious institution constantly shuttled the

abuser from place to place each time an allegation came to light. ...in most cases, these clergy members were transferred by the religious institution to a new congregation without notifying anyone locally, including the other clergy at the new assignment, of the transferee's prior troubling history... Clearly the institution abdicated its responsibility to appropriately supervise employees who posed a danger to their own community as well as children in the public at large, and conducted a concerted campaign to marginalize and discredit victims." The fourth subsection, *Claims Were Settled on the Condition of Confidentiality*, includes the finding: "...the evidence showed that the religious institution demanded a promise of confidentiality in exchange for 'free' counseling in the settlement agreement with the victim and his family." Comments that this practice prohibited victims "from aiding law enforcement authorities in the investigation and prosecution of potential criminal activity, dangerous and injurious to the victim and others..." Does not include copies of the exhibits or documents presented to the Grand Jury.

Wood, James T. R. (1997, August). "The Churches." Chapter 11 in Royal Commission into the New South Wales Police Service Final Report, Volume 5: The Paedophile Inquiry. Sydney, New South Wales, Australia: The Government of the State New South Wales, pp. 991-1027. [Accessed 09/22/12 at: <http://www.pic.nsw.gov.au/files/reports/RCPS%20Report%20Volume%205.pdf>]

A chapter in a report of an inquiry conducted 1994-1997 by the Royal Commission into the New South Wales Police Service, headed by James T. R. Wood, Justice of the Supreme Court of New South Wales (NSW), Australia. The inquiry was created by the NSW Legislative Assembly to investigate matters related to the NSW Police Service, including "systemic or entrenched corruption." Another specific concerned "paedophiles and pederasts," including the failure to investigate or prosecute. Chapter 11 reports on the Commission's decision to include the category of churches and religious associations, although not public authorities or government units, because its initial findings indicated: "there had been a substantial incidence of sexual abuse involving clergy... and others involved on a paid or unpaid basis in and around Churches" and associated institutions and groups; investigations or prosecutions of those incidences had been suppressed, discontinued, or failed in ways suggesting official agencies failed "to exercise their powers impartially."; "...a serious absence of protocols, guidelines, accepted practices or established lines of communication with the Police Service" concerning how to manage these kinds of allegations; "...a history of ignorance or misunderstanding of the existence of the problem, as well as a pattern of denial and repression of any allegations which happened to be raised." Notes that after "some initial reticence, the Commission received total support from all Churches and religious organisations with which it dealt." Engagement by the Commission "created the impetus for immediate reform. For some, this had obviously been needed for a long time but had been difficult to achieve because of institutional inertia, or fear of public scandal and civil liability at the hands of the victims of abuse." Section A describes the emergence of abuse within the religious community, including reasons "for the tardiness of the Churches in acknowledging the problem, and for their adoption of a response which was quick to minimise its extent or seriousness, or to off assurances of good intentions and of a change from the past." Reasons include: ignorance regarding sexuality, and lack of ability, particularly by older clergy, "to comprehend or accept the fact of sexual indiscretion by their brethren;" ignorance of the nature of pedophile behavior; "confusion over loyalty to the Church and its community;" confusion between forgiveness and trust of offenders and duties of protection, and ignorance of the limits of counseling; "concern to avoid or limit legal liability... which has led to an adversarial approach..."; "uncertainty as to the appropriate response when the complainant does not wish the matter to proceed to police action." The section also identifies reactions to the allegations, which include: denial, minimization and avoidance, regarding sexual abuse "as a problem of 'moral failure' rather than a criminal offence, calling for help rather than punishment," i.e., spiritualizing the problem; defense of reputation; use of euphemisms; isolation from the criminal justice system, preferring to address the issue internally; confidentiality; interpreting the behavior as a violation of celibacy and other forms of cognitive distortion. States: "Clergy are in a position of trust and authority within the pastoral environment which is characterised by an inequality of power. As such there is a need to recognise that: any sexualization of the pastoral relationship involves professional misconduct and an abuse of authority..." Section B addresses the incidence of abuse

within churches and religious organizations. Includes 3 case studies: an Anglican minister and the sexualization of relationship with an adolescent that commenced when she was in a confirmation class; a Christian Brother and school teacher who sexually molested pre-pubescent boys; a Christian Brother and a Roman Catholic priest in Wollongong, and the responses of Church authorities to complaints and reports of their behavior. Section C describes protocols for dealing with allegations of sexual abuse in the: Roman Catholic Church, Anglican Church, Uniting Church, Presbyterian Church, and Salvation Army. Section D addresses the topic of treatment of sexual offenders in the Catholic Church. Section E addresses support for victims. States: "This is an area where the Churches have provided a response which at best has been patchy, and at worse uncaring. In part the absence of any consistent policy to repair the harm done to victims of sexual abuse has been a product of the climate of denial and cover up. For the remainder, it has been due to fear of the consequences of civil litigation, and in particular the possibility that an offer of assistance might be regarded as an admission of liability." Section F is the conclusion. Lists 6 elements of a church protocol that addresses prevention and responses to discovery of sexual abuse. Calls for a NSW system "under which a certificate may be issued stating that particular person poses an unacceptable risk to be allowed to occupy any position involving the care or supervision of children," and recommends that, given the "past record of serious sexual abuse of children by "clergy, youth workers and those associated with church schools, homes and other religious institutions... they should be subject to the regime proposed" in Chapter 20. 203 footnotes.

VIII. NOVELS, FICTION, PLAYS, CINEMA, ART, PHOTOGRAPHY, AND POETRY

Almodóvar, Pedro. (Director & Screenplay). (2007). *La mala educación* (*Bad Education*). [110 minute DVD. Spanish language with English subtitles.]. Distributed by Sony Pictures Classics.

The 2004 film *noir* by an award-winning Spanish director. Semi-autobiographical account based on his Roman Catholic school childhood. Set in 1980 in Madrid, Spain. Enrique Goded, a young filmmaker, is visited by a man identifying himself as Ignacio Rodríguez, a classmate of Enrique's at a Catholic boarding school in Franco-era Spain. The man, an actor, has written a story for a film based on their experiences with a priest, Fr. Manolo, who was the principal of, and a literature teacher at, the school. Manolo sexually abused Ignacio when Ignacio and Enrique were about 10- or 11-years-old in 1964.

Augiéras, François. (1964; 2001). *The Sorcerer's Apprentice*. (Dyson, Sue, Trans.). London, England: Pushkin Press, 106 pp. [Originally published anonymously as *Les Cahier des Saisons* in French language.]

Augiéras (1925-1971) was a writer and painter. Fiction. Set in southwest France. 1st person narrative from a 16-year-old who is sent by his parents to live for a summer in a village with a Roman Catholic priest, about 35-years-old, who serves several parishes. The priest alternately treats him tenderly and harshly, including beating him brutally. While accompanying the priest on home visits to parishioners, he becomes drunk and the priest sexualizes the relationship to him. Soon after, he sexualizes a relationship to a 12-year-old boy in the village, which he describes as "impos[ing] my will upon him." His actions with the boy lead to a police inquiry.

Avella, Frank J. (Writer), & Caparrotti, Laura. (Director). (2012). *Vatican Falls*.

A play based on factual material. Context is the Roman Catholic Church. A semi-staged reading of the play was conducted 05/12/12, New York, New York, at The National Comedy Theatre.

Benson, Angela. (2005). *The Amen Sisters*. New York, NY: West Bloomfield, MI: Warner Books; Walk Worthy Press, 354 pp.

A novel in the genre of Christian fiction by a writer and faculty member, University of Illinois. 1 subplot involves African American women and sexualized relationships with congregants by African American clergy. Presented through the experiences of 3 generation of women, factors addressed include vulnerability, manipulation, a pastor's power, predation, lack of accountability,

misplaced trust, misuse of scriptures, denial, and blaming the victim. Set in Atlanta, Georgia, primarily, and Dayton, Ohio.

Berman, Nina. (Producer). (2007). Crosses: Portraits of Clergy Abuse. [3 minutes, 26 seconds] [Accessed 02/16/08 at: <http://www.alternet.org/rights/66551>]

A slide show of black and white pictures and first person text by 3 men and 2 women who were sexually abused as children and adolescents by Roman Catholic priests and nun. The material is from photographer Carmine Galasso's book, Crosses: Portraits of Clergy Abuse [see this bibliography, Section I: Galasso, Carmine. (2007).]. The production, including instrumental accompaniment, was posted on November 1, 2007.

Bloxham, John Francis. (1894). "The Priest and the Acolyte." *The Chameleon*, 1 (1):29-47. Facsimile reproduction. (1978). London, England: The Eighteen Nineties Society.

The Chameleon was an undergraduate publication at Oxford University, England. "The Priest and the Acolyte" was originally published anonymously. The short, fictional story was wrongly attributed by many to Oscar Wilde who published in the magazine. The author was later identified as John Francis Bloxham (1873-1928), then an undergraduate at Exeter College, who was the magazine editor. Post-publication, the publisher suppressed the magazine due to the nature of Bloxham's story. Central figure is Ronald Heatherington, 28-years-old, a Roman Catholic priest of 5 years who just arrived as a curate. He is immediately attracted to Wilfred, a 14-year-old, who is being raised by his grandparents and is an acolyte at the local mission-chapel that Heatherington serves. After parish members begin to talk about Heatherington and the youth, the rector discovers them together at night and confronts the priest: "...I must give you to justice, and see that you suffer the full penalty of your sin! Have you nothing to say?" Heatherington replies: "...I do not ask you anything for myself, I do not ask you to spare me; but think of the terrible scandal to our dear Church." The rector responds: "It is better to expose these terrible scandals and see that they are cured. It is folly to conceal a sore: better show all our shame than let it fester." Concludes with the priest asking the youth to die for and with him; he poisons both of them in a mass for the repose of their souls.

Boccaccio, Giovanni. (1972). The Decameron. (Musa, Mark, & Bondanella, Peter, Trans.). Harmondsworth, Middlesex, England: Mentor (division of Penguin Books Ltd.), 689 pp. [Translated from Italian.]

Boccaccio (1313-1375) was an important Italian author. The Decameron is regarded as a classic of world literature. The lengthy book is organized into 10 sections, each representing a day on which 10 stories are told by a party of wealthy young patricians who take refuge in a villa outside Florence, Italy, while the Great, or Black, Plague (1347-1349) ravages Europe. The Second Story on the Fourth Day is prefaced by the storyteller as "enable[ing] me to demonstrate the nature and extent of the hypocrisy of the [Roman Catholic] monks," and regards a minor friar in the Franciscan order who moved from Imola to Venice and took the name Brother Alberto da Imola to hide his identity as "a man of wicked and corrupt ways." While hearing the confession of a parishioner to whom he is attracted, he recognizes her cognitive limits and uses his role and religious rhetoric to sexualize his relationship to her. The Third Story on the Seventh Day is that of Rinaldo who arranges to become the godfather to the child of a married woman to whom he is attracted, Agnessa, in order to have access to her. He becomes a Roman Catholic friar and "put aside the love he bore his godchild's mother." Later, "he reverted to his old ways," and sought to sexualize his relationship to her, invoking religious arguments to overcome her objections and justify his actions. The Second Story on the Eighth Day is prefaced by the storyteller's remark that it is "aimed against those who constantly offend us without our being able to offend them back, that is, against priests, who have proclaimed a crusade against our wives, and who seem to think that when they can lay one under them, they have earned the forgiveness of their sins and faults... We poor laymen cannot do the same to them..." The story regards a priest in the town of Varlungo who sexualizes a relationship with a parishioner, stating that it is "something God has ordained," and using his status and wealth to overcome her objections. The Fourth Story on the

Eighth Day regards the parish rector of Fiesole who sought to sexualize his relationship to a parishioner. Outwitted by her, he was exposed to his bishop and punished.

Born, Marilyn. (2002). Three spirits: One parish. A short story in four parts. *Journal of Religion & Abuse: Advocacy, Pastoral Care & Prevention*, 4(4):89-95. [Reprinted as: "Three Spirits: One Parish. A Short Story in Four Parts." Chapter in Fortune, Marie M., & Marshall, Joretta L. (Eds.). (2004). Forgiveness and Abuse: Jewish and Christian Reflections. Binghamton, New York, The Haworth Press, Inc.]

Born is a founding member of SHIVERS (Sexual Harassment Is Violence, Effective Redress Stops It), the first support and advocacy group in Australia for adult women making complaints of harassment, abuse, and assault, including clergy violence to churches and secular agencies. A brief fictional piece that traces the connections between the lives of families and priests in a parish and the consequences of events that involve incest, sexual molestation of children by a priest, reporting the molesting and supporting the victim and family at trial, sexual abuse of a congregant in a counseling relationship by a priest, a victim's death by suicide, a family's recovery, and advocacy for the church taking preventive actions.

Boyne, John. (2015). A History of Loneliness. New York, NY: Farrar, Straus and Grioux, 337 pp. Boyne, a fiction author and novelist, lives in Dublin, Ireland. Set in 20th and 21st century Ireland, the novel depicts events related to the sexual abuse of minors by priests in the Roman Catholic Church, and responses of the hierarchy upon discovery. The protagonist and narrator is Fr. Odran Yates, a priest in the archdiocese of Dublin, Ireland, who started seminary in the 1950s when he was a teenager and has been a priest since his graduation. After serving 27 years at a Catholic secondary school, he is reassigned to a parish following the transfer of his seminary roommate, Fr. Thomas Cardle. It is gradually revealed that Cardle had been assigned to 11 parishes in 28 years, with duties that always involved working with altar boys; he was frequently transferred abruptly by the archbishop who was aware of allegations that Cardle had molested minors. Years before Cardle stands trial on criminal counts, Yates admits to himself that he recognized Cardle was committing sexual violations against boys, but avoided accepting or acting on the awareness. His failure to act exposes his nephew to Cardle, who molests him in the family home the night of the funeral mass for Yates' mother, which Cardle conducted. It is over 2 decades later before Yates can accept his complicity: "I had said nothing when I should have spoken out, convincing myself that I was a man of higher character. I had been complicit in all their crimes, and people had suffered because of me... And the final irony was that it had taken a convicted pedophile to show me that in my silence, I was just as guilty as the rest of them."

Bryson, Kathleen. (2006). Girl on a Stick. San Francisco, CA: She Devil Press, 252 pp.

By a painter, actor, film director, and novelist. The first-person novel opens in 2000 when the protagonist, Clementine Logan, 27-years-old, is a part-time graduate student in London, England, and ends in 2003. A native of the U.S.A., Logan was raised a Roman Catholic in rural Washington state. She enters into a sexual relationship with young man, and experiences intrusive thoughts, memories, and images from her childhood, including Catholic ritual and symbols. She recalls being 14 when a visiting priest, Fr. Deegan, comes to her parish. Preceding his sexual violation of her, he says to her: "'Something's troubling you, my child. (He had the priest-voice on again and he was using the priest-words.) It is my pastoral duty to administer to the needs of my parish. And you, Clementine, are my parish.'" She reports his actions to the archbishop who responds by having her face a group of archdiocesan leaders. They defend Deegan, and tell her that Deegan had reported her to them as having a crush on him, thus dismissing her report.

Cable, Mary. (1981). Avery's Knot. New York, NY: G. P. Putnam's Sons, 238 pp.

The Foreword states: "Much of this story is true. Ephraim K. Avery and Sarah Maria Cornell were real people, and the principal events of their lives occurred very much as I have described here. Where the facts are not known, I have made educated guesses." She recreates the horrific case of the death in 1832 of a young, pregnant, cotton mill worker, Sarah Maria Cornell, in Tiverton, Rhode Island, and the sensational trial of Rev. Ephraim Kingsbury Avery, a Methodist minister in Bristol, Rhode Island, for her murder. Third person narrative. Depicts Avery's clergy

role as a factor in how he sexualizes his relationship to her. Her sources are not identified. [See also this bibliography, Section I: Kasseman, David Richard (1986).]

Cagle, Daryl. (No date). "The Professional Cartoonists Index: Pedophile Priests." [Accessed 01/01/08 at: <http://www.cagle.com/news/PedophilePriests/main.asp>]

Displays editorial cartoons by a wide variety of artists on the topic of sexual abuse of minors by clergy and responses by church leadership, especially focused on the Roman Catholic Church.

Cannon, Feidlim (Co-Director), Keegan, Gary (Co-Director), & Gray, Dylan Coburn (Playwright) . (2011). The Blue Boy.

A play about the abuses, including sexual, experienced by children in Irish state-sponsored and Roman Catholic Church-operated reformatory and industrial school institutions for children. Created as a response to: 1.) the 2009 report by the Irish government's Commission to Inquire into Child Abuse, popularly referred to as The Ryan Report; and, 2.) the 2011 report by the Commission of Investigation (Roman Catholic Church's Dublin Archdiocese) into how allegations of the sexual abuse of children in the Diocese of Cloyne were handled by the Church and the state, popularly referred to as The Cloyne Report. Among the depictions is the St. Joseph's Industrial School, located in Artane and operated by the Congregation of Christian Brothers; Keegan was raised in the area surrounding the School. The play integrates choreography, video, live music, and audio-recorded testimony by female and male survivors describing their experiences as residents. Originally performed in 2011 as part of the Dublin Theatre Festival, Dublin, Ireland.

Capozzi, Joe (Writer & Producer). (2008). For Pete's Sake.

A 1-act play by Capozzi, a professional actor. Raised in Ridgefield, New Jersey, he is a self-identified survivor of Fr. Peter Cheplic, a Roman Catholic priest who was Capozzi's parish priest and abused him beginning when Capozzi was an adolescent. The play is autobiographical. The play opened Off Broadway in December, 2008, New York, New York, at the Kraine Theatre.

Carlo, Philip. (2005). Predators & Prayers. New York, NY: Leisure Books, 370 pp.

Carlo is an author and lives in New York, New York. Setting is approximately 2002-2003. The plot is driven by a man who was seriously abused as a young child and placed in an orphanage operated by the Roman Catholic Church where priests who sexually abused him also used him to make pornographic films, which they sold internationally for profit. At 12, he killed 1 of the priests and served 21 years in a state hospital for the criminally insane. After 2 years of being released he murders and mutilates 5 Roman Catholic priests in New York City, including 2 who had abused him in the orphanage, 1 of whom had served a prison term for sexually molesting children before he went to seminary, and 3 in Rome, Italy. The killings and eviscerations are part of his attempt "to do something to let them know... the priests, the Church, the Vatican, that they had to answer for what was happening; for what they *allowed* to happen..." The reference is the sexual abuse of minors by priests and the Church's responses to protect the offenders. One recurring subtheme is that serial pedophiles had infiltrated the Church. In the course of the investigation, a number of New York City priests, including a bishop, are discovered to have collections of child pornography, and are arrested and indicted. The book is marketed by the publisher as part of its paperback horror novel bookclub.

Chaucer, Geoffrey. (1993). "The Parson's Tale." In The Canterbury Tales. (Ecker, Ronald L., & Cook, Eugene J., Trans.). Palatka, FL: Hodge & Braddock, Publishers, pp. 514-572. [Translated to modern English from Middle English.]

Chaucer (c. 1343-1400) was a multi-talented English poet whose best-known work consists of tales told by pilgrims traveling from London to a shrine in Canterbury. "The Parson's Tale" is a prose piece that concludes the work. The focus on penitence after commissions of sin is followed by a lengthy description of "the Seven Deadly Sins," including "Lechery." Describes "species of this cursed sin," including "when one or both of the parties may belong to a religious order, or if one has entered into holy orders, as subdeacons, deacons, priests, or knights

hospitalers. And the higher one is in orders, the greater is the sin... These people in orders are specially dedicated to God, are of the special household of God, so when they commit mortal sin they are the special traitors of God and his people... Truly the priest who practices mortal sin may be likened to the angel of darkness transformed into the angel of light. He seems like an angel of light but in truth is angel of darkness. ...they're as free, without judge, as a bull in the field that takes whatever cow he likes. So they fare among women, for just as a free bull is enough for a farm, a wicked priest's corruption is enough for a whole parish or district. ...these scoundrels are not satisfied with meat roasted and boiled, with which the people feed them in great reverence; they would have the raw meat of men's wives and their daughters."

Chayil, Eishes (pseudonym of Brown, Judy). (2010). Hush. New York, NY: Walker & Company, 359 pp.

In 2011, Judy Brown identified herself as the author. She was raised in "the ultra-Orthodox, the *Chassidic*, the chosen Jewish nation living in Brooklyn, New York." Her mother, Ruthie Lichtenstein, is publisher of *Hamodia*, an Orthodox English-language newspaper in Brooklyn, New York. Classified as a young adult novel. Based on experiences from her childhood. From the author's note: The book is about "life in the ultra-Orthodox *Chassidic* world – about our joy, about our warmth, and about our deep, deep denial of anything that did not follow tradition, law, or our deeply ingrained delusions." Set in the Borough Park area of Brooklyn, New York, late 1990s-late 2000s. Told from the point of view of Gittel Klein, alternating between 3 periods of her life: pre-pubescence, puberty, and late adolescence. Her childhood best friend, Devory Goldblatt, is being sexually abused by Devory's older brother. Despite Devory's direct and indirect expressions of pain and fear, the adults in her family, school, and neighborhood deny, misunderstand, misattribute, or misinterpret the signs of her distress. To escape, she kills herself. The community responds with silence. Gittel witnessed one incident of rape but did not comprehend what she saw due to naïveté about sexuality perpetuated by the community's practices and norms that resulted in children not being educated about basics like menstruation and conception. Community norms also perpetuated silence about sexual abuse, emphasizing that the Torah taught "that it was a violation of the divine, a transgression of the commandments to speak evil of other Jews," a *Chillul Hashem*: "'We Jews carry Hashem's name on Earth, and if I brought negative attention to us [by reporting to the police that she had witnessed Devory's rape], Hashem Himself would be ashamed.' ...the goyim would only use the story as a weapon against us. Maybe if I prayed more and repented more it would all go away; that's what everyone told me after it happened." Her silence was also reinforced by concerns that her reporting to authorities would bring dishonor to her family and jeopardize her chances of a good marriage being arranged for her by one of the community's matchmakers. The influential role of the community's *rabbonim*, "grand rabbis," is briefly described as one that reinforces handling the cases internally and not involving secular authorities. Depicts the effects on associate victims.

Cooperman, Robert. (1990). The Trial of Mary McCormick. Niagara, Falls, NY: Slipstream, 34 pp.

By a poet, Pikesville, Maryland. A narrative in the series of 28 short poems regarding a 16-years-old-girl who is used sexually by 3 Roman Catholic priests, impregnated, and bears a child. The poems are from the first person point of view from a variety of individuals, including the priests, the victim, her father, her former boyfriend, the bishop, her lawyer who represents her in a civil suit, a court stenographer, the judge who presides at the civil trial, and the defense attorney, among others. The language is strong, honest, and convincing, and the poems individually and collectively are quite insightful. This is an unusual work that deserves a wider audience.

Crew, Linda. (2001). Brides of Eden: A True Story Imagined. New York, NY: HarperCollins Publishers, 223 pp.

By an author who writes young adult fiction, and lives in Corvallis, Oregon. Young adult fiction; historical fiction. Based on the life of Franz Edmund Creffield and his early 20th century religious followers, the Brides of Christ Church. States in the afterword: "...in all cases the main events of the [book] took place when and where I set them, at least to the extent this can be determined." The book's characters are based on real people. Draws primarily on newspaper accounts since most official records are missing. Told from the perspective of Eva Mae Hurt, 16-years-old in

1903. Depicts the impact of Creffield and his ministry on the people of Corvallis, Oregon, focusing on 1903-1906. Hurt's family is active in the local Salvation Army movement when Creffield comes to town as part of the Salvationists. Described as a "handsome, well-spoken young man" with a "fiery style of oratory that enlivened things considerably" and drew young females to him, he leaves the Salvationists to start his own church. His influence leads young female followers to distance themselves from non-followers. He interprets New Testament scriptures to induce people to give him their possessions and wealth. At nightly worship gatherings that are emotionally expressive, he calls followers to a "life of holiness and purity," and withdrawal from non-believers. He sets up a summer encampment outside of town where 20+ people join him. He directs their daily schedule, prescribes the mode of dress and appearance for females, and promises them that they are to play "a pivotal role in the destiny of the world itself." He announces that he received a revelation from God that whichever female follower was "found to be the purest and best" would be the mother of the Second Christ, and that he has been "chosen to deliver the Holy Spirit." He tells them that "the *true* [sic] test for each would come when we received word to appear before him alone, in his private shelter." He summons Eva Mae to his shelter, sexualizes his relationship to her, calling his actions a sacred and secret rite, and forbids her to tell anyone. When they return to Corvallis, he moves into her family's house and is joined by a number of young female followers so they can "keep on devoting themselves full time to our religion." He preaches that the end of the world is imminent, that those who follow him will be saved, and that if he dies, he will be resurrected. Relatives begin to retrieve female members, and commit them involuntarily to the state mental hospital or a facility for children and youth. When Creffield is charged with committing adultery with a follower, he goes into hiding and a reward is posted for his arrest. From hiding, he issues directives regarding the clothing, appearance, and diet of female followers. He tells them: "Each of you who suffers for me will have extra stars in her crown." After Eva Mae is committed by her father to a state facility, she discloses Creffield's sexual acts to the administrator. Captured and tried, Creffield admits to the adultery as charged, claiming it was God's will. Found guilty, he's sentenced to the Oregon State Penitentiary. Upon release, he acts to re-establish the church, declaring himself the Son of God/the Second Christ, and announcing that the end of the world is imminent. He relocates to Seattle, Washington, where he is murdered by the brother of the woman who was the subject of his adultery that was the basis for his conviction. When her brother is acquitted at trial, she murders him.

Curtis, Dan. (Director & Executive Producer); Donnelly, Thomas Michael. (Screenplay). (2005). Our Fathers. Showtime [130 min. videodisc.] Showtime Networks Inc.

Originally broadcast May 21, 2005, as a made-for-cable television docudrama that is based on David France's 2004 book, Our Fathers: The Secret Life of the Catholic Church in an Age of Scandal [see this bibliography, Section I.] about clergy sexual abuse of minors in the Roman Catholic Church. This version focuses on the archdiocese of Boston, Massachusetts. The focus is Mitchell Garabedian, a plaintiff's attorney, and Cardinal Bernard F. Law. Portrays the victims of Fr. John Geoghan and Fr. Joseph Birmingham, including survivors Angelo DeFranco, Patrick McSorley, Bernie McDaid, Olan Horne, Gary Bergeron, and Tom Blanchette. Begins in 1962 with Geoghan's ordination to the priesthood and ends with updates that extend to April, 2005. Among the scenes depicted: Geoghan's grooming behaviors and imposition of secrecy utilizing religious rhetoric; roles of Wilson Rogers, Jr., as attorney for the archdiocese, *Boston Globe* newspaper, Fr. Tom Doyle, and Jim Muller and Voice of the Faithful, and Judge Constance Sweeney who preceded over civil suit proceedings against Law; portions of criminal proceedings against Geoghan and his murder in prison; Law meeting with Pope John Paul II; Law meeting with survivors and their families. Videodisc version includes bonus features with commentary by David France and by Thomas Blanchette, Gary Bergeron, Olan Horne, and Bernie McDaid.

Diderot, Denis. (1772; 1774). The Nun. (Tancock, Leonard, Trans.). London, England: Penguin Books, 189 pp. [Translated from French, *La Religieuse*.]

A novel by the 18th century Enlightenment philosopher and editor of the *Encyclopédie*. Grew out of an elaborate practical joke on a French marquis. It was based on the circumstances of Margeurite Delamarra, a young nun at a Paris convent who sought to be dispensed from her vows.

Written in an autobiographical, first person style, it is the story of a person without a religious vocation confined against her will in a closed environment. The object of Diderot's attack, according to the translator, is not the Church, but a closed and punitive system that protects the persecutor and penalizes the victim. The text comments on the effects of segregation, duress, and servitude. After being physically, emotionally, and spiritually abused in a convent, the narrator is transferred to another where the Mother Superior uses kindness, attention, and authority to take advantage of her sexually. A Benedictine monk arrives as the convent's confessor, and persuades her to escape with his help, an opportunity he uses this to assault her sexually.

Disch, Thomas M. (1994). The Priest: A Gothic Romance. New York, NY: Alfred A. Knopf, Inc, 303 pp.

By a novelist. Novel is set in the Roman Catholic Archdiocese of Minneapolis, Minnesota, in the early 1990s. Central figure is Fr. Patrick Boyce, a 35-year-old pastor of a suburban parish. His history includes sexually abusing male minors while a priest, including 1 who completed a suicide attempt at 14-years-old, and another with whose family the archdiocese reached a cash settlement to cover legal and medical costs. Following the settlement, Boyce was sent for mandatory treatment at a Church-run clinic where he learned from other priests in treatment techniques for grooming minors and covering up his activities. Boyce's father was a priest who exploited his mother's vulnerability about her marriage as expressed in confession. His victims also include male seminarians while he was on the staff of the seminary, and a female whom he raped while he hearing her confession.

Dorman, Sean. (1998). Sex and the Reverend Strong. Cornwall, England: The Raffeen Press, 161 pp.

Dorman, from Ireland, has published as a journalist, ghost author, editor, novelist, essayist, theater critic, and autobiographer. Novel is set in England in an indeterminate period. Centered on the activities of Rev. Robin Strong, a Church of England priest, the vicar of Ferne, who is young, athletic, successful, charming, and ambitious. As he moves amidst the commingling of British social, political, and ecclesiastical circles, he has a series of anonymous, public sexual encounters in which his identity as a priest is not disclosed. While there is no use of his ecclesiastical status to exploit others sexually, the encounters raise concerns about his motives, integrity, fitness, and nature of his interactions with others.

Doyle, Mogue. (2010). Mr Bawman Wants to Tango. Dublin, Ireland: Liberties Press, 240 pp.

Doyle, a novelist, lives in County Wexford, Ireland. Novel. Narrated in the first person by John Valentine Ryan in his late 20s, who recounts the story of his growing up in a small town in rural Ireland, focusing on his early adolescence in the 1960s. At about 13, his parents, who operate a bar, send him to a Roman Catholic ecclesiastical college, a 5-year boarding school governed by priests with a staff that includes nuns and lay persons. The dean of discipline, Dr. Quigley, a priest whom the boys refer to as Baldy Klops, strikes students with an open hand and closed fists, and punishes with a bamboo cane: "...if a fellow was to survive [the school], he would have to get used to his personal domain being intruded upon and violated, ignore how degraded he might feel, and take for granted the onset and spread of brutality under its various guises." Older boys warn new arrivals about not becoming the sexual target of a priest known as Reggie-the-Paw who is a teacher. In 1 chapter, Ryan and his peers risk punishment by entering the priests' section, off-limits to students, and going into Reggie-the-Paw's private apartment to protect a friend whom the priest had summoned on what they feared was a pretext.

Evenson, Brian. (1998). Father of Lies: A Novel. New York, NY: Four Walls Eight Windows, 197 pp.

Evenson is a professor of creative writing, Oklahoma State University, Stillwater, Oklahoma, and a member of the Church of Jesus Christ of Latter-day Saints. A novel set in the contemporary U.S.A. Divided into sections that are first person accounts by Alexander Feshtig or Eldon Fochs. Feshtig is a psychiatrist who works for a psychoanalytic institute of the "largely conservative religious sect the Corporation of the Blood of the Lamb ("Bloodites")." The Church maintains "rigid and traditional gender roles taught by the Bloodite faith, which leads often to a devaluation of women." In his 30s, Fochs, a member of the Church and the son of a provost, is assigned by the area rector to be the provost of a congregation; the rector is subject to the apostolic elders, all

males, who are the highest leaders of the Church. The provost was expected to obey the rector who was expected to obey the elders. Fochs “believed that whatever a church leader said, speaking in his official capacity, was a new scripture and must be immediately obeyed. Even if a church leader were to ask him to do something ‘contrary to decency,’ he would be blessed for following him and doing it, *even if he knew it was wrong*.” Fochs seeks therapy from Feshtig who begins to suspect that Fochs’ dreams are altered descriptions of his experiences of sexually abusing minors in his congregation by using his religious role and religious rhetoric to overcome their resistance. Fochs “parley[ed] some of the teachings of the Church into a justification for his sins. The results for the children were a degree of ego extinction, loss of a clear sense of self, collapse of self-esteem, anxiety, anger, depression. Soul murder.” After Feshtig’s secretary, a Church member, gives a copy of his preliminary materials on Fochs to an apostolic elder, the elder insists on access to Feshtig’s confidential case file and warns Feshtig that if he published on the case, “there will be severe repercussions... The reputation of the Church must be upheld.” When 2 mothers accuse Fochs, their provost, of raping their minor sons, the rector supports Fochs. Fochs informs the women that they need to obey Church leaders. When they do not conform, the rector convenes a 16-man Church Disciplinary Council to try the women on charges “of unchristianlike conduct and disobedience to [the] leaders.” He states: “To attack the Church is the same as attacking the Lord.” The rector pressures the group to reach a decision that excommunicates the women. After Fochs sexually assaults a 20-year-old Church member hired to look after his children following the death of his wife whom he killed, he is moved to a teaching position at a Church college.

Eça de Queiróz, José Maria de. (1963). The Sin of Father Amaro. (Flanagan, Nan, Trans.). New York, NY: St. Martin’s Press, 352 pp. [Translated from Portuguese, *O crime do Padre Amaro*, original work published 1876.]

Eça de Queiróz (1845-1900) is a highly regarded Portuguese novelist and short-story author whose works used naturalism and were also vehicles for social criticism. This novel, set in the 19th century, satirizes clerical corruption in general as it tells the story of Fr. Amaro Vieira of Lisbon, Portugal, who is appointed the *paroco*, Roman Catholic parish priest, in the province of Leira. He is attracted to Amelia, the 22-years-old daughter of a woman in the parish in whose house his superiors arrange for him to board. His desire to sexualize his priest/congregant relationship to Amelia is initially inhibited by concern for scandal to the clerical office (p. 71), but he uses religion to rationalize his motives and acts to himself and to her (pp. 130; 214-215; Chapter 17; pp. 232-233). That his superiors have sexualized relationships with congregants is precedent that he invokes to justify his actions with her and others. The cultural influence of the priest and the Church are described in relation to their influence on women (pp. 159-160; Chapter 17; p. 247). After Amaro impregnates Amelia, he arranges for her to be sent away to bear the child in secret.

Flynn, Gerard Mannix. (1983). Nothing to Say. Dublin, Ireland: Ward River Press Ltd., 172 pp.

Flynn is a playwright and actor. For part of his childhood, he lived at St. Joseph’s Industrial School in Letterfrack, Ireland. “This is a novel based in some respects on experience as seen through the eyes of a child. Some descriptions of places are factual...” First person, conversational, colloquial style from the point of view of Gerard O’Neill who is from a family of 14 children living in a 2-bedroom house in Dublin in the 1960s. The father and mother fight, and the father’s physical acts against the mother frighten the children. The mother copes by drinking. O’Neill, who is entering puberty, often skips school and is involved in petty crimes, which leads a judge to sentence him to St. Joseph’s Industrial School, a trade school for boys, until he is 16. The school is operated by an unnamed order of the Roman Catholic Church. A number of the brothers, including the head of the school who is a priest, impose discipline by instilling fear and using physical punishment by hitting the boys: Brother Duncan uses a rubber strap, Brother Michael strikes with his fists, kicks, and uses objects for hitting, and Brother McCann, the head, uses his hands. In this environment, James Joyce, the night supervisor of the boys’ dormitories, is responsible for waking boys known as a “piss-in-the-bed” and sending them to the dorm

washroom. He uses his access as the opportunity repeatedly to sexually molest a boy who is despised by the others.

_____. (2003). James X. Dublin, Ireland: The Lilliput Press Ltd., 85 pp. Semi-autobiographical. [See this bibliography, preceding entry: Flynn, Gerard Mannix. (1983). Nothing to Say. Dublin, Ireland: Ward River Press Ltd.] A single character play about a man whose childhood was spent mostly in institutions in Ireland that were state-sponsored and often operated by Roman Catholic orders. The character, James, in his 40s, is summoned to testify before a Dublin high court in 2002 in a civil suit against "The State and Its Servants and Agents, The Church and Its Servants and Agents," for damages for injuries and harms incurred while a minor in the care of the defendants. From the foreword: "*James X* is the story of James O'Neill from *Nothing to Say* over thirty years on. He stands in the High Court of Ireland waiting to be called to the witness stand to give testimony about the events of his life at the hands of the agents of [the Roman Catholic] Church and State: a Church that profited from the forced manual labour of 150,000 children, and a State that supplied them with these child workers. As James waits in the court building he is handed a file that has been compiled on him over the previous forty-five years... This is not James's story, it is the story of all the children that went through the rooms of hell and horror in institutions run by the congregations of religious Brothers and Nuns, under license of the State... As the charter on stage is reading the reports, he realizes that he can expect neither justice nor vindication from a State that so willfully abandoned him. The prejudicial State file doesn't tell the story of his life as he remembers it, and while he waits to go into court, James begins a quest to rescue his own story." James O'Neill was born in 1957, 6th child in a family of 11. Beginning at 4-years-old, he is sent to various residential institutions, including St. Joseph's Industrial School in Letterfrack, County Galway, operated by the Christian Brothers. On the last 3 pages of the play, he states: "...now it's time to tell the truth. The honest truth. This is my statement. My truth. The real story. The story I came to tell." Among events not previously described, he reports experiences at St. Joseph's that include being raped by the Brother who picked him at the train station on the day he arrived, being raped by a caretaker, and being physically assaulted by a Brother. Concludes: "When I tried to tell people what happened in my childhood years, nobody wanted to know what happened to me and to the other people sent to those places. Nobody trusted us and nobody cared, we were all abandoned. Today all I ask is that you believe me. That justice be done. I never spoke those words till now, never had the voice, only the fear. I thought it was all my fault." Pp. 55-85 are a series of official documents from the various institutions.

Flynn, Gerard Mannix (Writer), Byrne, Gabriel (Producer & Director), Nelson, Liam (Producer), & Culture Project (Producer). (2011). James X. [80 min.]

Flynn is a playwright and actor; Byrne and Nelson are actors. The semi-autobiographical play opened at Temple Bar Music Theatre, Dublin, Ireland, in 2002. [See this bibliography, preceding entry.] It opened Off Broadway in December, 2011, New York, New York, at the 45 Bleeker Theater; Flynn performed the single character role of James O'Neill.

Fritscher, Jack. (2001). What They Did to the Kid: Confessions of an Altar Boy. San Francisco, CA: Palm Drive Publishing, 373 pp.

Fritscher writes fiction and nonfiction books, is a playwright, and publishes in magazines. Novel told in first person. Begins in 1939 in Peoria, Illinois, and follows Ryan O'Hara who is born into a Roman Catholic family, educated in parochial school, and at 14-years-old enters an Ohio seminary in response to a call to become a priest. The seminary is a residential boarding school for 500 students. A subplot involves Fr. Christopher Dryden, a graduate who returns as a teacher, and is the antithesis of faculty members: he is young, approachable, charismatic, and progressive. During O'Hara's senior year, Dryden is dismissed after reports by students that he sexualized his relationship to them which was accomplished through misuse of his religious role.

Fry, Alan. (1970). How a People Die: A Novel. Toronto, Ontario, Canada: Doubleday Canada Limited, 167 pp.

Fry is an agency superintendent, Department of Indian Affairs, Canada, and lives on Qudra Island, British Columbia. Described as a *documentary novel*. Set in British Columbia, 1969. Opens with the death of Annette Joseph, 11-months-old, in her home amidst her family who are descendants of the Kwatsi Band of “Indians [*sic*]” who had been relocated from their ancestral homesite to living in Department of Indian Affairs housing on a Department reserve in another community. The death prompts an investigation into parental neglect by Corporal James Thompson of the Royal Canadian Mounted Police. Over the course of the investigation, multiple factors are identified: stark poverty; lack of sanitation, adequate housing, health care, and meaningful or basic employment; high child mortality rate, high birth rate among unmarried females, and low life expectancy rate; chronic malnutrition; poor education; racism against Indians; exploitation by whites, including supplying alcohol in order to sexually abuse Indian females; domestic and family violence, including incest. States: “Born to one kind of life they faced another and found it alien.” Chapter 20 very briefly mentions the “environmental upheaval” of sending Indian children to residential and boarding schools. In excerpts from an introduction and an afterword essay to a newer edition [Accessed 12/09/09 at: <http://www.harbourpublishing.com/excerpt/HowaPeopleDie/257>], Fry refers to “sexually abused children” without identifying the origins of the abuse. [The novel has been cited by First Nations members as a significant early depiction of the intergenerational effects of the sexual abuse of First Nations children experienced in government-sponsored boarding schools operated by religious organizations.]

Furey, Leo. (2006). *The Long Run: A Novel*. Boston, MA: Trumpeter, 376 pp.

Furey, an author, is executive director, Newfoundland and Labrador Film Development Corporation, St. John's Newfoundland, Canada. The novel, whose narrator is a young adolescents is set in St. John's, 1960-1961, in an orphanage for boys as young as 4-years-old to adolescents who are 16. The orphanage, a residential school, is operated by the Irish Christian Brothers, a Roman Catholic Church international order of men. The Brothers maintain control of the orphanage through strict discipline and punishment, which includes physical beatings with leather straps, slapping boys with their hands, and, in the case of the religion class teacher, Br. McCann, hitting boys with his fist hard enough to inflict injuries, while also being verbally abusive. In what could be categorized as a coming-of-age novel, the incidents include McCann, who also teaches geography, initiating an elaborate program to create a sumo wrestling team. As their coach, “[h]e asks for a volunteer [from the boys] to demonstrate various Western techniques and positions that are unacceptable in sumo wrestling. His special lessons, as he refers to them, can last for up to fifteen minutes.” When nobody volunteers, McCann selects one boy, demonstrates a technique, and proceeds to use the boy to gratify himself sexually. Another scene depicts a Brother, whom the boys call “the night walker,” who enters their sleeping dormitory at night and repeatedly stops at the bed of a young boy, Nowlan. At breakfast, a group of boys discusses an incident from the previous night. The group's leader “says he isn't surprised there's a night walker. And he isn't he isn't surprised that he stopped at Nowlan's bed either. He said he new as much. ‘Nowlan's goin’ to the infirmary a lot. Always sick. No, not sick, *sad*.’” Later, the group, including Nowlan, is discussing dreams: “Suddenly, out of the silence, a small voice says, ‘I have a dream sometimes.’ We all look at Nowlan, who rarely says a word he is so shy and so sad all the time. When he sees us looking at him, he lowers his pointed face.” After Nowlan describes the dream, which is disturbing, the group, in a lengthy silence looks at each other: “And everyone... knows we're all thinking the same thing. That it's no dream.” Another incident involves the formal visit of the Brother Superior of the order, based in Rome, to interview every boy on “‘the facts of life’ ... There will be another meeting later with the assistant to the Brother Superior for anyone the brothers think might have a vocation to the brotherhood.” When a member of their group was sent to the assistant for his interview, the Brother tried to manipulate him through religious language to perform a sexual act for the Brother's sexual gratification.

Girard, Philippe. (2011). *Killing Velazquez*. (Cochrane, KerryAnn, Trans.). Greenwich, Nova Scotia, Canada: BDang (imprint of Conundrum Press), 211 pp. [Originally published in 2009 as *Tuéz Velasquez* in French language.]

A Canadian, Girard has published comics, children's novels, and a cartoon strip. Graphic novel. Autobiographical story that was prompted by the death in 2010 of a Roman Catholic priest in a French prison who was serving a sentence of 12 years for sexually assaulting minors. Set in Montreal, Quebec, Canada, 2000. When the main character learns of the arrest of a Canadian priest in France for abusing minors, he recalls events from his life beginning in 1983. His parents were separating, he was moved to a new community and school, and he was cut off from his friends. At his mother's urging, he joined a youth group for boys in his parish church that was led by a priest who used a series of grooming techniques to sexually abuse group members.

Grana, Sam, & Luca, Claudio. (Producers); Smith, John N. (Director). (1992, 1994, 1996). The Boys of St. Vincent and The Boys of St. Vincent – 15 Years Later. [186 minutes. 2 videocassettes. VHS]. New York, NY: New Yorker Video, 16 W. 61st St., 100023. (212) 247-6110. Télé-Action Inc. in co-production with The National Film Board of Canada in association with the Canadian Broadcasting Corporation with the participation of Téléfilm Canada. Videocassette release of the 1992 motion picture made for Canadian television.

Dramatization based on incidents in St. John's, Newfoundland, Canada. [See this bibliography, Section I: Harris, Michael (1990); see also O'Brien, Dereck (1991).] Part I. depicts a boys orphanage in Newfoundland, Canada, circa 1975, operated by a Roman Catholic order. Physical, psychological, and sexual abuse are committed against pre-adolescents by the Brothers of the order. When complaints are presented to government child protective authorities, the responses are non-effective. After a police inquiry leads to several transfers of offending Brothers, high-ranking officials, including Roman Catholic leadership, collude to terminate the investigation. In Part II., 94 minutes, police arrest 2 former staff and the former superintendent based on the original witness statements in the first investigation. The defendants proceed to trial. The collusion to terminate that investigation is exposed, and a government commission is convened. Portrays effects of the abuse on the adult survivors. Depictions of abuse incidents will be intense for some viewers. Dereck O'Brien is a cast member.

Greeley, Andrew M. (1981). The Cardinal Sins. New York, NY: Warner Books, 350 pp. Greeley is not identified. Novel begins in 1948 with a group of Irish, Roman Catholic adolescents in Chicago. Told from the first person perspective of 1 of 2 who go to the archdiocese's seminary and become local priests in the 1950s. When the other rises to become in 1968 the youngest bishop in the U.S.A., he resolves to maintain celibacy and cease sexual relationships with women, 1 of whom has borne his daughter. In 1972, he is appointed archbishop of Chicago, but has not broken off 1 of the relationships. In 1977, he is named cardinal, and his patterns continue. From the author's note at the outset: "The book... is story, not history or biography or... autobiography. It is nonetheless true." The spiritual implications of a priest/archbishop having sexual relations are most clearly raised by the adolescent daughter of 1 of the women.

_____. (1982). Thy Brother's Wife. New York, NY: Warner Books, 351, pp. Greeley is not identified. A novel set in the Roman Catholic Church's Archdiocese of Chicago, Chicago, Illinois, 1938-1977. His main character is a diocesan priest whose brother marries their foster sister. The priest officiates at their church wedding, baptizes 1 of their children, and counsels his sister-in-law regarding the marriage. While vice chancellor in the Archdiocese, he sexualizes his relationship to her.

_____. (1983). Ascent into Hell. New York, NY: Warner Books, 372, pp. Greeley is not identified. He describes this novel as a comedy of grace that seeks to do what Jesus' parables do, "tell a story of how God acts." Set in the Roman Catholic Church's Archdiocese of Chicago and covers the period 1933-1981. His main character is a diocesan priest who becomes sexually involved with a nun who formerly worked for him in a parish. His power advantages over her are an ongoing source of tension. She's also affected by her father's acts of incest against her as a child. His attitudes toward women, Greeley writes, reflect needs for control and possession, needs that surface during his affairs.

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- _____. (1993). Fall from Grace. New York, NY: G.P. Putnam's Sons, 368 pp.
- Greeley is a Roman Catholic priest, sociologist, author, novelist, and professor of social science, University of Chicago, Chicago, IL. Novel is set in Chicago in the early 1990s. Primary characters are 3 generations of Irish Catholics involved in local politics and/or the Roman Catholic Church. Melodramatic subplots include: a priest of the Archdiocese of Chicago who is a pedophile and is involved in Satanic ritual abuse; a priest who is a lawyer and represents the family of a victim of the offending priest; an auxiliary bishop who resists changing policy and procedure regarding reports of child sexual abuse by priests. Introductory note states that the book "was drafted before the explosion of the pedophile crisis in the Archdiocese in the winter of 1991-1992 and is not about that crisis."
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- _____. (2004). The Priestly Sins. New York, NY: Forge Books, 301 pp.
- Novel is set in contemporary Illinois. Based on actual events: "The setting, then, is fiction, the horror of sexual abuse by men called 'Father' and the deadly cover-up by [Roman Catholic] Church authorities real." The central character is the narrator, Fr. Herman Hugo Hoffman. Through the narrative vehicle of Hoffman's priesthood, Greeley introduces the presence of priests who sexually molest minors and the hierarchy's response of transferring the offending priests to other assignments. 6 weeks into his first assignment in a rural archdiocese, he interrupts a fellow associate pastor who is raping a 13-year-old boy in the rectory. Hoffman reports the incident to the rector of the parish who consider the accusation slanderous, to the boy's father who dismisses it, and the local police chief who responds that the matter is the Church's problem. When Hoffman seeks a meeting with the archbishop, a team of diocesan officials act to admit him to a mental health center for 6 months for treatment on fabricated issues. Upon his release, the archbishop acts to keep him from parish work and assigns him to pursue a graduate degree. Later, the family of the abused boy files a civil suit against the archdiocese, and Hoffman testifies at trial. In a concluding comment, Greeley states: "So in order of responsibility for the crisis – the abusers themselves (who are developmentally arrested men and not totally responsible), priests who persist in clerical culture denial, bishops who reassign abusers, and the Curial dicasteries who appoint such bishops."
- Greene, Graham. (1940). The Power and the Glory. New York, NY: Viking, 295 pp.
- Greene, born in England, is a 20th century novelist, author, and literary critic. The novel is based on his travel in Mexico in 1938. Set in the state of Tabasco during a period when the Roman Catholic Church was banned and active priests were executed by a paramilitary organization, the Red Shirts, founded in the 1930s. The central character is an unnamed, Mexican priest, who is a fugitive from the Red Shirts. Aware of his failures and despair, he is known as "a bad priest, he knew it: they had a word for his kind – a whisky priest..." Despite his reputation, the people in villages and rural areas seek him out, despite the risk to their own safety, to hear their confessions, baptize their children, offer mass, and bury their dead. Despite his sense that "they were corrupted by his example," he recognizes that "it was from him too they took God – in their mouths." In 1 village, he had sexualized a relationship with a woman, Maria, an active Catholic, who gave birth to his daughter, Brigida. Maria, who "had never used his baptismal name... was even proud of being the priest's woman." The priest is pursued by an unnamed police lieutenant with vivid memories of the Catholic Church: "...the smell of incense in the churches of his boyhood, the candles and the laciness and the self-esteem, the immense demands made from the altar steps by men who didn't know the meaning of sacrifice. The old peasants knelt there before the cross: tired by the long day's labour in the plantations, they squeezed out a further mortification. And the priest came round with the collecting-bag, taking their centavos, abusing them for their small comforting sins, and sacrificing nothing at all in return – except a little sexual indulgence."
- Hall, Orville, Shank, Juliette, Hall, Dennis, Finley, Dwight, Simmons, Christa, & Salmon, Kenny. (2009). False Prophet: A Jamaican Comedy. Ft. Lauderdale, FL: Island Entertainment [95 min. videodisc.]
- From the WorldCat academic database abstract: "The 'pastor' is nothing but a 'wolf in sheep's clothing,' always looking to satisfy the lust of the flesh with women, even in his congregation." Video recording of a stage play by Kenny Salmon.
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Harris, Cora. (1910). A Circuit Rider's Wife. Philadelphia, PA: Henry Altamus Co., 336 pp.; illustrated. Autobiographical novel that traces 30 years of her marriage to a Methodist minister who is a rural Georgia itinerant preacher. Documents her observations and impressions in the format of letters. Offers an equally eloquent and caring critique of the rural church culture and its people. Chapter IX, William and the Feminine Soul, describes male pastors as gullible and vulnerable to "...the women who make a religion of sneaking up on the blind male side of good men..." Identifies the sexual power in the pastor/parishioner relationship as residing in manipulative lay women who tempt the vulnerable and unaware male pastor.

Hawthorne, Nathaniel. (1850 original edition; 1990). The Scarlet Letter. New York, NY: Vintage Books, 249 pp. [Originally published: Boston, MA: Ticknor, Reed, and Fields.]

Novel set in the colonial period in Boston, Massachusetts, during Puritan rule. For bearing a child, out of wedlock, Hester Prynne is imprisoned, endured public pillory, and forced to wear an embroidered letter 'A' signifying her adultery. The father, Rev. Arthur Dimmesdale, is never identified. In Chapter 17, "The Pastor and His Parishioner," the 2 meet for the first time in 7 years. He inquires whether she has found peace, and when she returns the question, he responds that his is a ruined and polluted soul, tormented by the contrast between the public role and function of clergy that earns his congregation's idolization and his personal life that is unworthy of their respect. Because he maintains the falsehood of innocence, he is unable to demonstrate penitence. While Hawthorne describes Dimmesdale's as "a sin of passion, not of principle, nor even purpose" (Chapter 18), the inner conflict that Dimmesdale experiences poignantly depicts the important dynamic that the integrity of the professional office, role, and function of a minister is intimately dependent upon the public trust of the integrity of the individual's character.

Highway, Tomson. (1998; 2000). Kiss of the Fur Queen. Norman, OK: University of Oklahoma Press, 310 pp.

Semi-autobiographical novel. A Cree, Highway is a novelist, playwright, and children's author. As a child, he attended a Roman Catholic residential school in Manitoba, Canada. Traces the lives of 2 sons of Abraham and Mariesis Okimasis who live on the fictional Eemanapiteepitat Indian Reserve in Manitoba, home to 600 Cree. The brothers, Champion, born in 1951 and baptized Jeremiah in the parents' Roman Catholic religion, and Dancer, born in 1954 and baptized Gabriel, are sent to a residential boarding school for Aboriginal children per Canadian law. The school is strictly run by Roman Catholics, beginning with a priest, the principal, Fr. Roland Lafluer, oblate of Mary Immaculate, along with another priest, 2 brothers, and 12 nuns. A primary theme through the novel is Lafluer's use of Gabriel for sexual gratification, and the enduring consequences. Knowing the strong beliefs of their parents and trust of the Church, the brothers choose not to tell their family of Lafluer's actions.

Hill, David J. (2000). Butterfly Sunday. New York, NY: Delacorte Press, 277 pp.

Hill a writer and novelist. A novel set in a small town in contemporary Mississippi. 1 central character is Rev. Averill Sayres, pastor of a non-denominational, independent church: "Averill's religion was a noxious blend of Old Testament condemnation, honky-tonk piano and born-again striptease." The book traces events leading up to and following the murder of Sayres on Easter Sunday, 2000. Sayres sexualizes his relationship to a primary member of the congregation, an influential woman who is lonely in her marriage and aware that her husband is having affairs. The onus for Sayres' involvement is assigned to her. He is depicted as unable to control himself and powerless to resist. Passing reference is made to his being sexually violated as a boy.

Hill Terry E. (2011). Come Sunday Morning. Deer Park, NY: Urban Books, LLC, 298 pp.

Hill is a fiction writer, Oakland, California. The novel is the start of a trilogy. Setting is an independent, 15,000 member, African American church in Los Angeles, California, a "renowned megachurch and television ministry" with a national reach. Primary characters are the pastor, Hezekiah T. Cleveland, and his wife, Samantha Cleveland, who, after starting the church as a storefront ministry 10 years prior, have attained positions of power and prominence. She is

described as having dealt with “Hezekiah’s many affairs... [and] the political and social labyrinth that was the lot of every powerful pastor’s wife.” Among the relationships he sexualized was his role relationship as pastor to a 19-year-old woman after he hired her as his secretary: “...[he] pursued her from the start. [She] was flattered by the attention from the handsome minister, but she flatly refused his constant advances. She often cried after work, and wondered what she had done to elicit such carnal responses from the man she admired.”

Hogan, Judy. (1997). The Shade. Port Townsend, WA: Black Oaks Publishing, 391 pp.

In a long novel, 1 very brief subplot involves an African American male who, at age 8, was sexually molested at camp by an African American counselor, and as a young man dies by suicide. Later, the counselor is a popular minister who actively molests young boys in the congregation. A police search of his house discovers him in the act of commission and leads to his arrest and conviction.

Howell, John Wingspread. (2001). The Goddess Patrol. San Jose, CA: Writers Club Press, 197 pp.

Howell, who lives in McHenry, Illinois, is a former “parish minister,” writes novels, and “works as a social worker and psychotherapist. Set in Illinois, the novel opens in 1999. The central character, Martin Motley, 39-years-old, works for a county children’s and family services agency, and “investigates sex abuse; protecting, avenging the desecration of young women.” 1 story line involves allegations that the pastor of the Congregational church, the “unofficial town chaplain,” had sexualized a relationship with a teenage minor in the church youth group. Motley’s investigation also uncovers the pastor’s sexualized relationships with adult congregants. When the case is closed, 17 teenage victims and 7 adult women victims had been identified: “It was the systematic predatory exploitation of women and children by a trusted revered adult... [He] targeted girls who were unpopular, insecure, self-deprecating [*sic*], too thin or fat, too busty or flat, or simply too plain, too awkward, too tentative.” Cases involving minors resulted in charges of aggravated sexual assault, and cases involving adults resulted in charges of sexual harassment.

Howatch, Susan. (1987). Glittering Images. New York, NY: Alfred A. Knopf, Inc., 399 pp.

Howatch is a writer and lives in London, England. First in a series of 6 popular fiction novels about the Church of England in the 20th century. Centers on a fictional diocese in West England; set in 1937. Charles Ashworth, a priest and college professor, is sent by the Archbishop of Canterbury, the head of the Church, to inquire into the personal life of Alexander Jardine, the diocesan bishop, and whether Jardine’s relationships with women could be a cause for scandal. The plot involves psychological exploration of intricate, intergenerational relationships in both Ashworth and Jardine’s families. Ashworth discovers that Jardine, as a new vicar 20+ years prior, had sexualized a relationship with a woman significantly younger who was vulnerable due to separation from her alcoholic. In talking with the woman about her experiences with Jardine, Ashworth sexualizes his relationship to her, and tells her: “I ignored the care of your soul in order to exploit you for passion.” Reflecting on his actions, Ashworth tells his spiritual director: “And pastorally it was a disaster for me because I exploited a woman who was lonely and ignored a soul’s unmistakable need for care.” At the end, Ashworth uncovers Jardine’s sexualized relationship to the younger woman hired to be companion to Jardine’s wife, a relationship Jardine justified by using religious rationale.

_____. (1990). Scandalous Risks. New York, NY: Alfred A. Knopf, 386 pp.

Fourth in a series of 6 popular fiction novels about the Church of England in the 20th century. Continues to center on a fictional diocese in West England; set in 1963. Told from the perspective of Venetia Flaxton, 26-years-old, who accepts a job for the bishop of the diocese so she can be near Neville Aysgarth, 61-years-old, a priest is who dean of diocesan cathedral. Aysgarth uses contemporary theology to rationalize the sexualization of his relationship to Flaxton.

Huxley, Aldous. (1952). The Devils of Loudun. New York, NY: Harper Colophon Books, 340 pp.

Huxley (1894-1963) was an influential author. The historical novel is based on events related to the trial, conviction, and execution of Fr. Urbain Grandier in 1634 in Loudun, France. [Grandier,

the Roman Catholic parish priest of Saint-Pierre-du-Marché, 1617-1633, was convicted in a civil trial and sentenced by a panel of judges for the crime of magic that caused Ursuline nuns in Loudun to be possessed by the devil.] In Chapter 2, Grandier's relationship to Madeleine de Brou is described: While Madeleine's mother, a widow, is dying, Grandier visits her to "bring her the consolation of religion. On her deathbed Mme. de Brou recommended her daughter to his pastoral care. The parson promised to guard Madeleine's material and spiritual interests as though they were in his own." Described as Madeleine's "spiritual director," Grandier writes a treatise on celibacy to justify his sexualization of his role relationship to her.

Jacobson, Jennifer Richard. (2005). Stained. New York, NY: Atheneum Books for Young Readers, 200 pp.

By an author who writes for children and youth, and lives in Maine. Young adult fiction. Set in a small town in New Hampshire, 1975. Narrated by Jocelyn McGuire, 17-years-old. The plot centers on the disappearance of, and search for, Gabe O'Neil, a high school senior and Jocelyn's neighbor, "a golden boy, an all-star." When she Jocelyn discovers Gabe in hiding, Gabe confides in her that Fr. Warren, the Roman Catholic priest at their local parish, sexualized his relationship to Gabe, and that Gabe blames himself. Soon after, Jocelyn learns that Fr. Warren has attempted to sexualize his relationship with Benny Desantis, her former boyfriend, and a member of the parish and whose mother has been seriously ill.

Jenkins, Michael. (Director); Knapman, Steve. (Producer). (1992). The Leaving of Liverpool. Ultimo, New South Wales, Australia: Australian Broadcasting Corporation.

A 2-part miniseries that was broadcast on Australian television in 1992, and an edited version on British Broadcasting television in England in 1993. Based on the child migration schemes of the 1950s that sent children from England to former British Empire countries. Historically-based fictional story that follows a young adolescent girl and boy who are transported from an orphanage in Liverpool, England, to New South Wales, Australia. From curator's notes accessed 05/02/09 at: <http://australianscreen.com.au/> on the World Wide Web site of Australia Screen: "This series stands as a savage indictment of a cruel and poisonous bureaucratic solution to an all human situation. It was 1954 and while Australia plans an ecstatic welcome for the visit of its newly crowned Queen, these young orphans are being exploited as cheap labour on sheep stations or condemned to a life of servitude and sexual exploitation by the [Roman Catholic] Church and other institutions that had undertaken to look after them." [Not examined; based on various authors' descriptions.]

Jordan, James David. (2006). Something That Lasts. Nashville, TN: Integrity Publishers, 324 pp.

By a lawyer, Dallas, Texas. A novel that opens in a suburb of St. Louis, Missouri, in the early 1970s. Central figures are the family of Rev. David Parst. Parst, 42-years-old, has been pastor of O'Fallon Bible Church, since 1962. During this time, the church achieved regional prominence and Parst was named by the local newspaper as 1 of the 50 most influential leaders in the metropolitan area. In a Sunday morning worship service, Parst is confronted by a man who identifies Parst as engaging the man's wife, a church member, in a sexualized relationship. The man then dies by suicide on the front steps of the church, and Parst resigns as pastor. The story traces the impact of events on Parst and especially his wife and son, including the spiritual impact. Written from an evangelical point of the view, the book explores issues related to forgiveness.

Ka, Olivier. (Alfred, Adaptation & Art; Meunier, Henri, Color). (2008). Why I Killed Peter. (Johnson, Joe, Trans.). New York, NY: Nantier Beall Minoustchine Publishing Inc./Comics Lit, 112 pp. [Translated from French.]

Autobiographical; *graphic novel* genre; comic book format. Traces Ka's life from 7- years-old to 35. Set in France and Belgium. 1st part is a series of chapters about Ollie, the central character, at various ages: 7, 8, 9, 10, 12, 15, 16, 19, 29, 34, and 35. Influenced by his grandparents' Roman Catholicism, he welcomes his relationship to Peter, the priest at their parish. For Ollie, this was "like having a new uncle, an excellent one, who laughs, sings, and tickles." At 10, he goes to a summer camp operated by Peter. At 12, his 3rd year in a row at camp, he is the only camper given

the special privilege of walking Peter's dog, and feels important when Peter confides in him. Shortly after, Peter sexually violates him and imposes secrecy. Depicts the lingering effects, including shame, "permanent melancholia," intrusive dreams, and feelings of loss. The 2nd part is the story of the development of the book, including the adult Ollie's visit to the summer camp and cathartic encounter with Peter.

Kasischke, Laura. (2010). Eden Springs: A Novella. Detroit, MI: Wayne State University Press, 145 pp.

Kasischke is an award-winning poet and a novelist. An historical fiction. From the copyright page: "...this novella is a fictional imagining of events, inspired by records and research on people and events." In the author's beginning note, describes the factual setting as the House of David, a religious colony founded by Benjamin Purnell and 5 followers in 1903 at Benton Harbor, Michigan. "...he claimed to have been divinely inspired to gather a flock to await the end of the world, when he and his colonist would become the last living people on earth. At the Second Coming, they would be granted an 'eternal life of the body,' and would live together, in the flesh, forever." The colony conducted a successful farm, operated an amusement and entertainment park that attracted people nationally, and sponsored a touring baseball team. Purnell instituted a sexually celibate Christian society. She summarizes the group's history: "In the end, it's a story not that different from the original story of the Garden of Eden. For a while there was pleasure and perfection, joy on earth and in the flesh, freedom, and perhaps, a kind of innocence brought on by isolation and blind faith. And the downfall – that much more terrible because it came to Paradise – was so full of sex and scandal it seemed to have invented death itself." Includes excerpts from newspapers (1905-1923), trial records, the group's members, Purnell, and the group's publications, and archival photographs. 3rd person point of view told in very brief vignettes; non-linear time sequence. Depicts the rhetoric of religion used by Purnell in the process of his sexualization of relationships with female followers, including minors, and his justification of the sexualization. Told primarily through the experiences of women and girls.

Keneally, Thomas. (2017). Crimes of the Father: A Novel. New York, NY: Atria Books, 334 pp.

Keneally, a novelist, lives in Sydney, Australia. A former seminarian in the Roman Catholic Church who chose not to be ordained as a priest, he describes himself as a "cultural Catholic." The novel, set in 1996, is interspersed chapters with scenes from prior time periods. The protagonist is Fr. Frank Docherty, a monk ordained in 1960 as a priest in the Church's order of the Congregation of the Divine Charity. Australian-born, he was denied permission to function in the archdiocese of Sydney in New South Wales, and was relocated to Hamilton in Ontario Province, Canada, where he has been a faculty member of the psychology department of a university. A Ph.D. developmental psychologist, he is also accredited to conduct a clinical practice. With permission from the Canadian bishop of the Hamilton diocese, Docherty "embarked on a study of the problem of clerical child [sex] abusers, whether that abuse be pedophilia or assaults upon minors." He also consults with priests "who have psychosexual problems," and counseled survivors who experienced child sexual abuse (CSA) by priests. The story begins with his return to Sydney to visit family during an academic break. Chapter 5 concerns a guest public lecture he gives to a gathering of Catholic clergy which was open to the laity. It is a wide-ranging overview of a number of issues, including the prevalence of CSA committed by clergy, etiology of the behavior, treatment, and the Church's responses upon discovery of incidents. The plot is propelled by adult survivors who come forward with accusations of CSA by specific priests, particularly regarding Fr. Leo Shannon, presently a Monsignor who is financial vicar and business manager for the Sydney archdiocese. Shannon also chairs the archdiocese's formal program to settle with survivors of priest CSA; it offers financial compensation in exchange for unqualified confidentiality and foregoing the right to take legal action. Shannon sexually abused both female and male students in the 1970s when he served as chaplain of a school operated by the parish where he was a curate. Upon arriving in Sydney, Docherty becomes involved in a series of entwined revelations, private and public, by survivors, which lead him to confront Shannon and the cardinal of the archdiocese. A constant theme in this Irish Catholic culture in Australia is the significant intersecting relationships affecting people's choices, e.g., between: Docherty and Shannon's sister; Shannon's sister and the mother of a young man, a survivor of Shannon's, who died by suicide; Docherty and the cardinal of the Sydney archdiocese; Docherty's obligation under

New South Wales law to report what he knows about Shannon and his status as a priest; Docherty and his family of origin. Chapter 22 depicts the distorted cognitions of Shannon as he rationalizes his behaviors and thoughts to himself and to his parochial school victims, including the use of Catholic rhetoric.

Kiely, Brendan. (2014). The Gospel of Winter. New York, NY: Margaret K. McElderry Books, 296 pp.

Kiely “teaches at an independent high school and lives with his wife in Greenwich Village,” New York, New York. A 1st person narrative by the protagonist, Aidan Donovan, a sophomore at a private high school in a wealthy town in Connecticut. Against the backdrop of the post-September 11, 2001, al-Qaeda attacks on the U.S.A., the novel begins on Christmas Eve, 2001, and continues into early 2002. Donovan is dealing with issues of self-identity, acceptance by peers, sexuality, coping with emotional and psychological pain, loneliness, substance misuse and abuse, and the abandonment of his family by his father from whom he’s estranged. Active in his Roman Catholic parish, Donovan has been particularly close to a priest on staff who has used religious rhetoric, 1:1 attention, and emotional support to enable him to sexually abuse Donovan: “...Father Greg created the real bridge from the person I was to the person I wanted to become. The faith everyone talked about in church was what I found in our everyday conversations. He listened, and by doing so, he elevated me.” While the priest’s imposition of secrecy effectively silences the adolescent victims and burdens Donovan, when Donovan discovers that the priest has abused 2 other adolescents and that the priest who is head of the parish is aware, the tensions in his life increase significantly. When national publicity regarding sexual abuse by priests in the Catholic Church and the cover-up by hierarchy converge with the attempt by a friend of Donovan’s, also a victim of the local priest, to end his life, Donovan chooses to disclose the truth. [Some public libraries have classified the book as “Young Adult Fiction.”]

Klíma, Ivan. (1997). The Ultimate Intimacy. (Brain, A. G., Trans.). New York, NY: Grove Press, 387 pp. [Translated from Czech, *Poslední stupeň důvěrnosti*.]

A novel by a Czech novelist, playwright, and author. Set in Prague, Czech Republic, 1994-1995. Involving 3 generations, the central character is Rev. Daniel Vedra, a Protestant minister and widower who has remarried with children from both marriages. In a diary entry, Vedra writes: “I am faithful but am incapable of being intimate. With [God] still, maybe, but not with people. Not with my mother, nor the children nor with [his wife]. And intimacy is the first degree of fidelity, surely? Or is it the other way round: fidelity is the first degree of intimacy?” Ministry is described as “such a solitary profession. Admittedly it involved one speaking to people and even experiencing mystic unity with them at the Lord’s Supper, but at the same time one was separated from them by the pulpit, the gown and the exclusiveness of one’s vocation.” On the Sunday on which Vedra’s failing mother dies, Barbora (Bára) Musilová attends a service at Vedra’s church. Divorced and remarried with children from both marriages, she has a history of depression, and comes to church due to fears and loneliness. She seeks Vedra’s pastoral counseling about her marriage, doubts about God, anxieties, and what she wants of life. Vedra sexualizes the relationship with Bára, which affects their families and his ministry. Chapters are dedicated to different characters, Vedra’s diary, and correspondence between the characters.

Kogawa, Joy. (1995). The Rain Ascends. Toronto, Canada: Alfred A. Knopf Canada, 217 pp.

A novel written from the point of view of Millicent Shelby, the adoring daughter of Rev. Dr. Charles Barnabas Shelby, a Church of England priest. Set in Canada. When she is 15, the discovery is made that her father, an esteemed, respected, and popular religious leader, has sexually molested boys during his ministry. Into adulthood, she struggles with this knowledge, her feelings, and what her actions should be. She learns that he has molested her sister-in-law’s brother, and later learns that he molested her only son. Years later, she confronts her father on several occasions. When he admits to a total number of victims around 300, she goes to his bishop. Throughout the book, she struggles with tensions between truth and mercy, deception and justice, love and betrayal, pride and shame. Written in a distinctive prose style.

Krapf, Norbert. (2014). Catholic Boy Blues: A Poet's Journal of Healing. Nashville, TN: Greystone Publishing, LLC, 224 pp.

Krapf, a former college English teacher, is a published poet and was Indiana's poet laureate 2008-2010. The book is a collection of 130 poems regarding Krapf's sexual abuse as a child by a Roman Catholic priest, Fr. Othmar Schroeder, who was assigned to Krapf's parish church in Jasper, Indiana, in the 1950s. Schroeder was the founding priest of Holy Family parish, and served there 1947-1975, during which he founded a school and Boy Scout troop, to which Krapf belonged and through which Schroeder gained another means of abusing him. The poems are in the voice of the boy who was abused, the boy as an adult male, the priest, and a character based on Krapf's love for rural blues music. Krapf describes the poems as "monologues, dialogues, and colloquies." From the preface: The collection is published "to testify, to help other victim survivors." It is written after "sixty years of living with this story of childhood abuse, trying to put it into perspective, and working to move beyond it."

Lambert, Betty. (1987). Jennie's Story. In Jennie's Story & Under the Skin. Toronto, Canada: Playwrights Canada, pp. 12-111.

Lambert, a Canadian playwright, died in 1983. Jennie's Story was first produced in Saskatoon, Saskatchewan, in 1981. The 2-act play is set in Canada, 1938-39, and centers on the relationship between Jennie McGrane, in her early 20s, and Fr. Edward Fabriceau, a Roman Catholic priest, in his late 30s. At 15, she was sent to work for him in the rectory as a domestic. He engaged her sexually and then declared to medical authorities that she was promiscuous. He persuaded her mother to legally consent to have Jennie surgically sterilized under a law that applied to those deemed "feeble-minded." The mother knowingly consented in order to prevent Jennie from being impregnated by the priest. Afterwards, he swore Jennie to secrecy. The play builds to a very dramatic and powerful confrontation by Jennie with the priest in the presence of her mother, her husband, and a cousin of the priest. The climax is insightful, intense, and disturbing. In the words of a producer/director of Lambert's works who wrote an introduction to this volume, the play's "fundamental strength... is that it evokes terror and compassion."

Lewis, Matthew Gregory (edited by Macdonald, David Lorne, & Scherf, Kathleen). (2004). The Monk: A Romance. Peterborough, Ontario, Canada: Broadview Press Ltd., 479 pp.

This edition of a novel originally published in 1796 contains a critical introduction and appendices of historical materials regarding the novel's literary sources, historical contexts, critical reception at the time of publication, and cultural influence. Macdonald is a professor of English, and Scherf is dean of the faculty, communications and culture, University of Calgary, Calgary, Alberta, Canada. Lewis (1775-1818) wrote the novel at 19 while an attaché at the British embassy in The Hague. He was a member of Parliament, 1796-1802, and inherited plantations in the West Indies from his father, a slaveowner. An expurgated edition of the novel, considered a work in the genre of Gothic fiction, was released in 1798. Set in 17th century Spain; responds to late 18th century European concerns, including excesses associated with the French Revolution, including anti-Catholicism. The book and its sensationalism received wide critical comment upon publication, and was imitated and adapted well into the 19th century. A main character is Ambrosio, abbot of a monastery in Madrid, Spain, of the Franciscan order in the Roman Catholic Church. He is 30-years-old and highly regarded for his knowledge, eloquence, and obedience to the rules of his order. In Volume I, he meets Matilda, young, beautiful, and disguised as a novice in a nunnery. Unable to resist his attraction, he sexualizes the relationship. In Volume II, he blames Matilda for his actions. He resolves to seduce Antonia, a young woman whose family is active in the Church, and he sexualizes his relationship to her. Through witchcraft, magic, and sorcery, Matilda summons Lucifer to serve Ambrosio. In Volume III, he uses Matilda's gifts of witchcraft on Antonia in order to rape her, but is interrupted by Elvira, her mother, who promises to expose him. He kills Elvira, drugs Antonia, fakes her death, rapes her, blames her for his actions, and kills her. He and Matilda are captured, imprisoned, and tortured by the Spanish Inquisition. He refuses to confess, and she sells her soul to Satan for her freedom. After he conjures Lucifer and sells his soul for his freedom, Lucifer reveals that Elvira was his mother and Antonia his sister.

Lewis, Sinclair. (1927; 1987). Elmer Gantry. Cambridge, MA: Robert Benchley, Inc., 432 pp.
A novel by a Pulitzer Prize-winning author. Described by critics at the time of publication as a satire of middle class morality. Begins in rural Kansas in 1902 and moves into the Prohibition era. A devastating portrayal of a charismatic and scandalous Midwestern preacher who is ambitious, competitive, egotistical, greedy, lustful, coarse, conniving, and successful. In calculating ways, he uses his religious role to conquer women sexually.

Lira, Matías. (Director; Producer); Eliah, Elisa, Díaz, Alvaro, & Scherson, Alicia. (Writers). (2015). El Bosque de Karadima. (Karadima's Forest).

A Chilean film based on true events, the film depicts the story of Fr. Fernando Karadima, a Roman Catholic priest. He was head of the Parish of Sacred Heart in El Bosque, an upper class *comuna*, or administrative district, in Santiago, Chile, from the 1980s until 2006. His powerful contacts included Augusto Pinochet (1973-1990), dictator of Chile, and Fr. Angelo Sodano, the Vatican's apostolic nuncio to Chile (1978-1988), and later the Vatican's secretary of state (1991-2006). Karadima oversaw the parish's Catholic Action program for youth; among the participants, dozens became priests, and 5 went on to become bishops in Chile. In April, 2010, 4 victims of Karadima's filed a criminal complaint against him. They included Juan Carlos Cruz, who became an executive with DuPont Corporation in Delaware, U.S.A., and Dr. James Hamilton, a gastroenterologist. (In November, 2010, the complaint was dismissed by a criminal court judge on the basis of a lack of evidence.) In April, 2010, Cruz, Hamilton, and other victims disclosed their stories of abuse on a weekly program of National Television of Chile, an independent, public channel. In June, 2010, Cardinal Francisco Javier Errázuriz, Archbishop of Santiago, in a 700-page investigative report, asked the Vatican's Congregation for the Doctrine of Faith to decide through a canon law trial whether Karadima had abused at least 4 minors who belonged to the parish. In January, 2011, the Vatican found Karadima guilty of sexually abusing minors and sentenced him to a life of prayer and penitence. Errázuriz announced the ruling in February, 2011. Karadima's victims also accused Cardinal Francisco Javier Errázuriz, Archbishop of Santiago, of covering-up both Karadima's actions and the allegations of a victim given to Errázuriz in 2003. In November, 2011, a Chilean appeals court appointed Judge Jessica González to take testimony and determine whether Karadima had violated criminal law. She concluded the statute of limitations had expired, but also issued an 80+ page report confirming the abuses. [Not examined; description compiled from various resources on the World Wide Web.]

Longstreet, Stephen (pseudonym of Wiener, Philip). (1969). Pedlock Saint, Pedlock Sinner. New York, NY: Delacorte Press, 469 pp.

Longstreet was a 20th century artist and author. 1 in a series of novels about a Jewish family which settles in the U.S. in the 19th century and its succeeding generations. Set in the late 1960s. A primary character is Charles Shaphan Pedlock, an ambitious man in his late 40s who is an assistant rabbi of Temple Oheb Shalom, a large and established Conservative synagogue in a wealthy suburb of Los Angeles, California. 1 subtheme is Pedlock's sexualized relationships, which include a congregant – a widow in her late 30s with wealth and connections to influential people – and a young woman – a secretary who works for the synagogue and attempts suicide after Pedlock does not reciprocate her attachment to him. A second primary character is David Mendoza, an idealist in his 20s who is a nephew of Pedlock's and a rabbi who has just returned from the Vietnam war where he was an Army chaplain. 1 subtheme is Mendoza's sexualized relationship with a woman who, aware of him because her mother served as a nurse with Mendoza, comes to him for guidance and support in her desire to convert to Judaism.

Lorimer, Lawrence T. (1981). Secrets. New York, NY: Holt, Rinehart, and Winston, 192 pp.
Juvenile fiction. First person narrative from the point of view of Maggie Thompson, 16-years-old, whose father, Rev. Harrison Thompson, is a Protestant minister and pastor of a church in California. 1 subtheme is Thompson's need for his family members to project a positive image as an extension of his role in light of people's expectations. This results in his asking Maggie to keep various secrets, including by telling lies, which he rationalizes: "[Telling secrets] would cause lots of people lots of suffering." When rumors start in the church's youth group that Thompson is

having an affair with the adult leader, a woman in the congregation Thompson counseled following her miscarriage and subsequent depression, it confirms what Maggie had sensed about her father. When rumors reach Maggie's mother, she tells Maggie that this is not the first time or first congregation in which Thompson has had such a relationship. She asks Maggie to protect him, including lying for him. When the rumors reach the church's governing board, Thompson denies the allegations. When Thompson's bishop investigates, he finds the allegations credible and begins proceedings to remove him from the church, but Thompson refuses to admit his guilt. Soon after, Thompson dies by suicide.

Lucchesi, Gary. (Producer); Hoblit, Gregory. (Director). (1996). Primal Fear. [130 minute videocassette. VHS]. Hollywood, CA: Paramount Pictures.

Movie based on William Deihl's 1993 novel by the same title. The dramatic crime story is told from the point of view of a defense lawyer. The event at the center of the plot is the brutal murder of the Roman Catholic archbishop of Chicago by a 19-years-old man who met the archbishop at 17 while panhandling in the city after fleeing his home in Kentucky to escape an abusive father. The archbishop befriended him, placed him in a residential facility, and involved him in the Church as an altar server. During the murder trial, evidence emerges that the archbishop had directed the male and 2 other youths under the archbishop's influence to create pornographic videos. Evidence also emerges that allegations of child sexual molestation had previously been made against the archbishop to the district attorney's office by a self-identified victim, but no action had been taken.

MacIntyre, Linden. (2009). The Bishop's Man: A Novel. Berkeley, CA: Counterpoint, 399 pp.

MacIntyre is a Canadian broadcast journalist and author. Set in the 1990s in the Roman Catholic Church's Diocese of Antigonish, Cape Breton Island, Nova Scotia, Canada. The central character is Fr. Duncan MacAskill, a diocesan priest: "I was and am, to a degree, excluded from my peer group, my brothers in the priesthood, for complex reasons... My colleagues know about my history, my experience rooting out perversions, disciplining other priests... The Exorcist they've called me." Over several decades, MacAskill's bishop has assigned him the task of resolving cases involving problems with priests, including cases involving incidents of sexual abuse of minors. In response to threats of lawsuits regarding cover-ups by the diocese, the bishop sends him to a low-profile position in a parish. While there, through the lives of parishioners and community members, and through the lives of diocesan priests, MacAskill is confronted by the consequences of the patterns of his choices in accepting and implementing the bishop's strategies regarding cases of sexual abuse, e.g., relocating the priests to other positions of ministry that allowed access to minors. In Chapter 8, the bishop expresses his attitude to MacAskill: "[The victims will] get over it. They're young. If it wasn't this, it would be something else. The dope. The cars. The promiscuity. Life is damaging, but never forget the healing power of the Sacraments. The Sacraments mitigate the damage. We can't let a bunch of misfits and complainers undermine the Sacraments.' And I'll admit I now. It made sense to me back then." In Chapter 24, he discovers that the bishop has been misleading him regarding the extent of perpetration. [The novel was published at the time that Fr. Raymond Lahey, bishop of the Antigonish diocese announced a multi-million dollar settlement in a class action lawsuit brought by victims of sexual abuse committed by diocesan priests. Soon after the settlement was announced Lahey was arrested by Canadian officials for images of child pornography on his computer. In 2011, Lahey pleaded guilty to the charges.]

Mack, Matthew. (Writer), & Gidron, Daniel. (Director). (2012). Conversations with My Molester: A Journey of Faith.

A play that dramatizes Mack's experiences related to being sexually molested by the priest of his Roman Catholic parish in Brevard, North Carolina, where Mack was an altar boy. Mack performed the 1-person play in its world premiere in January, 2012, Boston, Massachusetts, at Boston Playwrights Theatre. The play was presented in 2011 as a staged reading.

McCarthy, Tom (Director & Co-Writer), & Singer, Josh (Co-Writer). (2015). Spotlight. [128 minutes]. Distributed by Open Road Films, LLC.

Fact-based account of the beginnings of the Pulitzer Prize-winning investigation by the *Boston Globe* daily newspaper, Boston, Massachusetts, into the Roman Catholic Church's Archdiocese of Boston regarding the sexual abuse of minors by priests and the hierarchy's ongoing pattern of cover-ups over decades. [A multi-faith discussion is available on the World Wide Web site of FaithTrust Instituted, accessed 03/30/16 at: http://www.faithtrustinstitute.org/resources-documents/SPOTLIGHT_Multifaith_Discussion_Guide.pdf]

Margeaux. (1992). Believe. *Today's Parish*, 24(7, November/December):4.

The author is not identified; the name may be a pseudonym. A poem by a female who was sexually abused as a child for 6 years by a Roman Catholic priest. [See this bibliography, Section IIa.: Luther, James B. (1992).]

Marshall, Catherine. (1967). Christy. New York, NY: McGraw-Hill, 496 pp.

The author's first novel. Setting is rural Appalachia, Tennessee, 1912. Chapter 33, pp. 362-371, is an encounter in which Alice Henderson, a Quaker mission worker, confides to Christy Huddleston, 19-years-old, how at 15 she was manipulated spiritually and emotionally into an intermittent sexual relationship with a traveling Quaker preacher from Britain. At 16, he escalated his actions to intercourse and impregnated her. She believed the rhetoric of his rationalizations "because I trusted the man. And there was just enough truth mixed in with his false interpretations and motives to make it all seem valid to an eagerly questioning young girl." His older age, the esteem her parents conferred upon him, her parents' trust of him, and his words left her vulnerable to his exploitation.

Martin, Malachi. (1996). Windswept House: A Vatican Novel. New York, NY: Doubleday, 646 pp.

Martin is described on the book jacket as a "close associate of Pope John XXIII and Cardinal Augustin Bea" and an author. The novel mixes historical fact and fiction, and opens in 1957 and ends in the early 1990s. It presents "a sophisticated, detailed and global plot among [Roman] Catholic prelates against [Pope John Paul II's] pontificate. More ominously, there was an organization connection of that plot to non-Catholic, non-Christian and even anti-Christian centers." Additionally, "a sinister and vicious force had penetrated at least one important sector of the [Catholic] hierarchy in a most baleful way to the secularization and paganization under way among the nations." Themes include: struggles between heads of nations for power; struggles for influence within the Vatican hierarchy by people of varying motives; factors affecting power and status within the Vatican; struggle by a Satan-worshipping faction within the Church for control of the Church and world dominance; role of the Vatican in international politics; an attempt by secular and Church leaders to create a "New World Order" that runs parallel to a struggle between a "new Catholicism" and the orthodoxy represented by Pope John Paul II. Martin links "pedophilia" by Catholic priests in North America to Satanism practiced by a network of Catholic priests (pp. 326 and 416). He conflates the expressed sexual behavior of priests who are homosexual with the behavior of priests who sexually abuse minors (pp. 383 and 407). He links "homosexual activity and ritual Satanism" in the Church in the U.S.A. (p. 449).

Matas, Carol. (1995). The Primrose Path. Winnipeg, Canada: Bain & Cox Publishers, 152 pp.

By a Canadian author and playwright who specializes in children's literature. A novel for young adults. Centers on a 14-years-old girl who had just lost her maternal grandmother and whose family has relocated to another town. A Reform Jew, she must adjust to a day school operated by an Orthodox synagogue. The rabbi of the synagogue teaches Hebrew and is the principal of the school. He sexually touches her and other ninth graders in ways that are inappropriate and violate boundaries. When she reports him, the initial response is hostility toward her and a defense of him. Gradually, the extent of his violations emerge, and he is confronted. Important as a contribution to children's literature.

Matto de Turner, Clorinda. (1996). Birds without A Nest: A Novel: A Story of Indian Life and Priestly Oppression in Perú. (J. G. H., Trans., 1904; emended by Lindstrom, Naomi, 1996). Austin, TX: University of Texas Press, 181 pp. [Translation of *Aves sin Nindo*, original work published 1889.]

Matto (1852-1909) was a significant Peruvian journalist, editor, and author. She edited *El Perú Ilustrado*, the country's most influential intellectual journal. *Aves sin Nindo* was the first major Spanish American novel to protest the treatment of native Indian peoples, specifically domination and exploitation by corrupt and abusive political and clerical powers. Upon publication, Matto was excommunicated by the Roman Catholic Church, burned in effigy, and her book banned. The abuses by the priests include sexually exploiting Indian females ("...it is not the robe that gives respect to a man, but the man who dignifies the habit which covers good as well as unworthy ministers..."). Her lack of novelistic artistry is secondary to her stated intent to be a catalyst for reform. The novel also offers a feminist point of view regarding the role and status of women.

Maugham, W. Somerset. (1921). "Rain." In Weidman, Jerome. (Ed.). (1943). The W. Somerset Maugham Sampler. Garden City, NY: Garden City Publishing Co., Inc., pp. 305-355.

Maugham (1874-1965) was a highly regarded English playwright, novelist, and short story writer. "Rain" is a short story or novella that begins in the post-World War I era with ship passengers who are forced by inclement weather to stay temporarily on a south Pacific island. 2 passengers, Rev. Alfred Davidson and Mrs. Davidson, are medical missionaries, are quite morally stern, e.g., judgmental concern about the immorality of the dress and dancing of the indigenous people. Rev. Davidson takes it upon himself to save the soul of another passenger, Miss Sadie Thompson, a prostitute in her 20s who was forced to relocate to another country. He works relentlessly, reading scripture and praying with her, to lead her to repent and accept imprisonment for her crime as a thank offering to God for the atoning death of Jesus Christ, and within several days she complies. The dark foreboding that runs through the story climaxes in an abrupt ending: the body of Davidson is discovered and his death ruled a suicide, and Thompson has reverted, explaining to a physician with a scornful expression and contemptuous hatred, "You men! You filthy, dirty pigs! You're all the same, all of you. Pigs! Pigs!" The story was produced as a play on Broadway, adapted as a musical and an opera, and was the basis for several motion pictures.

McCabe, Patrick. (1993). The Butcher Boy. New York, NY: Fromm International Publishing Corporation, 215 pp. [First published in 1992 by Pan Books Limited, United Kingdom.]

McCabe is an award-winning novelist and writer who was born in Ireland and teaches in London, England. First person narrative. Tells the harrowing story of Francis Brady, a pre-adolescent boy, the only son of an alcoholic father and a mother with unspecified mental illness who dies by suicide. Set in the early 1960s in a poor, small, Irish town. After his mother's death, Brady is sent to a residential school for boys that is directed by Roman Catholic priests, repeating the family pattern of his father and uncle who were raised in a Belfast orphanage. Brady is made an altar boy and assists 1 of the priests, Fr. Sullivan. Sullivan uses Brady to sexually stimulate and satisfy himself while infusing the conversation with religious rhetoric. Brady disparagingly refers to this side of the priest as "Father Tiddly." Eventually Brady resists Sullivan by physically attacking him, and the priest is transferred out.

McCullough, Colleen. (1977). The Thorn Birds. New York, NY: Harper & Row, Publishers, 530 pp.

McCullough, a novelist, was born and raised in Australia. The best-selling novel centers on Meggie Cleary and the 3 generations of her family from 1915-1969. Her father is a first generation Irish immigrant to New Zealand, working class and Roman Catholic, and her mother is a New Zealand native, a descendant of Scottish immigrants. When Meggie is 10, her family moves to New South Wales, Australia to the outback station of her aunt, her father's sister. There, she meets Fr. Ralph de Bricassart, the Roman Catholic parish priest, 18 years her senior, who takes an interest in her, later described as an "alien preoccupation." When the aunt sends her to a Catholic boarding school, de Bricassart informs the nuns that she is his protégée. When he is 44 and an archbishop, and she is 26 and living with an infant daughter, estranged from her husband and cut off from her family, de Bricassart sexualizes his relationship to her.

McNicholl, Damian. (2004). A Son Called Gabriel. New York, NY: CDS Books, 343 pp.

By a lawyer who was born in Northern Ireland and resides in Pennsylvania. A coming of age novel set in a rural Roman Catholic community in Northern Ireland, 1964-1978. First born point of view. Gabriel Harkin, oldest child in a working class family, faces social, religious, and familial conventions as he grows into adolescence against a backdrop of tensions between Catholics and Protestants, and the Irish Republican Army and the English military. He qualifies to attend a Roman Catholic boys school at which Fr. Cornelius, a priest, is vice-head and head of vocations. Cornelius also becomes Harkin's substitute English teacher, and takes advantages of his position and status to exploit Harkin sexually, impose secrecy upon him, and concludes the incident by forcing Harkin to join him in performing the Church's act of contrition. The incident concludes with Harkin's thoughts: "The velvet-dressed threat, the caution wrapped in compassion. Anger heat surged through my body. Every cell sweated anger at his overriding power." The incident reinforces Harkin's conflicts and anxieties related to his sexuality, self-esteem, and identity, and negatively affects him at school.

Medugno, Richard, & Seago, Howie. (2014). Preying Hands: A Drama Inspired by Actual Events. (no place of publication): Medugno & Seago, 168 pp.

Medugno has worked "as a journalist, freelance writer, marketing manager, and playwright." Seago "is a well-known Deaf actor who has been a company member of the Oregon Shakespeare Festival as well as the Actors' Equity Association for many years." The play is "'inspired by actual events,' which means that most of the characters are not based on any one real-life individual, except for Father O'Malley, Cardinal Reinhold, and a few others." [The character that is identified as O'Malley is based on Fr. Lawrence Murphy, a Roman Catholic priest who is estimated to have sexually abused 200+ minors at the St. John's School for the Deaf in St. Francis, Wisconsin, Archdiocese of Milwaukee, from 1950-1974, and elsewhere after he was transferred to the Diocese of Superior following complaints and accusations by students from St. John's. Murphy served at the residential school since he was ordained in 1950, and was promoted to headmaster in the 1960s. The character that is identified as Reinhold is based on Cardinal Joseph Ratzinger during the period when was head of the of Church's Congregation of the Doctrine of the Faith.] Part 1 is set in the Milwaukee, Wisconsin, area in the 1960s and 1970s. O'Malley is a central figure who is the director of a Catholic residential school for children and youth who are deaf. His power derives from his multiple roles as the director, the priest who celebrates the school's mass, and as one who uses American Sign Language (ASL) with students, which includes placing him in an interpreter's role with parents who do not know ASL. Depicts him using his authority and access to forcibly sexual molest a student, James Grady. When Grady returns to his hometown, he tells the priest at the parish church where he was an altar boy of O'Malley's action, but the priest didn't believe him, doubting that it could be true. As a young adult, Grady learns from former students that O'Malley had sexually violated other boys, including while hearing their confessions: "[O'Malley] told me that God had told him that he needed to teach me about sex and that I had to keep it all secret." When Grady and 2 former students report O'Malley to police authorities, they are told that no action is possible because of Wisconsin's criminal statute of limitations. Grady and other survivors demonstrate at the archdiocese's cathedral, distributing fliers that portray O'Malley in the format of a wanted poster, asking that he be removed from the school. Affidavits from 17 former students are collected and presented to the archbishop who has received complaints about O'Malley from students for years. O'Malley is retained because of his effectiveness as an administrator, including his fundraising performance, but prohibited from contact with students. The survivors tell their story to a Milwaukee newspaper reporter, and after the story is published, O'Malley resigns, assumes retirement status, and moves out of the geographic boundary of the archdiocese. When the survivors filed civil suits, the archdiocese offers settlements. Part 2 is set in the 1990s. The continuing adverse effects of O'Malley's abuse on the survivors are depicted. A scene of O'Malley being assessed by a clinician hired by the archdiocese includes his rationalizations and cognitive distortions of his sexual violations. Depicts a daughter of a survivor who begins to make a documentary of the story, and the archdiocese initiating proceedings to decide whether to conduct a canonical trial that would remove O'Malley from the priesthood. O'Malley has continued to sexually molest adolescent males in retirement by involving himself in parishes,

which was against the archdiocese's directions to him. Depicts Reinhold as deciding against the archdiocese conducting a canonical trial, and 3 survivors confronting O'Malley at his home, asking him to apologize, which he refuses.

Mennen, Aubrey. (1956). The Abode of Love: The Conception, Financing, and Daily Routine of an English Harem in the Middle of the 19th Century Described in the Form of a Novel. New York, NY: Charles Scribner's Sons, 214 pp.

A narrative based on W. Hepworth Dixon's report of his visit to Agapemone (Abode of Love). Central character is Henry James Prince (1811-1899), an Anglican clergyman who left the Church of England to found, circa 1850, Agapemone (Abode of Love), at Spaxton in Somerset, England. A charismatic individual, Mennen proclaimed himself infallible and incapable of sin, promised that those who believed in him would never die nor fall into sin, taught that there was no division between the "spiritual and the carnal," and with his wife opened a chapel on an estate of 200 acres that attracted wealthy followers who moved in with their servants and donated their wealth to the community. He persuaded a family of wealthy and attractive sisters to marry 4 of his clergy colleagues and live in a sexless marriage. In an elaborate ceremony, the Great Manifestation, Prince chose women followers for sexual relationships with him, including a 16-years-old orphan. This practice was eventually extended to other males. Following Prince's death, his successor, John Smyth-Pigott, an Anglican clergyman, continued the practice of selecting "soul brides."

Miller, Dee Ann. (2000). The Truth About Malarkey. Bloomington, IN: 1st Books Library, 123 pp.

Miller left psychiatric and community health nursing to work as a full-time writer. A fictional account based on a compilation of individuals she has known. Set in Waco, Texas, in the late 1990s, the literary structure is a series of first person letters from a 92-year-old woman, Grandma Cora, to her 7-year-old great grandson. Written in a Texas colloquialism, the letters are meant for reading when he is older. The plot line centers on her neighbor, Mark Peterson, a minister on the staff of her several thousand member independent church. When stories surface that the previous senior pastor had sexually exploited women in the congregation, Peterson takes the reports to the board and then the congregation. A backlash leads to his firing. Cora discovers that the exploitation had extended to a member of her family who was a minor the time. A central theme is the institutional church's response to the discovery of an abusive pastor.

Monk, Maria. (1836). Awful Disclosures of the Hotel Dieu Nunnery of Montreal, or the Secrets of Black Nunnery Revealed, 137 pp. Facsimile reproduction in Schultz, Nancy Lusignan. (Ed.). (1999). Veil of Fear: Nineteenth-Century Convent Tales by Rebecca Reed and Maria Monk. West Lafayette, IN: NotaBell Books.

Monk's book was published in 1836 during a period of strong anti-Roman Catholic sentiment in the U.S.A. She claimed: to be a nun, which was not true; to have seen and experienced horrific events committed by Roman Catholic priests at a convent, events that were later refuted; she claimed to have been impregnated by a priest, which was refuted and was most likely by a virulent anti-Catholic minister. Her tale included accounts of: brutal discipline in a convent; degradation of nuns by priests; infanticide by priests of their babies borne by nuns; brutal rapes of nuns by priests; murder of a nun by priests. Her book sold very well and fanned the flames of opposition to Catholicism in the U.S. It prompted a refutation by the Church which led to further books in response, including another by Monk. Awful Disclosures... sold long after she was discredited by historians who investigated her claims and found evidence to the contrary. She is regarded as profiting financially from the anti-Catholicism of the times by creating propaganda. Schultz is a professor of English, Salem State College, Salem, Massachusetts. Schultz's introduction provides a brief overview of the book's context and scholars' efforts to establish the historical facts. Schultz describes Awful Disclosures... as 'pseudo-pornography' and states: "Readers of popular nineteenth-century convent narratives read these titillating books under the guise of reading enlightened literature, but the books themselves offered access to violent and erotic literature, which was generally proscribed in this era." Footnotes. [The book is included in this bibliography because occasionally it is cited unwittingly as an historical example of clerical sexual abuse by those unfamiliar with the circumstances.]

Moran, Martin. (2004). The Tricky Part.

Moran wrote and is the solo performer in the play that premiered Off-Broadway in New York, New York, at the McGinn/Cazale Theatre on March 28, 2004, directed by Seth Barrish. An autobiographical monologue that presents 3 years of Moran's life, 12-to-15-years-old, when a counselor he met through a Roman Catholic Church camp violated him sexually. The work was developed at Utah's Sundance Institute Theatre Lab, Connecticut's Long Wharf Theatre, and New Jersey's McCarter Theater. The Off-Broadway production received a 2004 *Village Voice* Obie Special Citation award, Drama Desk nominations for Outstanding Play and Outstanding Solo Performance, and an Outer Critics Circle nomination for Outstanding Solo Performance. [Not examined; description compiled from various theater resources on the World Wide Web.] [See also this bibliography, Section I: Moran, Martin. (2005). The Tricky Part: One Boy's Fall from Trespass into Grace.]

_____. (2013). All the Rage.

Moran wrote and is the solo performer in the play that premiered Off-Broadway in New York, New York, at the Peter Jay Sharp Theater, on January 30, 2013, directed by Seth Barrish. [Not examined; see also this bibliography, Section I: Moran, Martin. (2016). All the Rage: A Quest.]

Moravia, Alberto. (1999). The Conformist. (Calliope, Tami, Trans.). South Royalton, VT: Steerforth Italia (An imprint of Steerforth Press), 323 pp. [Translated from Italian, *Il conformista*, original work published in 1951.]

By an Italian novelist and writer. The protagonist of the novel, Marcello Clerici, is a bureaucrat during the Fascist rule of Mussolini in 20th century Italy. He desires normalcy, but equates it with social conformity, while struggling with his urges. In the Prologue, Marcello is a 13-year-old who is teased by males at school for his effeminacy. 5, including some of "his fiercest tormentors," follow him and force a skirt upon him. The incident is disrupted and ended by a chauffeur who offers to take him home. Marcello hesitates, sensing "a premeditation in the man's casual approaches." The man, Lino, persists and Marcello docilely complies. Lino drives them to the villa of his employer and takes Marcello to his bedroom. He has elicited that Marcello would like a real gun and offers to give Marcello a pistol if he earns it through unspecified actions. Lino's tone and actions alarm Marcello. In a sudden reversal, Lino tells him: "I'm a defrocked priest... a defrocked priest thrown out of the boarding school where I taught for indecent behavior...and I was tempted to abuse your ignorance, your innocence, your childish greed!" Lino addresses the crucifix over his bed, stating: "I've prayed to you so often...but you've abandoned me...and I always, always give in...why have you abandoned me?" He returns Marcello home, remaining ambivalent as to what he wants. A few days later, Lino initiates contact, explicit that he wants Marcello to accompany him to the villa in order to give him undefined pleasure in exchange for the gun. Once there, Lino locks them in his bedroom, and "still yelling his coherent declarations full of arrogance and power to the air, approach[ed] the wall above the bed, wrench[ed] free the crucifix, cross[ed] over to the wardrobe, and hurl[ed] it into the bottom of a drawer with ostentatious brutality; and [Marcello] understood that in some way, by this gesture, Lino wanted to show him that he had set aside his last scruples." Lino screams at Marcello: "You'll have to do what I want you to do without presents, without pistols...for love or by force." A struggle ensues, Marcello seizes the pistol, and shoots Lino, believing he has killed him. As an adult, Marcello seeks absolution for the incident, although he is not particularly remorseful or religious. In the Epilogue, during a chance encounter, Marcello discovers that Lino is alive. In a strong exchange, Marcello tells him: "Do you realize you destroyed my life? ...when I met you I was innocent! And afterward I wasn't, not ever again."

Mullan, Peter. (Director & Writer). (2002). The Magdalene Sisters. [119 minutes]. Distributed by Miramax Films.

A movie inspired by and based on director Steve Humphries' 1996 film, Sex in a Cold Climate, a 50-minute documentary that was broadcast in March, 1998, in Britain as part of the Witness series on Channel 4. The movie is a fictional account of 1 of the Magdalene Asylums, institutions that

were operated for over 100 years by Roman Catholic nuns until 1996. The asylums were involuntary residential and work facilities that were intended to correct the sexual deviance of tens of thousands of Irish adolescent girls and young women who were committed for indeterminate periods by families and authorities for a variety of behaviors. (Not all of the Magdalene asylums or laundries were Irish or Catholic.) The movie is set in 1964 on the outskirts of Dublin and focuses on 4 young women: Crispina is a single mother with some cognitive disability who resides in the asylum; the other 3 are admitted on the same day – Rose gave birth to a child out of wedlock, Margaret reported being raped by her cousin, and Bernadette was labeled a temptress by officials at her orphanage. The women are forced to operate a for-profit laundry as penance for their sins so that through their work they will earn their religious redemption. The facility is austere and the working conditions are harsh and demeaning. The nuns maintain control in an environment devoid of compassion and mercy through intimidation, isolation, fear, corporal punishment, physical beatings, shame, and by reinforcing a humiliating sense of stigmatization. The Roman Catholic priest at the asylum sexually exploits Crispina. The movie presents a disturbing story of unrelenting pain. It was awarded the best film prize at the Venice Film Festival in September, 2002.

Mundy, E. Jane. (No date). “Wounded Boys - Courageous Men.” [Accessed 07/23/14 at: http://www.artesana.com/featured_artist_mundy.htm]

Mundy is a survivor of sexual abuse by a Jesuit brother, Upper Canada Province. In 1995, she documented through her photography the sexual and physical abuse of 50+ residential school students by Christian Brothers in Ontario Province, Canada. She created a touring exhibition of the photographs. An earlier World Wide Web website, no longer available, included her black and white photographs accompanied by 1st person statements, including poetry, by victims/survivors.

Murdoch, Iris. (1976). Henry and Cato. London, England: Chatto & Windus Ltd, 340 pp.

Murdoch is a novelist from Belfast, Ireland. Set in London, England, post-World War II. 1 main character, Cato Forbes, is 31-years-old and a priest in a Roman Catholic order who was working in a mission in the poor, East End district of London. He derives satisfaction from his role: “He knew how much he loved a certain kind of power, the power of the authoritative teacher, the power of the wise confessor. To be able to release a man from the burden of sin in the confessional filled with an almost too exultant pleasure; and the precious jewel of the priesthood, the mass itself, was to him sometimes almost a temptation.” Forbes is strongly attracted to, and fantasizes sexually about, Joe Beckett, a 17-year-old who is attracted to the mission. Joe is a lapsed Roman Catholic whose father died when he was 10, who was rejected by his mother, dropped out of school at 16, and now commits petty crimes. His attraction to Forbes is to the role of the priest: wanting and attending to Forbes’ spiritual advice (p. 37), feeling cared for (p. 38), dependency (pp. 39 & 43), priest/pupil relationship (p. 39), and confiding (p. 43). Forbes recognizes that the nature of the youth’s attachment to him involves “a peculiar and specialized trust” based on Joe’s perception of Forbes as a priest, and that breaking the trust would constitute betrayal (p. 63).

Murphy, Michael (Writer), & Zak, David (Director). (2004). Sin (The Cardinal Deposed).

Murphy is a playwright. The play premiered at the Bailiwick Repertory Theatre, Chicago, Illinois, March, 2004. It ran at the Regent Theatre in Arlington, Massachusetts in June, 2004, with the original cast. It opened Off-Broadway in New York, New York, at the Clurman Theater on October 26, 2004, with Carl Forsman, director. For the original production, the play was described as “a collage of testimonies of, by and surrounding Cardinal Bernard F. Law, the Catholic leader whose governance of his diocese was questioned and scrutinized when years of sexual abuse by diocesan priests finally came to light.” The text draws from civil court depositions by Law while he was archbishop, Archdiocese of Boston, Boston, Massachusetts, and is supplemented by evidence – letters from parishioners and parents of molested children, and priests – from Church files that a judge released to the public in the course of legal proceedings that were initiated by abuse victims and their families. The play focuses on cases involving 2 priests from the Archdiocese of Boston, John J. Geoghan, who was murdered while in prison, and

Paul R. Shanley. 1 of the characters in the play is Patrick McSorely, as abuse victim of Geoghan's, who died by suicide. [Not examined; description compiled from various theater resources on the World Wide Web.] [A videorecording of the play, entitled, SIN (A Cardinal Deposed), was made on December 4, 2004, was made by The New York Public Library's Theatre on Film and Tape Archive at the Harold Clurman Theatre, New York, New York. OCLC #: 79395271. The 91 minute recording is restricted to qualified researchers.]

Neidik, Abbey Jack (Director), & Angelico, Irene (Producer & Writer). (1998). The Love Prophet and the Children of God. [60 mins. VHS] Toronto, Ontario, Canada: DLI Productions and TV Ontario. [Per the WorldCat academic database, 05/24/2014, there is no copy in a U.S.A. library.]

A documentary that profiles the Children of God and David Berg, its founder and head. Includes interviews with current and former members. Reports sexual boundary violations of minors by members. [Not examined; description compiled from various sources.]

Noone, Ronan. (2002). The Lepers of Baile Baiste.

Noonan is an Irish playwright from An Clochan, Galway. The first professional production of the play opened at Boston Center for the Arts, Boston, Massachusetts, November 1, 2002, directed by Carmel O'Reilly. An Off-Broadway production ran in New York, New York, in 2004, directed by David Sullivan. The play is set in a contemporary, Irish Roman Catholic church and the bar of the fictitious, small Irish town of Baile Baiste (Gaelic for 'town of rain,' a wordplay on 'baptism'). When former male schoolmates drift into the bar, Daithi, who has just returned after several years' absence, arrives with a statue he has stolen from church, and attempts to get the parish priest to admit that the church stole something from him, an allusion to sexual abuse by a Christian Brother during Daithi's and others' early adolescence that was tolerated by the priest. [Not examined; description compiled from various theater resources on the World Wide Web.]

O'Callaghan, Joseph. (Playwright), & Rushen, Jack. (Director). (2010). Bless Me Father, For I Have Sinned!.

A play performed November 13, 2010, in Norwalk, Connecticut. Based on court testimony and documents from civil lawsuits filed in 1993 against Roman Catholic priests who served in the Diocese of Bridgeport in Connecticut and were accused of sexual abuse of minors. The Diocese unsuccessfully sought in court to keep thousands of pages documents from the public. See the World Wide Web site of BishopAccountability.org for the documents. O'Callaghan is affiliated with Voice of the Faithful in the Diocese of Bridgeport. [Not examined; description compiled from various resources on the World Wide Web.]

Oyabu, Nobuko. (No date). "Faces of Rape and Sexual Abuse Survivors." [Accessed 01/04/04 at: <http://www.nobukoonline.com/survivorindex>] [Contact information: Nobuko Oyabu, executive director, Face Project, P.O. Box 8823, Omaha, NE 68108-0823, email: nobuko@nobukoonline.com]

From a traveling exhibition of photographs of women and men survivors of sexual violence that was created by Nobuko Oyabu, a native of Japan and a U.S. photojournalist, in response to her being rape in 1999. The "Survivors" section is a 9-part gallery of individuals that contains black-and-white photograph and brief description. Gallery #1 includes: Yvonne Maes, Vancouver, British Columbia, Canada, who was sexually exploited by a Roman Catholic priest who directed a retreat center in Africa. Gallery #2 includes: Linda Maue, Fremont, Nebraska, who was sexually exploited by her Lutheran pastor who counseled her while she was going through a divorce. Gallery #3 includes: Dee Ann Miller, Council Bluffs, Iowa, who was "sexually assaulted by a fellow missionary while she and her husband worked on a mission in Africa." Gallery #5 includes: Dee Babcock, Winnebago, Minnesota, raped at age 55 by a United Methodist pastor while attending a Church annual conference. Gallery #6 includes: Susan K. Spies, Red Oak, Iowa, who was "emotionally and sexually abused for four years by a younger priest at her Episcopalian church. Gallery #7 includes: Arthur Austin, Braintree, Massachusetts, who was sexually exploited by Fr. Paul R. Shanley when Austin went to the Roman Catholic priest for counseling.

Paul, Raymond. (1986). The Tragedy at Tiverton: An Historical Novel of Murder. New York, NY: Viking Press, 352 pp.

Paul teaches at Montclair State College, Montclair, New Jersey. At the outset, he states: "The events portrayed... are drawn from and based on documented fact." A fictional account of the murder in 1832 of a young, pregnant, cotton mill worker, Sarah Maria Cornell, in Tiverton, Rhode Island, and the sensational trial of Rev. Ephraim K. Avery, a Methodist minister in Bristol, Rhode Island, for her murder, a key detail of which is whether he sexualized his clergy relationship to her. Told from the first person perspective of a young attorney who defends Avery. [See also this bibliography, Section I: Kaseman, David Richard (1986).]

Peters, Edward. (1988). "The Inquisition in Literature and Art." Chapter 7 in Inquisition. New York, NY: The Free Press, pp. 189-230.

By a professor, Medieval history, University of Pennsylvania, Philadelphia, Pennsylvania. Traces the history of inquisitional tribunals, including their legal procedures, personnel, and institutions, the rise of the myth of *The Inquisition*, and expression of the myth in European literature and art. Chapter 7 discusses a variety of ways the myth was depicted in European polemical literature, anti-Roman Catholic clergy novels, fiction, drama, travel literature, personal narratives, and art. 1 popular genre in the 18th and 19th century depicted "the cruelty and the eroticism of inquisitors" which he concludes "is probably related to the general range of charges of sexual irregularity" as well as charges of religious hypocrisy and self-interest. Examples of literature that depicted sexual boundary violations by Catholic clergy included: Antonio (Anthony) Gavin's The Master-Key to Popery, 1726; Cornelia Bororquia, attributed to Luis Gutiérrez and published in 1801 in Paris, France; Les mystères de l'Inquisition et autres sociétés secrètes d'Espagne, 1844, by Madame de Suberwick-Victor de Féreal. Lacks footnotes; a separate essay provides some reference detail, but citations are not complete.

Raftery, Mary (Compiler & Editor), & McBrinn, Roísín (Director). (2010). No Escape.

Documentary theatre based on the 2009 report by the Irish government's Commission to Inquire into Child Abuse, popularly referred to as The Ryan Report. Combines extracts from the Report and the Commission's public hearings. Originally performed in April, 2010, at the Abbey Theatre, Dublin, Ireland; Raftery was commissioned by the Theatre to write a work in response to the Report.

Reid, Garfield, Holloway, Richard, Burgess, Beverly, Campbell, Lisa, Jackson, Kirk, & Faulknor, Sherene. (2009). Joe Grine: A Jamaican Hit Play. Ft. Lauderdale, FL: Island Entertainment [DVD videodisc.]

From the WorldCat academic database abstract: "Rev. Joe Grine is a man who loves other men's women. Watch our preacher man as he walks his chosen path in this comedy by Garfield Reid." Video recording of a stage play.

Reynolds, John Lawrence. (1989). The Man Who Murdered God. Markham, Ontario, Canada: Viking (Penguin Books Canada Limited), 257 pp.

By a Canadian author. Crime novel set in the 1980s in which the central character is Joe McGuire, a homicide detective with the Boston, Massachusetts, police department. 3 Roman Catholic priests, a known child molester, and a woman are killed in a very short period in the Boston area. During his investigation, McGuire learns that the person responsible is 22-year-old Bobby Griffin who completed high school at 16 and went to live for 2 years as a novice with the Cesenas, a Catholic monastic order near Boston. During that time, he was brutally raped and sodomized repeatedly by 2 brothers who oversaw his work and training as a novice, and kept him isolated from the order for months. After discovery, 1 brother died by suicide and the abbot ordered the other confined to a monastery room, forbidding the brothers to speak to him. Police were never informed. Griffin told his mother and parish priest what happened, but they refused to believe that clergy could commit such acts. He developed psychiatric symptoms and lived 4 years at a private mental health facility. The *man* in the book's title refers to the brother who led the sexual assaults.

A psychiatrist from the mental health facility offers a retroactive assessment of the meaning of Griffin's experiences and their impact on him, including betrayal of trust by clergy.

Roby, Kimberla Lawson. (2000). Casting The First Stone. New York, NY: Kensington Books, 288 pp.

By an African American novelist. Primarily from the point of view of Tanya Black, an African American who is a professional, mother of a young daughter, and married to Rev. Curtis Black, a prominent Baptist preacher who has moved to Chicago, Illinois. Presents an emotional portrait of her growing awareness, denial, anger, hurt, varied ways of coping, and desire for revenge as she discovers that he has betrayed her and her daughter, his congregation, and his call from God. 1 of only a small number of African American perspectives on the topic of clergy sexual abuse.

_____. (2004). Too Much of a Good Thing. New York, NY: William Morrow, 276 pp.

A novel that is the sequel to Roby's character, Rev. Curtis Black. Described as "strong, charismatic, intelligent", he is now 38-years-old and married to his second wife. After being ousted from a pastorate, he is called as senior pastor of another Baptist church in Chicago, Illinois, a congregation of 3,500 members. He resumes sexualized relationships with 2 women from his previous congregation, 1 a member whom he impregnated while she was a minor, and the other a member who was married to a deacon in the congregation. In a scene, Black is relaxing with 3 African American pastors who discuss securing financial perks from their churches, their sexual relationships with church members, and display significant entitlement attitudes. At the conclusion of the book, a woman confronts Black during a Sunday church service, shoots and wounds him, and kills herself.

_____. (2005). The Best-Kept Secret. New York, NY: William Morrow, 264, pp.

A novel that continues Roby's character of Rev. Curtis Black. Told primarily from his point of view, Black, 40-years-old, has relocated to a city northwest of Chicago, Illinois, following his ouster 7 years prior from a Baptist church in Chicago "due to his obsession with money, power, and women" which included sexualizing a relationship with a deacon's wife. He is pastor of a church he founded that now has 500 members after 2 years, and is married to his third wife of 2 years. By the end, Black has sexualized a relationship with a woman he meets through her attendance at the church's worship services. "He needed some sort of outlet, and for him, sex had always been the answer. It had always been the one thing that satisfied him and made him feel better. To Curtis, sex was the same as what alcohol must have been to his father."

Rogers, Jane. (1999). Mr. Wroe's Virgins. Woodstock, NY: The Overlook Press, 276 pp.

Rogers, an award-winning novelist, lives in Lancashire, England. The book, an historical fiction, is based on the life of John Wroe (1782-1863) and set during a period when he lived in England. Her "Historical Note" describes Wroe as founding the Christian Israelite Church in the 1820s in England, the task of which "was to gather together the scattered tribes of Israel, in readiness for the end of the world, which was imminently expected." He was soon accepted by the Southcottian church in England as Prophet. In 1830, he asked the Christian Israelites for 7 virgins, "and these were provided by church members. After he had been on a missionary tour with the women, two of them charged him with 'indecent and things not fit to be spoken.'" Upon his acquittal at a Church trial, a riot followed at the central gathering place, "a sumptuously furnished building," and he "barely escaped with his life." Chapters of the novel are first person accounts by 4 of the women designated as Wroe's virgins. They describe the influence Wroe has over his followers, which is formed by his being perceived one to whom God speaks directly and personally, his teachings that the end of the world is imminent and people's survival depends on their salvation through the Church, his control of his followers, and the authority of his persona. After he sexualizes his relationship to 4 of the designated women, he is formally accused and goes through a Church trial that acquits him.

Ross, Sinclair. (1941). As for Me and My House. New York, NY: Reynal & Hitchcock, 296 pp.

Novel by an acclaimed Canadian writer. Narrator is Mrs. Bentley, wife of Philip Bentley, a Protestant minister, 36, who is the new pastor of a glum church in a small, depressing Canadian

prairie town in the 1930s. Over a year, her journal entries capture their compromises and unresolved tensions in their marriages, his conflicted career choice, their strained relationships with parishioners, and the slowly crushing affects of deceit, hypocrisy, and loneliness. Following the loss of their adopted son and Mrs. Bentley's illness, Philip begins a sexual relationship with Judith West, a young choir member. She becomes pregnant by him, and leaves town to bear the child. In 1 typology of clergy sexual misconduct constructed by Marie Fortune, Philip Bentley is a classic 'wanderer.'

Rudnick, Paul. (1994). Jeffrey. New York, NY: Plume (an imprint of Dutton Signet, a division of Penguin Books USA Inc.), 89 pp.

Rudnick is a playwright, novelist, and author in New York, New York. The play, which won an Obie Award, opened on January 20, 1993, at the WPA Theatre, New York, New York, with Christopher Ashley, director. The play is set in New York City in the 1990s. From Rudnick's "Introduction" to the play: The main character, Jeffrey Calloway, who is gay, has renounced love and sex "in response to ten years of the AIDS crisis, the frustrations of safe sex, and the dementia of romance in general." In Act 2, in what the author identifies as 1 of the play's central scenes, Calloway goes to St. Patrick's Cathedral in the city to pray following the collapse of a close friend due to dehydration caused by a medication to treat AIDS. Calloway, who was with the friend when his occurred, describes it as an upsetting experience. It is the first time he has been in church since he was 12. While he is praying, Fr. Dan Maginnis, a Roman Catholic priest on staff at the Cathedral, makes explicit sexual advances to him. In the subsequent conversation, Calloway explodes at the priest: "Why did He do this? Why did God make the world this way, and why do I have to live in it? You're a priest – you have to tell me! Don't you?" The priest responds in a substantive way that Rudnick personally endorses, according to his "Introduction" in which he describes the character as "a deeply spiritual man..." The priest concludes his remarks to Calloway, resumes his physical pursuit, and says: "I told you the meaning of the life! Now put out!" [Included in this bibliography because of the depiction of an asymmetrical balance of power in the clergy/congregant relationship that is based on the role authority of the clergy and the spiritual vulnerability of the lay person.]

Sekielski, Tomasz (Director & Writer), & Sekielski, Marek (Producer). (2019). Tylko nie mów nikomu (Tell No One). [121 min.] [Polish language with English subtitles accessed 09/16/19: <https://www.youtube.com/watch?v=BrUvQ3W3nV4>]

Documentary film about child sexual abuse committed by priests in the Roman Catholic Church in Poland. [Not examined.]

Shanley, John Patrick. (2005). Doubt: A Parable. New York, NY: Theatre Communications Group Inc., 58 pp.

Shanley, a playwright and winner of an Academy Award for original screenplay, lives in Brooklyn, New York. He received the Pulitzer Prize for drama in 2005 for Doubt: A Parable. The play opened in New York, New York, in 2004 and opened on Broadway in 2005. The play is set in a Roman Catholic Church parish and school in the Bronx, New York, a time when he attended a parish school in the Bronx operated by the Sisters of Charity order. States in his preface: "Looking back, it seems to me, in those schools at that time, we were an ageless unity. We were all adults and we were all children. We had, like many animals, flocked together for warmth and safety. As a result, we were terribly vulnerable to anyone who chose to hunt us. When trust is the order of the day, predators are free to plunder. And plunder they did. As the ever widening Church scandals reveal, the hunters had a field day. And the shepherds, so invested in the surface, sacrificed actual good for perceived virtue." The central tension is between Fr. Brendan Flynn, a parish priest in his 30s, and Sr. Aloysius Beauvier, principal of St. Nicholas School and a member of the Sisters of Charity in her 50s-60s. Without proof, she is certain that he has sexually exploited a 12-year-old male student who has transferred to the school, does not have any peer friendships, and is the first African American in the Irish and Italian student body. She succeeds in pressuring him to receive an appointment, a promotion, to another parish. The question of his guilt or innocence is never resolved. According to the cover story of the *NYU Alumni Magazine*,

spring issue, 2006, the “play was partially inspired by the experience of a relative who was molested by a priest – only to be brushed off by a church hierarchy that covered up its burgeoning pedophilia crisis instead of punishing the perpetrators.”

Shockley, Ann Allen. (1987). Say Jesus and Come to Me. Tallahassee, FL: The Naiad Press Inc., 283 pp.

By a novelist, short story writer, and non-fiction author who works as an academic librarian. A novel that address issues of racism, sexism, homophobia, and lesbianism in the context of African Americans. The protagonist is Rev. Myrtle Black, 40-years-old, a charismatic, African American evangelist who lives in South Carolina and travels to preach at revivals as a guest. The daughter of an evangelist mother and father, Black was initiated sexually at 16 by her hostess minister while she was a guest at a church in Kentucky. Black is college- and seminary-educated, and after ordination, briefly served as an assistant at a church. Chapter 1 opens with her using her preaching and public skills to sexualize a relationship with a 19-year-old woman who is attending a revival at which Black targeted her as vulnerable. The novel centers on Black’s relationship to Travis Lee, a nationally successful rhythm and blues singer, who responds spiritually to Black’s preaching. When Lee comes forward in altar call, Black sexualizes the encounter. When Black opens a church in Nashville, Tennessee, Lee chooses Black for her minister. Significant for its portrayal of clergy sexual boundary violations in African American churches, by a clergy who is a woman, and by a clergy who is a lesbian.

Sterling, Shirley. (1997). My Name is Seepeetza. Toronto, Ontario, Canada: Groundwood Books/Douglas & McIntyre, 126 pp.

Sterling is a member of the Salish Nation, British Columbia, Canada. The book, classified as juvenile fiction, is based on her experiences in the Indian residential school system of Canada, a government-financed and church-operated system of boarding schools for First Nations children. Presents in diary-entry format a year, 1958-1959, in the life of a 12-year-old girl in grade 6, 1 of 400 students at the Kalamak Indian Residential School, British Columbia, which is operated by Roman Catholic priests and nuns. Among themes depicted in the day-to-day events are physical punishment, emotional and psychological humiliation, religious threats, inadequate nutrition, separation of siblings, inadequate medical care, and imposed cultural and religious assimilation. Includes 2 allusions to priests doing, or attempting to do, “something bad” and “something wicked” to boys (pp. 12-13 & 117-118).

Stiles, Hilary (pseudonym). (1987). Assault on Innocence. Albuquerque, NM: B & K Publishers, 300 pp.

By Jeanne Miller, Chicago, Illinois, whose son was the victim of a Roman Catholic priest, and who founded and was the Executive Director of Victims of Clergy Abuse Linkup, Inc. (VOCAL), later know as The Linkup. A novel set in a Roman Catholic parish. Based on her experiences, an account of a priest’s illicit behavior with adolescents, including molestation, the actions of parents who seek protection for their children and accountability for the offender and the non-responsiveness of archdiocesan representatives. Point of view is mostly from that of the parents, especially the mothers, and the victims. Illustrates a number of themes and issues typical of these cases, e.g., polarization within the parish and isolation of the families making accusations. Graphic language. [See also this bibliography, Section I: Miller, Jeanne M. (1998).]

Streiber, Whitley. (1992). Unholy Fire. New York, NY: Dutton (Penguin Books USA Inc.), 327 pp.

By an author of fiction and nonfiction. Set in New York, New York, in the Roman Catholic Church’s Archdiocese of New York during the period when John O’Connor was cardinal. The protagonist is Fr. John Rafferty, a 58-year-old priest who is the pastor of a city parish. His antagonist is Fr. Frank Bayley, a 30-year-old priest who is the curate of the parish. Bayley, who had sexually engaged a member of the parish who was murdered, is the nephew of a retired bishop who sexually abused Bayley when he was a child.

Tennenbaum, Silvia. (1978). Rachel, the Rabbi’s Wife. New York, NY: William Morrow and Company, Inc., 395 pp.

A novel by an author who has been married to a Jewish rabbi for 26 years. The protagonist is Rachel Sonnshein, 39-years-old, who is the wife of Seymour Sonnshein, 42, a rabbi of a Conservative synagogue on the North Shore of Long Island, New York. Set in approximately 1975. Her observations include the topics of male sexuality and the pulpit (p. 92), and female congregants' responses to their male rabbi and his responses to them (pp. 22 & 84). In an angry exchange, she confronts her husband about his sexualized relationship with a member of the congregation, and he tells of her his need for the affection of women other than her, rationalizing the relationships by suggesting it connects to a need for immortality: "To be loved is to become a part, however, small, of another's life, to become entwined in their memories."

Tóibín, Colm. (2007). "A Priest in the Family." In Mothers and Sons: Stories. New York, NY: Scribner, pp. 133-151.

Tóibín is a novelist, Dublin, Ireland. A book of 9 short stories about mothers and sons. "A Priest in the Family" concerns Molly O'Neill, an Irish widow, with 2 daughters and 4 grandsons, and a son, Frank, a Roman Catholic priest serving a parish. She learns from a priest that Frank has a pending criminal court hearing for a case that he sexually abused a teenager 20 years before. She discovers that others in the community knew before she did, and had been avoiding discussing the matter with her. When her daughters inform her that Frank will plead guilty, she asks if Frank had "interfered" with their sons. Continuing her routines, she asks her best friend to tell others to talk to her about the subject. When Frank visits her, she tells him she will support him.

Topor, Tom (Writer & Director). (1990). Judgment. [95 minutes. videodisc. DVD]. New York, NY: HBO Pictures.

Made-for-television movie that was first broadcast on HBO network. Fictional account based on a true story in Louisiana. Pete and Emmeline, devout Roman Catholics, discover that their son, Robbie, 8-years-old, is being sexually abused by Fr. Aubert, the family's parish priest. After Robbie received his first communion, the priest recruited him to be an altar boy. On a camping trip with Robbie and other pre-pubescent boys whom he was training, Aubert commences acts against Robbie. The parents discover that other boys were also abused. When 4 mothers approach the diocesan bishop to complain, he sends a monsignor who rebuffs them. Aubert is placed on leave from the parish. Pete and Emmeline seek a lawyer's help to remove Aubert from the Church, and are joined by the parents of 8 other boys when the lawyer seeks a settlement. The diocese's insurance companies persuade the bishop to settle on the condition of the families' promise of secrecy and the diocese's lack of admission of liability. Pete and Emmeline refuse offer, and ask the district attorney pursue a case against Aubert that would result in imprisonment. He informs that without more than 1 victim, the case will fail, but refers them to an effective litigator who accepts the case. He obtains diocesan records that document Aubert has been abusing boys for 10 years with the diocese's knowledge. The last scene is Robbie is preparing to testify in court. Scenes include: Aubert's grooming behaviors, including use of religious rhetoric to establish his authority; Robbie working with a therapist; Robbie's behavioral changes

Updike, John. (1975). A Month of Sundays. New York, NY: Alfred A. Knopf.

A novel by a major American writer. Set in the early 1970s and presented as a first person account, tells the story of Rev. Thomas Marshfield, 41, Episcopalian rector, married and father of 2 sons, who is sent by his bishop to a retreat facility due to sexual involvement with the church organist and members of his parish. While the incidents are referred to as "adultery" involving "seduction," the realities of professional role boundary violations are clearly depicted. An unsettling portrait of an offender.

Vizenor, Gerald. (2008). Father Meme. Albuquerque, NM: University of New Mexico Press, 120 pp.

Vizenor is distinguished professor of American studies, University of New Mexico, Albuquerque, New Mexico. Novel told in the first person by a native *anishinaabe* (Chippewa in English), a retired journalist who returned to live on the reservation of his youth in Minnesota. Tells his story to a visitor to the reservation from France. The story occurs from 1953-1954 and centers on Fr. Conan Whitty, nicknamed Father Meme by *anishinaabe* youth, a Roman Catholic priest who was

a monk at Saint John's Abbey, a Benedictine monastery in Minnesota. After abusing students and seminarians there, he was sent to the Servants of the Paraclete, an ordered treatment center in Jemez Springs, New Mexico. While at the center, he sexually abused a native teenage boy and his younger sister. Discovered and held by law enforcement, the state assumed jurisdiction rather than his being tried in tribal court. He was released, and sent to the mission priest at Indian Mission Church of the Snow on the reservation. The narrator describes Father Meme as "depraved and loathsome." The narrator was an only child and fatherless. He serves as an altar boy with 2 friends because he was paid and his widowed mother depended on his earnings. When Father Meme takes the 3 boys, young adolescents, to visit Saint John's, the narrator is deeply affected: "The Benedictine Monks at Saint John's Abbey first touched my heart by choral music..." However, the trip is the occasion of the boys being sexual abused by the priest and a brother at the Abbey. The narrator states: "Father Meme ruined the virtue of [the] ecstasy [of the music]. My memories of that time were obstructed by the shame of his sexual perversions." The 3 boys are taken by the priest and brother on a trip to be used sexually, but outwit the pair, escape, and report the events to a local resident who informs the county sheriff. However, the sheriff believes the priest's and monk's version, and no legal action is taken. Over the year, they are abused in the confessional of the mission church and the mission house of the priest, among other sites. The 3 boys plan and conduct a series of tormenting actions against the priest to end their abuse. The narrator refuses to call them victims because of their "survivance that sense of resistance and native presence." Their actions conclude in the killing of the priest at his fish house on a lake in winter, a site where abused them: "He assured us that the fish house was a cathedral see, and we should bear his prurient touch as sacred by authority of the bishop." They term the killing a sacrifice; the narrator states: "Only the sacrifice of the priest saved me from suicide."

Voltaire. (1959). Candide. (Blair, Lowell, Trans.). New York, NY: Bantam Books, 122 pp. [Original edition was published in 1759. A translation of the 1761 edition.]

Voltaire (1694-1778) was a very influential French Enlightenment author, philosopher, and social critic. Of his numerous works, Candide is considered the most widely read. A satirical *novella* that attacks, among other targets, the optimistic theodicy of Gottfried Wilhelm Leibniz in light of major 18th century European events, including the Seven Years War, the 1755 Lisbon earthquake, and the inquisitions of the Roman Catholic Church. In Chapter 4, the character of Pangloss, a philosopher who is the mentor of Candide, the main character, tells Candide that he acquired a venereal disease from Paquette, the maid of a baroness whom Candide loves: "It was a present given to her by a learned Franciscan friar who had derived it from the point of origin, for it was given to him by an old countess, who received it from cavalry captain, who owed it to a marquise, who got it from a page, who was given it by a Jesuit..." In Chapter 24, Paquette describes herself to Candide as being "completely innocent when you first saw me. A Franciscan friar who was my confessor easily seduced me, and the results were horrible."

Warren, Patricia Nell. (1976). The Fancy Dancer. New York, NY: William Morrow and Company, Inc., 287 pp.

By a novelist and poet. Set in a small, agricultural town in Montana in 1976. Told in a first person narrative by the main character, Fr. Tom Meeker, a Roman Catholic priest. He is 28-years-old, and has been the curate of a parish church for 2 years, serving as an assistant to the older rector. Meeker is energetic and busies himself in his duties, endures the loneliness of his circumstances, and ignores his spiritual life. Meeker meets Vidal Stump when he comes to Meeker for confession. Stump is 26, 1 quarter Blackfeet (Native American), a released convict living with a woman and her child in an arrangement that provides him cover as a gay man and provides her a place to live. Stump seeks Meeker out for counseling, and when he initiates physical contact, Meeker responds. After Meeker sexualizes the relationship, his inner conflicts surface: "I went along that row of kneeling people, sipping wafers into their opened mouths. One by one, they rose and shuffled back to their pews, heads bowed, hands clasped, carrying in their mouths that treasure that stayed miraculously unstained despite my having touched it. Though I didn't raise my eyes, I knew that my lover was sitting there shamelessly in the first pew. Vidal wasn't devout enough to go to communion, and I didn't pester him to go. It was a curious reality

of my dilemma that I, a shepherd, should actually want one of my sheep to stay away from the Holy Sacrament. Slipping that wafer into Vidal's mouth would have been too painful a ritual parody of our relationship."

West, Morris L. (1959). The Devil's Advocate. New York, NY: William Morrow & Company, 319 pp.

By an Australian novelist who is a Roman Catholic. The story is set in a post-World War II village in southern Italy and centers on Blaise Meredith, a Roman Catholic priest working with the Sacred Congregation of Rites in Rome who is assigned by a cardinal to conduct an investigation of an individual proposed for sainthood. 1 character in the novel is Don Anselmo Benincasa, a priest who is pastor of village's parish church. He has sexualized his relationship to his housekeeper, a widow. Describes factors that contribute to the "case of Father Anselmo... [as] not as isolated case. ...it pointed to grave defects, to a singular need of reform." (pp. 119-122, 199-201, 296, 299.) Factors include the social context, lack of seminary training, lack of screening of candidates for priesthood, and lack of adequate supports.

Wetzel, Liebe, Raz, Jeff, & Lunatique Fantastique Ensemble. (2000). Snake in the Basement: The Prosecution of Reverend Bill Pruitt. Lunatique Fantastique, P.O. Box 2192, Oakland, California, 94620. [World Wide Web. <http://www.wlufan.com>].

Wetzel is artistic director of Lunatique Fantastique, a found-object puppetry company that stages original theater productions. Snake in the Basement is based on the true story of a U.S. minister and missionary, Rev. Bill Pruitt, a staff member of the Highland Park Presbyterian Church, Dallas, Texas, who in his professional role charms and delights children with tricks and magic, and then sexually abuses little girls. His wife and the Church are depicted defending him against accusations by his victims. The play draws from media reports from 1999 when a group of women came forward as and filed ecclesiastical complaints against him. When Wetzel discovered that Pruitt's survivors were catalysts for a formal investigation, she was 1 of others who added their names to the list of his victims. Before the investigation was completed, Pruitt died. The approximately 45-minute play premiered in 2000, and was performed in New York, New York, and San Francisco, California, by 5 puppeteers. Includes original music and familiar hymns.

White, Michael C. (1999). The Blind Side of the Heart. New York, NY: Cliff Street Books (HarperCollins Publisher), 355 pp.

White is a professor of English and creative writing, Fairfield University, Fairfield, Connecticut. A novel set in a town in western Massachusetts in the mid-1990s. Story is told from the first person point of view of Margaret Quinn, an Irishwoman who for 18 years has served as housekeeper for Fr. Jack Devlin, a parish priest from Boston. 2 brothers accuse Fr. Devlin of molesting them when they were youths, and he is charged with rape and indecent assault. "Retrieved memory syndrome" is part of the basis for the witness testimony. During the trial, Devlin pleads guilty in a plea bargain, and is sentenced to jail. Later, he is accused in the unsolved murder of a youth in the parish.

Whitmarsh, Barbara Menghini. (1998). Shroudmakers. 41 pp. [Booklet format privately distributed by the author: 17396 Lawrence 2150, Aurora, Missouri, 65605.]

Raised "in a strict [Roman] Catholic household" in the Brooklyn borough of New York, New York, and then Elmhurst in Long Island, New York, she was sexually abused as a child by Fr. Protasio Soares who "came to the Brooklyn diocese in the 1950s" and now "lives in a Catholic retirement home in Mysore, India." She is a retired nurse who resides on a farm in Aurora, Missouri, and is an editor and author. A collection of 21 evocative poems regarding her abuse by Soares, the responses of Catholic officials to abuse by priests, and her peer survivors. Also addresses her sexual abuse by a family friend when she was a child. Includes 5 family photographic images, and excerpts from 2 letters to her from the bishop of Mysore.

_____. (1999). Sharks in the Bathtub. 25 pp. [Booklet format privately distributed by the author: 17396 Lawrence 2150, Aurora, Missouri, 65605.]

A collection of 18 poems that continues her prior collection. The author description states that her priest perpetrator, who left the U.S.A. and returned to his native India, lives in retreat in a village which is not a signatory to “the International Extradition Treaty. Any common criminal, including priests, can receive sanctuary there. ...many priest perpetrators have been shuttled to India by the Roman Catholic Church to escape criminal prosecution.” States in her prologue: “The church must stop participating in cover-ups of *clergy abusers* [italics in original]. The Roman Catholic Church must face the face that it has created its own holocaust, its own crimes against innocence and humanity in schools, in parishes, in ghettos, in communities, on reservations and in private dwellings.” Among the poems’ topics are the enduring consequences of the abuse in the life of a victim, and the obligations of priests who have abused, of priests who have not abused, and of Church officials. Includes a 1-page statement by Edward C. Whitmarsh, her husband, regarding survivors of clergy sexual abuse and their experience of post traumatic stress disorder, and the necessity of “Church, Society and the Legal System” to understand the relationship so that those who are victims will “receive the counseling, support and compensation they deserve.”

Williams, Catharine. (1993). Fall River: An Authentic Narrative. New York, NY: Oxford University Press, 170 pp. [Originally published in 1833; this edition edited by Patricia Caldwell.]

Williams (1787-1872) was a writer and advocate who lived mostly in Rhode Island. She recreates the horrific case of the death in 1832 of a young, pregnant, cotton mill worker, Sarah Maria Cornell, in Tiverton, R.I., and the sensational trial of Rev. Ephraim Kingsbury Avery, a Methodist minister in Bristol, R.I., for her murder. The motive was attributed to her having been impregnated by him during an encounter in which she sought his religious counsel. He was acquitted of the charges but not exonerated. Written with a clear sympathy for the victim, Williams integrates journalism, biography, fiction, and exhortation to the present the story of the case, conditions affecting the lives of young working women in early 19th New England, and the “idoltrous regard for ministers” that was a factor in the case. [See also this bibliography, Section I: Kasseman, David Richard (1986).]

Wolochatiuk, Tim (Director), Sherman, Jason (Writer), Irving, Kyle (Producer), & Christensen, David (Producer). (2012). We Were Children. Montreal, Quebec, Canada; National Film Board of Canada; Winnipeg, Manitoba, Canada: Eagle Vision Inc.; & Toronto, Ontario, Canada: Entertainment One. [88 minutes] [Per the WorldCat academic database, 06/13/14, there is no copy in any library in the U.S.A.]

Documentary film about the experiences, including sexual abuse, of First Nations children who were sent to Canadian residential schools, funded by the government, and operated by churches. [Not examined.]

Yorgason, Blaine M., & Oaks, Sunny. (1992). Secrets. Salt Lake City, UT: Deseret Book Company, 502 pp.

A fictional account set in the context of The Church of Jesus Christ of Latter-day Saints (LDS) in which “all of the characters... [and] their experiences with abuse, have been based upon the lives and experiences of Latter-day Saints.” The primary character is Frank Lee Greaves, a bishop of a ward and an elementary school teacher. Through the course of the book, he undergoes significant change as he learns about domestic and family violence – including spousal abuse, incest, and the physical and emotional abuse of children – when he discovers numerous families and individuals in his care who are struggling with a variety of issues related to the problem. Another key character is his wife, Jeanne Rae Greaves, who works hard to obtain healing from the effects of incest by her father. 1 person who commits incest is a lay leader who, as first counselor in the ward, has a significant role of spiritual influence and responsibility, a fact that makes it more difficult for people to accept the allegations against him or confront him regarding his behavior. Subthemes include: descriptions of the cognitive, emotional, psychological, and spiritual patterns of victims of domestic violence; LDS values about needing to preserve the family and the potential adverse consequences as those values are applied to situations of domestic violence; LDS teachings about feelings and the display of anger which can work against an abuse victim; negative attitudes toward victims that minimize the events of violence and their negative impact; negative attitudes toward victims regarding what is in their best interests; LDS teachings about

forgiveness and faith as a means to healing for victims, and faith as a means to help abusers change; negative consequences of maintaining silence and secrets about domestic violence. The book does not sufficiently explain LDS forms of governance, leadership roles, and culture for non-LDS readers.

York, Alissa. (2003). Mercy: A Novel. Niagara, Harrison, NY: Delphinium books, 323 pp.

By an award-winning writer, Winnipeg, Manitoba, Canada. The first part of the novel begins in 1948 in a small town in Winipeg. Fr. August Day, 26-years-old and newly ordained as a Roman Catholic priest, is assigned to the parish following the death of its pastor. He arrives the day before the wedding of the rectory's housekeeper's niece, Mathilda, 19-years-old, who was raised by nuns. At 15, she came to live with her aunt. While the aunt is terminally ill, Mathilda assumes the housekeeper's duties. Day sexualizes his relationship to her in the church confessional. The second part of the book shifts to 2003, and involves Rev. Carl Mann, a Protestant minister whose wife had died following childbirth. Mann sexualizes his relationship to the church organist and a Sunday school teacher whom he persuades to raise his daughter. Evocative and powerful writing.

Zola, Emile. (1957). The Abbé Mouret's Sin. (Brown, Alec, Trans.). London England: Elek Books Ltd., 312 pp. [Translated from French, *La Faute de l'Abbé Mouret*, original work published in 1875.]

Zola (1840-1902), a French novelist and critic, traces the nature of love and sexuality through the 19th century French Provençal village of Artaud. His prose is lyrical, elaborate, and emotive. 2 opposite modes are depicted. On 1 hand is a negation typified by a Roman Catholic priest in pursuit of sexual continence and celibacy, and the secular culture in which marriage is an economic matter and sex is a biological urge, despite the Church's idealization of it. On the other hand, there is an affirmation typified by primordial nature's fertility and spring's sensual and procreative forces. The central character, Fr. Serge Mouret, the vicar of Artaud, is 25-years-old. In Book I, he prays to a statue of the Virgin Mary, the perfect woman deserving his love and emotional attachment, in order that he might "live and grow outside the shame of our earthly senses," that he might be left "sexless, incapable of evil" (pp. 107-108). In his duties as a priest, he has met Albine, a 16-years-old girl unspoiled sexually by either the roughness of the culture or the Church's teachings. He is deeply conflicted by his attraction to her and his desire to transcend his human nature, and prays to the Virgin Mary: "Remove my five senses from me and take my virility away" (p. 108). Disturbed, he falls emotionally and physically ill. In Book II, he is nursed back to health at Albine's cottage, having been brought there to convalesce by his uncle, the physician of the village. The climax of his recovery is his sexualizing his relationship with her. In Book III, he returns to the village and his priest role, but again tormented, he struggles with how to reconcile his attraction to Albine with his attachment to the requirements of his religion. While not a novel about clergy sexual abuse, the story raises questions that are relevant to the topic.

IX. THESES AND DISSERTATIONS

Most descriptions are based directly on the abstract and academic database descriptions.

Albers, James R. (2013). Creating a safe place for children and teenagers: Modifying a risk-management protocol for screen and selecting workers of Celebration Baptist Church in Wichita, Kansas. [D.Min.] Kansas City, MO: Midwestern Baptist Theological Seminary. 192 pp.

"The purpose of this ministry project was to modify a risk-management protocol for screening and selecting workers for the children's and youth ministries of Celebration Baptist Church in Wichita, Kansas. This project provided participants with an understanding of: (1) the risk of child sexual abuse (CSA) occurring within the church context; (2) the effects of CSA on the victims and their families and the church; and (3) the biblical motivation for safeguarding minors who participated in the church's ministries. The participants modified Celebration's risk-management protocol by incorporating additional screening requirements."

Allred, Robert P. (2015). Clergy sexual abuse. [Ph.D.] Fort Lauderdale, FL: College of Psychology, Nova Southeastern University. 68 pp.

“Sexual abuse perpetrated by trusted members of the clergy presents unique challenges to clinicians and yet the current literature on the effects of clergy sexual abuse is sparse. The vast majority of current research on clergy sexual abuse is based on the perspective of the perpetrators and not the survivors. Some literature suggests that clergy sexual abuse is equivalent to incest due to the level of betrayal trauma associated with each form of abuse. The current study seeks to examine the effects of clergy perpetrated sexual abuse on survivors and examine those effects in the context of the general literature on childhood sexual abuse. Adult male and female survivors of clergy sexual abuse were recruited online and asked to complete a series of self-report measures of religiosity, spirituality, and traumatic symptomology, including the Spiritual Beliefs Inventory (SBI-15R), Spiritual Wellbeing Scale (SWBS), and the Trauma Symptoms Inventory-2 (TSI-2). Participants also provided demographic information and completed a structured self-report questionnaire of history of sexual abuse. Analysis of variance (ANOVA) indicated that there were no between-group differences on measures of trauma or existential belief, but found that those abused by clergy reported lower levels of religious beliefs and practice, less social support from their religious community, less satisfaction with their relationship with God, and were more likely to have changed their religious affiliation. These data suggest that abuse perpetrated by clergy has a unique and measurable impact on survivors’ future religiosity and spirituality as compared to other forms of childhood sexual abuse.”

Amundson, Terra Lynne. (1998). Renaming ourselves: Women, clergy sexual abuse and spirituality. [M.T.S.] Evanston, IL: Garrett-Evangelical Theological Seminary. 66 pp.

Anderson, Alexandra Kay. (2001). [M.A.] Factors that influence clergy members’ decisions to report or not report suspected child abuse. Kirksville, MO: Division of Social Sciences, Truman State University. 103 pp.

“Research has shows that child abuse is significantly underreported in the United States. While much attention has focused on mandated reporters and their reporting decisions, little research has been conducted on permissive reporters. This study examined the reporting behavior of one group of permissive reporters: the clergy. Clergy from rural Northeast Missouri (n=128) responded to a survey on child abuse reporting behavior and factors that influence their reporting decisions. A significant difference in inclination to report was found between clergy who had received training in child abuse reporting and those who had not, with clergy who had received training being more willing to report. A child victim’s verbal disclosure of abuse and the presence of physical signs of abuse also significantly affected clergy members’ inclination to report suspected abuse. Results indicated that clergy who gave more consideration to the positive consequences of reporting were more inclined to report suspected abuse.” Identifies 3 unique factors that may affect clergy’s reporting behavior: denominational policies, confession and confidentiality, and dual relationships. “The study was based on a causal-comparative design.” The self-report survey utilized incorporated vignettes and 3 independent variables: parent-perpetrator’s membership in the clergy member’s congregation, physical signs of abuse, and the child victim’s verbal account of abuse. Participants’ responses were analyzed statistically. The clergy participants were from >20 denominations, churches, or faith groups. “Of the 55 respondents [43%] who indicated that they had suspected that a child in the congregation was being abused, 29 [52.7%] stated that they had reported suspected abuse to a state child abuse reporting agency at least once.” Among the conclusions: “...clergy members who gave more consideration to the positive outcomes of reporting on the parent and child were more inclined to report suspected abuse. The results of this study stress the importance of training clergy members in child abuse reporting procedures. Training in reporting had a significant effect on clergy members’ inclination to report abuse.”

Anderson, Craig A. (1992). Hope for the betrayed: Pastoral care of victims of clergy sexual abuse. [D.Min.] Chicago, IL: Lutheran School of Theology at Chicago. 358 pp.

“Victims of clergy sexual abuse experience shame which can be healed by love shared in the community of faith. Traditional Lutheran themes of baptism, confession/forgiveness, and communion are explored in this context. The experience of an ‘aftercare’ pastor in a congregation following pastoral sexual misconduct is reported through the use of journal excerpts and a case study. Interviews are part of the pastoral care model. The voices of victims are heard in seven interviews, direct source material for researchers. Clergy Sexual Misconduct: Issues and Implications, a document for discussion and education, is included in an appendix.”

Andrews, D. Jean. (1998). Healing in congregations in the aftermath of sexual abuse by a pastor. [D.Min.] Hartford, CT: Hartford Seminary. 77 pp.

A study of 4 congregations in which clergy sexual abuse had occurred, each of which has a congregational polity. Utilizes a questionnaire and interviews. Identifies reactions as corresponding to Elisabeth Kübler-Ross’s conceptualization of stages of grief.

Aragon, Beidy Casas. (2015). A theology and practice for equipping youth ministers in Havana Presbytery to address sexual abuse in their ministry with adolescents/youth. [D.Min.] Toronto, Ontario, Canada: Knox College and Toronto School of Theology, University of Toronto. 167 pp.

“This dissertation investigates how well prepared youth ministers from Havana Presbytery in the Presbyterian-Reformed Church in Cuba are to address sexual abuse. The thesis first situates aspects of the Cuban ecclesial and socio-cultural contexts as they relate to youth ministry and sexual abuse. Eight interviews were conducted with youth ministers, in Havana, Cuba. The findings point out a number of challenges: the youth ministers’ own lack of theological formation, the absence of a theological and biblical foundation for their ministry, and the negative influence of the ecclesial and socio-cultural hierarchical structures in limiting their ability to address sexual abuse. A Perichoretical Trinitarian framework is developed to equip youth ministers both to address theologically sexual abuse and to challenge ecclesial and socio-cultural structures that limit their ability to identify it. This theological framework seeks to promote practices that encourage adolescents/youth to live their faith in ways that will prevent their participation in abusive relationships. Practical recommendations to address sexual abuse and to provide theological education are made.”

Arms, Margaret F. (2001). A practical pastoral theology of resistance to evil praxis as it relates to epistemologies of evil among clergy and abuse survivors. [Ph.D.] Denver, CO: The Iliff School of Theology and University of Denver. 290 pp.

Thesis is “that in order to resist evil concretely, clergy need to formulate theologies of evil that grant epistemological privilege to victims of evil as victims define evil.” “Interviews with clergy and survivors of sexual trauma revealed significant differences between the groups in epistemological grounding, in the ways they think about sin and evil, and the language they use to talk about evil and sin.” Found that survivors identified ‘evil’, a subset of ‘sin’, as descriptive of the dynamics of abuse between human beings while clergy identified the abuse as ‘sin’. For survivors, ‘sin’ did “not convey the destructiveness or the power of evil-doing.” Clergy practices of resisting evil “were more pastoral in nature, reflecting discomfort with assuming a prophetic stance within pastoral ministry.” “The dissertation concludes with a praxis of resistance to evil grounded in epistemological privilege to the survivors’ definitions and experiences of evil.”

Asika, Raphael Iwuchukwu. (2010). A program for enhancing awareness among seminarians in Nigerai about the implications of sexual abuse of children and young people. [D.Min.] Washington, D.C.: Catholic University of America. 139 pp.

Asika is a member of the Missionaries of St. Paul, an order of the Roman Catholic Church. “Anxiety and apprehension are part of the emotional mix that missionaries go through when they are assigned to cultures alien to their own. Problems associated with culture shock and transitions into alien cultures by new missionaries are as a result of fear, ignorance of the local culture, and lack of preparation. Therefore orientations and sensitivity trainings are usually organized for immigrant missionaries going into new cultures. This is true of Missionaries of St Paul (MSP) working in the United States and other countries In 2002, however, the pastoral ministry

landscape in the United States changed dramatically because of the sex abuse scandal that rocked the Church. As a result, the Catholic bishops of the United States introduced the *Charter for the Protection of Children and Young People* which contained radical measures that changed the way priests and other pastoral agents understood and carried out their ministry. The Charter has policies and measures that are meant to protect children and young people from sexual abuse by priests or pastoral agents. It has important implications for missionary priests from other cultures working in the United States. This project was to raise awareness among MSP seminarians in Nigeria about the implications of the Charter. Nigeria has diverse cultures with diverse attitudes towards sex and sexuality. Proper understanding of sexuality and awareness of sexual differences among cultures is necessary for proper integration and appreciation of one's own sexuality. This project was to prepare seminarians for a more effective pastoral ministry in the United States and elsewhere in the light of the new reality of ministry. The project ran for five weeks, featuring lectures, group discussions and reflections, a video presentation, and feedbacks. There was a pre and post-questionnaire to measure the overall assessment of the project. There were twelve participants. Within the past year, sexuality and celibacy course has been introduced as part of the curriculum of the National Missionary Seminary of St Paul, Nigeria, as a result of this project. In this regard, the project has achieved its major objective."

Austin II, Eugene Kent. (2014). Sexual abuse awareness and training course for ministry: Toward a program to eradicate ministry misconduct for healthier churches in the twenty-first century. [D.Min.] Virginia Beach, VA: School of Divinity, Regent University. 181 pp.

"In the wake of the alarming rise in sexual abuse (SA) cases involving clergy and members of leadership in churches across the United States, the author discovered that several religious denominations have no organized and/or standardized formal awareness educational training concerning sexual misconduct (SM). There is also no authoritative published guidance or set of procedures designed to educate and train members of the clergy and church leaders regarding reporting procedures for sexual abuse. This includes disciplinary actions, procedures on how to address offenders, or steps for healing and restoration for victims. There remains a strong need to change and address this terrible act of oppression within the church today. This research provides a study of how to properly structure a comprehensive curriculum on sexual abuse and misconduct awareness training among clergy members in order to provide effective education. The author will execute a thorough study of current and past sexual abuse cases among the clergy. The author will also explore church requirements, operating policy, and various procedures that have been implemented by churches within the areas studied. The author will evaluate ethical standards governing sexual misconduct by clergy members and leaders within diverse congregations and denominational ecclesiastical structures. This will include denominational delegating authorities in a variety of Christian churches, including Church of God in Christ (COGIC), Baptist, Catholic and African Methodist Episcopal organizations. Finally, this research will also include studies of public cases and subjects within the Tidewater Peninsula Baptist Association. This will be examined to identify current reporting processes and SA awareness measures that are impacted by clergy sexual abuse. The author is curious to determine the number of Christian churches that make intentional efforts to bring SA and SM awareness to the clergy in the 21st century church. This will include an awareness of policy on ministerial ethical awareness and reporting procedures in the event that SA occurs. The author's assumption is that clergy sexual abuse involving religious communities within this study is a direct result of the dehumanization of women and children that occurs in some churches today. The lack of SA awareness may directly result in devastating effects on the lives of victims, offenders, family members, and the local community."

Balboni, Barbara Susan. (1998). Through the "lens" of the organizational culture perspective: A descriptive study of American Catholic bishops' understanding of clergy sexual molestation and abuse of children and adolescents (child abuse). [Ph.D.] Boston, MA: Law, Policy and Society Program, Northeastern University. 280 pp. [Accessed 07/15/05 at the World Wide Web site of BishopAccountability.org, "General Resources" section at the subsection, "Reports of Attorneys General,

Grand Juries, Commissions, and Organizations”: <http://www.bishop-accountability.org/resources/#reports>]

Using in-depth semi-structured interviews, data was obtained from 20 Roman Catholic bishops and 6 priest-perpetrators regarding their understanding of the phenomenon of clergy abuse of children and adolescents in the 1970s-to-mid-1980s. Data was analyzed using the organizational culture perspective of sociology. Identifies 2 basic assumptions: bishops had a commitment to preserve the institution of the Church, and both bishops and priests had a commitment to the permanency of a vocation to the priesthood. Includes interviews with the priest-perpetrators, and the perception of bishops and priests that abusive behavior was a moral failing and called for a moral solution of prayer and penance. [For a brief description and utilization of this dissertation, see this bibliography, Section I: Docecki, Paul R. (2004), pp. 129-135.]

Ballotta, Karen Ann. (1995). *Losing its soul: A critique of canon law and the problem of sexually abusive priests*. [M.T.S.] Atlanta, GA: Emory University. 86 pp.

Bartram, Ann. (1980). *A reponse to pastor-client sexual relations*. [D.Min.] Chicago, IL: Chicago Theological Seminary. 32 pp.

Behrman, Gary. (2007). *Exploring the effects of early life sexual abuse in later life among Catholic women religious*. [Pd.D.] Albany, NY: School of Social Welfare, University at Albany, State University of New York. 252 pp.

From the abstract: “This dissertation explores the variety of associated responses in later life to early life sexual abuse reported by aging [Roman] Catholic nuns (heretofore referred to as women religious). Specific attention is given to current effects and the strengths and resources these participants identify when integrating their personal histories of sexual abuse and mitigating unwelcome effects, which they associate with their sexual abuse. Twelve participants were recruited from an original study conducted by Saint Louis University School of Medicine to determine prevalence rates of sexual abuse among Catholic women religious (Chibnall, Wolf, Duckro, 1998). [See this bibliography, Section 2a.] Participants from this study were sexually abused before the age of 18 and are 65+ years of age. Contacts were made only with those who met criteria for this study and provided information in the original study stating they were willing to participate in future studies. The effects of early life sexual abuse in later life reported in this dissertation appear to support the findings in the original Chibnall study (1998) and the sexual abuse recovery literature. These effects consist of anxiety and depression, guilt and shame, disassociation, compulsivity, need for perfection and control, feeling used, uneasiness with adult persons in authority, suicidal ideation, substance abuse, low self esteem, inability to take care of oneself physically, emotionally and socially, and a sense of a lost childhood that either is attempted to be relived in adulthood or developmentally frozen at the emotional stage that the sexual abuse occurred. All participants report an alleviation of unwelcome effects in later life and identify a wide variety of resources, which assist them in later life with reported associated effects. Foremost is the role of spirituality in maintaining and creating well being in later life.” Describing the “sexual perpetrators,” 1 respondent reported a Catholic priest, and 1 reported “an older religious Sister who was her immediate Superior.” 3 also “report being sexually abused as adults by Catholic priests.” In the section on effects of early life sexual abuse in later life, reports 1 respondent’s experience: “Sister is unable to trust adults because the person who sexually abused her beginning in eighth grade until she graduated from high school was a Catholic priest, her pastor who gave her sex instructions.” Quotes 1 of the 2 Sisters who “reported being sexually abused as adults by Catholic priests” regarding her inability to others because if the sexual abuse “‘keeps happening to me, then there is something wrong with me.’” Quotes a Sister sexually abused as an adult by a priest who was her retreat master, and comments: “This Sister speaks through metaphor about her childhood being taken away from her because of the abuse and she links her early life sexual abuse to thwarting her development into adulthood.” Quotes a Sister who “attempted to report her sexual assault to a priest in the confessional: *‘Because when it happened I went to confession afterwards, and the priest told me I was never to speak of it again, and “don’t you ever say a superior is abusive. I never said – I never told anybody the name or*

anything.” [italics in original] In the section on protective factors, 1 respondent describes her healing process as “enable[ing] her to seek financial restitution from her priest perpetrator” as affirming that she was not at fault; she describes receiving payment as consolation. Quotes another respondent regarding her attempt to receive restitution from the major superiors of the religious community of the priest who abused her; while the attempt was unsuccessful, “she reports that it did reinforce her voice of authority and she felt gratitude that her [professional, non-religious] counselor encouraged her to seek financial restitution.” Describes how 2 respondents, each of whom was abused by a priest, addressed the issue of forgiving her perpetrator. In the discussion chapter, the summary of findings section very briefly notes: “In the Chibnall study, participants report more severe effects when the perpetrator was a religious person. This study’s findings report severe effects also in these situations but no empirical methods were employed to measure whether or not these reported effects are more severe when the perpetrators were religious superiors of Catholic priests.”

Benson, Gordon L. (1993). Sexual misconduct by male clergy with adult female counselees: Systemic and situational themes. [Ph.D.] Boston, MA: Boston University. 322 pp.

Qualitative study using clinical assessment procedures and narrative analysis of interviews of 8 male clergy who had engaged in sexual misconduct with adult female counselees. All had been in treatment for the behavior. Systemic themes were identified as: (1) subjects revealed a chronic and pervasive lack of emotionally intimate non-work relationships; (2) subjects reported they had been abused, emotionally abandoned, or exploited by a parent or parent surrogate; (3) subjects assumed a grandiose caretaking role in their relationships, with most perceiving their sexual behavior as salvific for their counselees. Situational themes identified as: (1) subjects revealed a limited ability to control their sexual impulses; (2) subjects revealed suffering a recent significant narcissistic injury that they believed contributed to their sexual misconduct; (3) subjects revealed chronic and pervasive feelings of shame that they believed contributed to their sexual misconduct.

Bera, Walter Henry. (1995). Clergy sexual abuse and male survivors: A study of stress and coping among 25 men abused by the same minister during their adolescence. [Ph.D.] Minneapolis, MN: University of Minnesota. 91 pp.

A study of stress and coping based on content analysis of therapy and legal records of 25 male survivors abused by the same Evangelical minister during their adolescence. “The research model consisted of measures for preabuse childhood factors (individual difficulties, family difficulties and spiritual devoutness), degree of clergy sexual abuse (duration and severity), adult coping (resources and strategies) and adult outcomes (individual functioning, relational functioning and abuse related symptoms).” Findings include: impact of abuse was severe with the subjects reporting a mean of 17 sexual abuse related symptoms; adult coping resources (steady job, marriage, family) were positively correlated with individual and relational functioning, but not with sexual abuse symptoms; coping strategies were positively correlated with individual and adult functioning; adult coping resources and strategies did not mediate between degree of abuse and outcomes. Discusses implications for theory, research, therapy, and prevention.

Bemisa, Leonila V. (2007). Women rising from the pain of sexual violence in the Catholic Church of the Philippines: A journey toward freedom and wholeness. [D.Min.] San Anselmo, CA: San Francisco Theological Seminary. 202 pp.

Berg-Seiffert, Christiane van den. (2015). *“Ik sta erbuiten – maar ik sta wel te kijken”; De relationele dynamiek in geloofsgemeenschappen na seksuele grensoverschrijding in een pastorale relatie vanuit het perspectief van primaire slachtoffers.* (Ph.D.) Amsterdam, The Netherlands: Protestantse Theologische Universiteit te Amsterdam-Groningen. 486 pp.

Dutch language. The author’s English translation of the title is: “I am on the outside – but I am still watching”; The relational dynamics in congregations in the aftermath of clergy misconduct from the perspective of the primary victims. From the English translation which summarizes the dissertation, pp. 435-443: “This study was initiated by the Churches’ wish to prevent sexual misconduct and to do justice to the abused. The Protestant Theological University was willing to

finance and carry out the study because it wishes to support the church to better help primary victims and affected congregations. If in the future victims of boundary transgression are to be able to remain in their religious congregations - should they wish to - we have to better understand the processes that are currently preventing them from doing so. In addition, there are indications that the congregation as a whole is better able to overcome the damage from the boundary transgression if it does not lose the primary victim during its healing process. For this reason, the search for ways to support victims is also relevant for the congregation as a whole. In order better to understand the processes in the religious congregations, we asked primary victims of clergy sexual misconduct about how they experienced the relationship to their religious congregation through time. The aim of this study is to describe the relational dynamics in congregations in such situations from the victims' perspective and to evaluate the implications they have for theology and congregational life." Chapter 2 "outline[s] the experiences of the people who participated in the study in 17 portraits." Accessed 11/23/18:
http://theoluniv.ub.rug.nl/69/1/BergSeiffertCvd_Ik%20sta%20erbuiten%20%20maar%20ik%20sta%20wel%20te%20kijken_2015.pdf

Berns, Lois Kay. (2000). *Without consent: Roman Catholic women sexually abused/exploited in the pastoral relationship*. [M.A.] Cedar Falls, IA: University of Northern Iowa. 134 pp.

From the abstract: "The goal of this study was to understand the lived experiences of Roman Catholic women who have been sexually abused/exploited by their pastor in a pastoral relationship. I focused, first of all, on when and how the women recognized their abuse/exploitation as such, and secondly, how they came to understand their abuse/exploitation as an abuse of power. The literature review reveals very little about this phenomena and Catholic women. My method of choice was to do an ethnographic study. In order to analyze the most relevant and significant experiences from the standpoint of those directly affected, I chose to do this in a feminist perspective. Central to feminist methodology is the search for the woman's voice and this type of interviewing allowed me the strategy to delve into the reality of their lives to obtain the data. Feminist discourse provides for women giving their own account from their own experiences. Participants were chosen from women attending workshops, conferences, and support groups who self-identified as someone who has experienced this phenomena. The nine women ranged in age from 33-79. Participants were interviewed on two separate occasions between October 1998 and January 2000, and were asked to reflect, retrospectively, and to date, about their experiences. The qualitative data was coded and analyzed for emerging themes. The primary findings of this study are summarized in six themes and several supporting themes that emerged in my analysis. Determining that they had been sexually abused/ exploited was a process that occurred over time, but once that determination was made recognizing it as an abuse of power followed. On the larger theoretical level, this study provides increased knowledge on the power dynamics between pastor and congregant, as well as men and women. It will contribute to an understanding of exploitation by professionals, not just in the Catholic Church, but in other fiduciary relationships such as academia, all other professions, and the political establishment."

Berry, James T. (1991). *Coping with sexual attraction at work: A study of psychotherapists, ministers, and personnel managers*. [Ph.D.] Richmond, VA: Virginia Commonwealth University. 328 pp.

Purpose "was to develop a model of how professionals cope with their sexual attraction."
 Examined, compared, and contrasted a sample from Virginia: psychologists (N=112) and clients; mainline Protestant clergy (N=100) and parishioners; personnel managers (N=64) and subordinates. Three coping strategies were examined: acting on attraction; avoiding tempting situations and thoughts; distancing oneself psychologically from one's client/parishioner/subordinate. Factors that increased the risk of action on attraction in a professional relationship were identified as: male; low in religious commitment; being highly permissive; having highly similar attitudes to one's attractees; having highly physically attractive attractees; being dissatisfied with one's spouse or partner; being in frequent contact with one's attractees; perceiving that one's attractee reciprocates the attraction; perceiving that one's attractee is provoking a sexual response. Discusses ideas for encouraging inhibitory strategies for coping.

Comparing the 3 groups, “clergy and professional managers appear to be more at risk of acting on their sexual attraction than psychologists.” Discusses potential reasons for that finding.

Bissell, David Lawrence. (2005, April). Restoring fallen pastors: A study on restoring and reinstating clergy who have been involved in sexual misconduct. [D.Min.] Berrien Springs, MI: Seventh-day Adventist Theological Seminary, Andrews University. 271 pp. [Accessed 01/13/18: <https://digitalcommons.andrews.edu/cgi/viewcontent.cgi?referer=https://search.yahoo.com/&httpsredir=1&article=1016&context=dmin>]

Examines “[w]hat happens to [a Seventh-day] Adventist pastor who commits adultery” in relation to policies of the denomination’s North American Division and its practices. States: “Research among Evangelicals and Seventh-day Adventists shows that approximately 12 percent of pastors commit adultery while in the ministry.” Among his starting points is that policies state “an adulterous pastor should lose his credentials and ordination, be disfellowshipped, and never be rehired by any church entity.” Another starting point is that “administrative practices are not consistent with church guidelines.” “The problem of sexual immorality in pastoral ranks is discussed, a brief history of how the Christian church has responded to this problem is presented, the complexity of the issue is addressed, sound biblical and Ellen White theology for restoration is presented, a survey of one hundred North American Division Adventist leaders was taken to see if the church may be ready for change...” He interviewed pastors “who have committed adultery” and makes “recommendations and suggestions for policy revisions and processes that would be more comprehensive and redemptive...” His position is that the denomination “should move ahead to vote a comprehensive restoration policy that would include procedures for restoring fallen leaders, helping to heal their families, their victims, and the churches they have wounded.”

Blackmon, Richard Allen. (1984). The hazards of ministry. [Ph.D.] Pasadena, CA: School of Psychology, Fuller Theological Seminary. 178 pp.

Based on a survey of 1,196 clergy with 300 responses (25.08%) in Southern California in 4 denominations: Assembly of God, Episcopal, Presbyterian, and United Methodist. Sexuality was identified as 1 of 7 hazards of ministry. 111 respondents (37.15%) reported engaging in sexual behavior inappropriate for a minister, and more than 36 (12.67%) reported sexual intercourse with a church member other than their spouse. In addition, 76% of clergy reported knowledge of another minister who had engaged in sexual intercourse with a church member. For clergy trained in the dynamics of transference and counter-transference, the rate of sexually inappropriate behavior was significantly less. [Significant and influential as the 1st empiric study of the incidence of clergy sexual abuse.]

Blacksmith, George. (2010). The intergenerational legacy of the Indian residential school system on the Cree communities of Mistissini, Oujebougama and Waswanipi: An investigative research on the experiences of three generations of the James Bay Cree of Northern Quebec. [Ph.D.] Montréal, Québec, Canada: Department of Integrated Studies in Education, McGill University. 206 pp.

Blacksmith is a Cree “who has intimate knowledge of the language and culture of the individuals who volunteered to be part of this study. I am also a product and a survivor of a residential school, where I was exposed to a plethora of assimilation practices and policies implemented by the system.” In the 1950s, lived at Moose Factory Indian Residential School, Moose Factory, Ontario, which was operated by the Anglican Church, and in the 1960s at La Tuque Indian Residential School, La Tuque, Québec, also an Anglican school. In an autobiographical section of the dissertation, he states: “We were forced to learn in an atmosphere of oppression. Fear was generated and maintained by school officials through the vicious corporal punishment that was a daily part of our lives. Physical, sexual, spiritual and mental abuses were rampant... I witnessed many physical atrocities committed against many of my friends and classmates. Children who refused to cooperate with the sexual desires of the deviant adults in charge at night were denied sleep and often threatened with death or disappearance.” Participants in the qualitative study were selected on the basis of their experience or knowledge of any of 9 schools in Québec and Ontario, most of which were operated by the Anglican Church. He uses “long quotations to give relevant and true voice to the participants, and to show the complexity and intersection of the multiple

layers of their experiences. For example, they may speak of sexual abuse and also of abusing alcohol or drugs in their adult lives as a coping mechanism.” The abstract: “This study examined the effects of the residential school system on the Cree and their communities. The four guiding questions for this study were: (i) How has the legacy of the residential school system affected the lives of the survivors in Cree communities? (ii) How do the residential school experiences continue to make an impact on the social and cultural fabric of the Cree communities of Mistissini, Oujé-Bougoumou and Waswanipi? (iii) What lessons can we collectively learn from the stories of survivors that will promote healing and enable future generations to move forward in positive directions? And finally (iv), What is the role of education in this process, and what knowledge is necessary to help the process along? Narratives were collected from 34 individuals ranging in age from 20 to 90 years old. A series of semi-structured and open-ended questions were used to draw out their stories. These narratives were then transcribed and coded for emergent themes. The theoretical framework draws on contemporary post-colonial and critical scholarship using an Aboriginal conceptual framework for analysis. First and second generation survivors had personal experiences with the residential school system and told similar stories of being forced to leave their communities under threats of economic sanctions and the incarceration of their families if they did not comply. Once removed from their homes, many were subjected to extreme physical, emotional and sexual abuses in these institutions. They were not allowed to speak their own language and had difficulty returning to and fitting in with their communities and families. They tell stories of family breakdown due to alcohol and drug abuse, a phenomenon that was largely unheard of in Cree communities prior to this time in our history. The third generation, who did not attend residential school, tell of emotionally traumatized parents who have struggled for decades to cope with their experiences. Each generation agreed on the importance of teaching Cree language, values and culture to Cree students, and that the history of the Canadian government's treaties and residential schools should be an essential part of the curriculum. The most compelling message emerging from this study was the need to look at fundamentally opposed value systems in the ways education is imagined and delivered and which continue to undermine the social and educational development of Cree children. The residential school traumas continue to reverberate and generate harm throughout the Cree community, both actively through memories and passively through silence and shame. The findings of this study speak volumes to the long-term cultural and social impact on these communities. Culturally, this social engineering experiment had devastating implications for Cree Elders. Our Elders were once valued and respected authorities who were responsible for the education and well being of our people. Many former educational and community leaders are now reduced to having diminished roles, and the resulting cultural changes have been significant. There is a dire need for the history, chronology of leadership, and the development of each Cree community, be taught to the children. It is recommended that the history of the residential school system and the effects of industrial development and encroachment on Cree lands through treaties also be an essential part of the school curriculum.”

Bland, Michael J. (2001). *The psychological and spiritual effects of child sexual abuse when the perpetrator is a Catholic priest*. [Doctor of Psychology] Chicago, IL: Chicago School of Professional Psychology. 113 pp.

Purpose was “to explore the negative, long-term psychological and spiritual effects of child sexual abuse when the perpetrator was a Catholic priest.” Surveyed respondents included 48 victims of childhood clerical sexual abuse and 96 adults from Catholic parishes and schools. Data from the 144 respondents was divided into three groups: #1) those abused by a priest; #2) those never abused; #3) those with a childhood sexual abuse history. Two- and three-way analysis of the groups were conducted. Results include: group #1 scored higher ($P < .0044$) compared to #2 “regarding higher symptoms of grief, anger, a sense of meaninglessness, feeling God treated them unfairly, dissociation, depression, sexual problems, sleep disturbances, Sexual Abuse Trauma Index, and the total score on Trauma Symptom Checklist-40.” In a two-way analysis, nearly 23% of group #1 respondents no longer identified with Roman Catholic religion despite having been raised as such, compared to 5.2% in group #2.

Boys, Suzanne Elizabeth. (2007). A dialogic model for analyzing crisis communication: An alternative approach to understanding the Roman Catholic clergy sex abuse crisis. [Ph.D.] College Station, TX: Texas A&M University. 245 pp.

“Arguing that existing models for understanding public relations discourse are insufficient for tracing the polyvocality of crisis communication, this study crafts an alternative (i.e., dialogic) model for analyzing crisis communication. This model decenters the source organization by tracing the contextual (macro) and interactive (micro) aspects of public relations texts created by three organizations central to the crisis (the United States Council of Catholic Bishops, Voice of the Faithful, and Survivors Network of those Abused by Priests). By viewing crisis communication through the lens of a particular notion of dialogue (i.e., *a sustained, symbol-based, contextualized, collaborative-agonistic process of interactive social inquiry which creates meaning and a potential for change*), this study traces how organizations use Public Relations (PR) to co-construct an organizational crisis. *Discursive reconciliation*, the central process of the proposed model, allows the researcher to sift the discourses of stakeholder organizations against one another, using each as a standard for evaluating the others. This allows for an evaluation of how stakeholder organizations manage the potential for communicative interactivity. The proposed model offers an expanded capacity to understand how crises are constructed discursively. It also illuminates the continuing clergy sex abuse crisis.”

Brehob, Keith A. (2006). Clinical and statistical classification of sexual disorders: The case of unintegrated sexuality applied to a clergy sample. [Ph.D.] Baltimore, MD: Department of Pastoral Counseling, Loyola College in Maryland. 157 pp.

By a Roman Catholic who is a Jesuit priest. “This mixed-method study used qualitative and quantitative procedures to clinically and statistically classify sexual disorders in a clinical sample of 533 Roman Catholic clergy. The research focus of this study is the Sexual Disorder NOS diagnosis, *Unintegrated Sexuality*, given to priests and vowed religious men and women by clinicians at Saint Luke Institute, Silver Spring, Maryland, since the mid-1980’s. The Delphi method of qualitative data collection and theory testing was used, in two iterations, to formalize a diagnostic criteria set for Unintegrated Sexuality. The 24 experts participating in the clinical classification portion of this study define Unintegrated Sexuality as a marked deficit in psychosexual development manifested by clinically significant impairment in a person’s *awareness* of and/or *acceptance* of the emotional, cognitive, and behavioral elements of human sexual desire, sexual attraction, or sexual orientation. 4 research hypotheses were tested using Discriminant Function Analysis (DFA) to compare subjects diagnosed with Unintegrated Sexuality to four, equal-sized ($n = 101$) comparison groups: (a) No Sexual Diagnosis, (b) All Other Sexual Diagnoses, (c) Ephebophilia and Pedophilia, and (c) Exploitative and Compulsive Sexualities. The measures were MCMI-III personality scales; MMPI-2 personality and supplementary scales; WAIS-III intelligence scales VIQ, PIQ, and FSIQ; and several demographic and psychosocial variables such as age, education, and history of childhood sexual abuse. After some transformations 53 candidate predictor variables met the statistical assumptions for DFA. Each of the four hypotheses tested resulted in statistically significant discrimination between groups at $p < .01$ with prediction models ranging from 59.4% to 70.8% correct classification of observed cases into diagnostic groups. Implications were discussed concerning pastoral counseling, sexual identity development, the selection and training of Roman Catholic seminarians, and the relationship between Unintegrated Sexuality and other sexual disorders.”

Brodie, Kenneth Scott. (2001). Personality profiles and problems related to clergy sexual misconduct. [Ph.D.] Berrien Springs, MI: Seventh-day Adventist Theological Seminary, St. Andrews University. 125 pp.

Brodie is a minister in the Assemblies of God denomination. Purpose “was to examine personality profiles and situational themes of ministers in treatment whose presenting problems included sexual misconduct.” 3 groups were identified: those not involved in an affair, and those involved in 1 of 2 types of affairs, intimate affair which included an emotional bond, or a casual affair with no emotional bond. Inactive treatment case files were analyzed. Files included the MMPI-2 profile and the Personal Problem Checklist for Adults. Concludes that some self-

reported problems distinguished between ministers who were involved in a casual affair, those involved in an emotional affair, and those not involved in an affair. There were MMPI-2 subscale differences between ministers involved in an affair and those not involved. Notes in the literature review section: “Very little has been done to establish an empirical basis for the study of this problem. There is not even an accepted standard definition for what constitutes clergy sexual misconduct.”

Bromirski, Delene Marie. (2019). *Collective healing: A restorative justice-based response to sexual abuse*. [Ph.D.] New York, NY: John Jay College of Criminal Justice, City University of New York. 277 pp.

“For much of the last 20 years, the United States has been at the center of the sexual abuse crisis within the Roman Catholic Church. Victim-survivors of clergy-perpetrated sexual abuse have long been waiting for the Church to acknowledge them and respond to their needs. This study sought to answer two important research questions: (1) whether restorative justice can be used to redress harms stemming from clergy-perpetrated sexual abuse and promote healing, and (2) whether there are common characteristics among victims who benefit from restorative events. The study employed a mixed-method research design consisting of both a quantitative and qualitative component. Due to a low response rate for the quantitative component (five responses), the results of the survey were discussed in the context of the qualitative component (i.e., interviews with nine participants). The study found that restorative events in the Diocese of Arlington fostered an environment in which healing was likely to occur and identified six elements related to the restorative events that positively contributed to healing: (1) account-making or storytelling, (2) an apology, (3) faith, (4) forgiveness, (5) community, and (6) procedural justice. However, restorative events were not the only activities that contributed to participants’ healing. Participants discussed six additional concepts that enabled their healing: (i) individuals who showed compassion and empathy, (ii) therapy and counseling, (iii) financial reparations, (iv) time and physical distance from the abuser, (v) other resources, such as support groups and reading lists, and (vi) reading, studying, and writing about experiences. These findings greatly add to the literature on restorative justice and the sexual abuse crisis within the Catholic Church. The results of this study can aid in the development of policies and practices that promote healing, which the Roman Catholic Church can use to better meet the needs of victims of clergy-perpetrated sexual abuse. Furthermore, the results may influence policies in other communities and organizations that have experienced widespread sexual abuse of children (e.g., the Orthodox Jewish community, USA Swimming, Michigan State University, Pennsylvania State University, and the Boy Scouts of America).”

Buchman, Randy Allan. (1994). *A case study in crisis management focused upon the sexual abuse of children*. [D.Min.] Dallas, TX: Dallas Theological Seminary. 170 pp.

Case study analysis of a church’s leaders’ response to a situation involving 12 children and male adolescents who were sexually abused by a teenager in a church that the author pastored. Responses were gathered from: abuser’s family; victim families; church leaders; attending psychologists and counselors; independent observers. Questions included matters of church discipline, and the issue of church/state relationship in a matter involving criminal activity. Concluded that leadership involvement in managing crises is a necessary and constituent part of church ministry.

Bumgardner, Leslie Helfer. (2005, March). *Staying in ministry: A qualitative study of Seventh-day Adventist women pastors*. [Ph.D.] Berrien Springs, MI: School of Education, Andrews University. 200 pp. [Accessed 01/13/18:

[https://digitalcommons.andrews.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1251&context=dissertations\]](https://digitalcommons.andrews.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1251&context=dissertations)

“Women pastors in the Seventh-day Adventist Church function under limitations not imposed upon their male colleagues. This study explored the pastoral experiences of 11 Adventist women clergy serving in the United States and what contributed to their longevity in ministry. This qualitative study followed a narrative design. Data from the purposive sample were obtained through face-to-face, semi-structured interviews. The constant comparative method was utilized

to code data into emergent themes... Two composite women were used to represent the themes from the interviews.” Chapter 4 describes “the major challenges these women have faced in their ministry.” Among the themes, *sexual harassment* is discussed for 2+ pages, including “two experiences of sexual harassment [that] were so blatant and damaging [that] they warrant addressing separately.” The 1st are accounts of “a significant level of sexual harassment [of a woman] from male students and some from male professors” during the women’s matriculation in seminary. The 2nd regards a woman working in a staff position whose “senior pastor confided to her that he was emotionally attracted to her. [She] was advised by a conference officials to leave her position at that church, which to her felt like punishment for something she had not done.”

Burkholder, Mark A. (2006). The relationship between job satisfaction and clergy sexual misconduct. [M.A.] Lancaster, PA: Graduate School, Lancaster Bible College. 66 pp.

Burnside, Cynthia. (2002). Reclaiming the soul: Making meaning out of internalized oppression. [Ph.D.] Carpinteria, CA: Pacifica Graduate Institute. 383 pp.

“This study unpacks and clarifies the origins, symptoms, and consequences of the spiritual disconnect resulting from Ritual Sexual Abuse. A common thread in every story documented herein is the ability to dissociate. The dissociation was so extreme that these parts or alters began to take charge and control the entire inner system. The focus of the interviews included was to determine what affect the ritual sexual abuse had on the individual’s spiritual life.” The abstract does not specify the methodology or conceptual framework.

Buxa, Ginger Ann. (2004). Lessons in image restoration and issues management: The Archdiocese of Boston’s sexual abuse crisis. [M.A.] Fargo, North Dakota: North Dakota State University. 125 pp.

Calderone, Thomas V. (2007). A sense of community within a Congregational setting. [D.Min.] Hartford, CT: Hartford Seminary. 252 pp.

A study of the First Congregational Church of East Windsor, Connecticut, and the effects of clergy abuse upon a congregation. Catalogued subjects include: “Sexual misconduct by clergy.”

Calvey, Timothy P. (2008). Roman Catholic clergy sex offending: An existential-phenomenological analysis. [Doctor of Psychology] Chicago, IL: The Chicago School of Professional Psychology. 136 pp.

“This dissertation reviews the literature of current treatment approaches for Roman Catholic clergy sex offenders and critiques the consistent absence of an appreciation for and a consideration of an individual offender’s lived experience... I posit that offending is not an isolated behavioral event among many other events within their daily lives. Rather, offending reveals a particular reflection of an individual’s way of being in the world and tells a story of how a person uniquely relates to and acts out of the multiple variables of personal existence that led up to, existed during, and evolved following his experience of offending... This work elaborates on the ways in which an existential-phenomenological approach to research and treatment may contribute to an increased understanding of these men.”

Campbell-Klinesmith, Gail L. (2007). Betrayal trauma recovery hope infusion: Seminar for persons affected by clergy sexual misconduct. [D.Min.] Ashland, OH: Ashland Theological Seminary. 196 pp.

“The project’s purpose was to develop recovery materials for persons affected by clergy sexual misconduct and have those materials evaluated by members of a holiness movement who had experienced that betrayal trauma. The evaluators were provided with a written and verbal presentation of the H.O.P.E. Infusion Betrayal Trauma Seminar materials, and assessed its impact psychologically, cognitively, and spiritually. The results were measured statistically and by personal response. The results indicated agreement with the content of the seminar materials related to the betrayal trauma experienced, and to the seminar’s value in addressing the facilitation of recovery from clergy sexual misconduct.”

Christy, Steven Paul. (2000). Restoring male Christian leaders who fall into sexual sin with a consenting adult female. [D.Min.] Pasadena, CA: Fuller Theological Seminary. 201 pp.

A paper “concerning the potential of restoration of ministry for male leaders who fall into consensual sexual sin with an inappropriate adult woman, and the models for that restoration, and some issues to consider...” Considers: scripture regarding sexual sin and in relation to restoration in particular; how guilt can be ascertained; root causes and contributing factors; models of restoration, including the use of an evaluation team and a restoration team; theological reasons for why restoration of fallen leaders is important to the church; ministry with woman(en) involved, spouses and children, the church, and community; response teams; prevention.

Chua, Christopher Viboon. (2015). The sacredness of being there: Race, religion, and place-making at San Francisco’s Presbyterian Church in Chinatown. [Ph.D.] Berkeley, CA: Department of Ethnic Studies, University of California, Berkeley. 201 pp.

The Presbyterian Church in Chinatown (PCC), San Francisco, California, “is the oldest Asian church of any Christian denomination in North America and the first Chinese Protestant Church outside China... This dissertation examines how the contemporary community at PCC negotiates its institutional memory in creating a sense of place and a sense of collective self that is simultaneously both Protestant Christian and distinctively Chinese American... The project focuses specifically on place-making and the process of investing the physical space of the church and its location in a historically evolving Chinatown... This process of place-making is mapped over three defining moments in the life of PCC: the church’s founding, its institutionalization, and its struggle to redefine itself in the way of trauma from clergy sexual abuse.”

Cleland, Sylvia Dawne Pauline. (2007). Inspiring confidence, courage and trust in a multi-cultural denomination: Enabling non-English-speaking women and men to understand the sexual abuse and/or harassment policy of The Presbyterian Church in Canada. [D.Min.] Vancouver, British Columbia, Canada: Vancouver School of Theology.

Clites, Brian J. (2015). Breaking the silence: The Catholic sexual abuse survivor movement in Chicago. [Ph.D.] Evanston, IL: Department of Religious Studies, Northwestern University.

“This dissertation is a history of the lay Catholic clergy sexual abuse survivor movement, analyzed through the lens of three survivor advocacy groups: Victims of Clergy Abuse Linkup (LINKUP), the Survivor's Network of those Abused by Priests (SNAP), and the Coalition of Concerned Catholics (CCC). More than any other population, the community of survivors comprised by the overlapping membership of these three lay organizations has shaped the discursive framework through which the U.S. news media have understood, articulated, and debated the pain of clergy sexual abuse. Drawing on four years of archival and ethnographic research, I argue that the Chicago survivor movement descended from the moral and ecclesiological visions of two preceding generations of Chicago Catholic activists, particularly in survivors' commitment to women's liturgical participation and the theology of personalism (as descended through the Catholic Worker movement). This research thus demonstrates that American survivors were not, as prior studies have suggested, coopted into a liberal reform agenda by the so-called ‘Catholic Left.’ Rather, in both substance and form the ecclesiological and legal changes sought by LINKUP, SNAP, and CCC stem from the personal connections between the three women who founded the Chicago survivor movement, Jeanne Miller, Barbara Blaine, and Marilyn Steffel, and their mentors, particularly Nina Polcyn and Patricia Crowley. By harnessing the pain and suffering of betrayal, the Chicago survivor movement embodies an alternative vision of Catholic social justice. I introduce the term ‘politics of survivorhood’ to describe this vision of the disenfranchised. The key politics of survivorhood explored herein are: (i) the recovery of voice as a means to survive abuse; (ii) the privileging of local communal conscience and democratic processes; (iii) the suspicion of patriarchal communities, prayers, and texts; (iv) a lived anthropology of communal suffering; (v) an approach to the ‘whole person’ that integrates medical and religious approaches to heal body and soul; (vi) a set of judicial and legislative reforms that imagines global child abuse activism through a distinctly American Catholic

framework; and (vii) a critique of clerical culture in favor of the post-Vatican II ecclesiological definition of church as ‘the People of God.’”

Collins, Christi M. (2013). Catholic women survivors of childhood sexual abuse: An exploratory study. [Psy.D.] Brattleboro, VT: Union Institute & University. 41 pp.

A qualitative phenomenological study of 8 women who were “raised as [Roman] Catholics [and] who were abused sexually as children and experienced a minimum of two years of psychotherapy... The focus of this research was to explore the women’s lived experiences of recovery with the broader context of Catholicism.” [While the study does not identify the context of the abuse or demographics, e.g., whether the offender was affiliated with the Church or whether the abuse occurred in a setting related to the Church, it is included in this bibliographic because it addresses a topic not frequently found in the literature.]

Colwell, Michael Patrick. (1997). Maintenance of diocesan secret archives regarding sexual misconduct of clerics. [J.C.L. – licentiate in canon law] Washington, D.C.: The Catholic University of America. 64 pp.

Compliment, Brad Kenneth. (1997). The other victims of scandal in the church: A study of the effects of clergy sexual misconduct on ministerial identity, coping response and style of faith development of non-offending priests and laity in the Roman Catholic Church. [Ph.D.] Berkeley, CA: The Wright Institute. 467 pp.

Based on a national survey of 160 Roman Catholics, 74 priests and 86 laity. Studied secondary victim effects of clergy sexual misconduct on those who were not perpetrators or primary victims. 4 areas were examined: the degree the incidents of misconduct affected coping strategies of clergy compared to laity; influence of styles of faith (based on James Fowler’s work) on coping strategies; the relationship between styles of faith and personality characteristics; and, the impact of misconduct cases on views of clergy ministerial identity. The findings include: both groups used problem-focused coping strategies less than emotion-focused strategies; clergy used escape-avoidance responses significantly more than laity, while laity used distancing more; both groups used positive reappraisal, self-control, and seeking social support strategies; subjects with different styles of faith used different coping strategies; clergy sexual misconduct is a stressful event for secondary victims.

Cooper, Beth Ann. (2007). Do no harm: Sexual harassment by laity of United Methodist clergywomen. [D.Min.] Washington, D.C.: Wesley Theological Seminary. 168 pp.

The document “reveals a crisis supported by cultural attitudes about gender. Introductions to civil and secular law and United Methodist polity, doctrine and history show the systemic character of the issues. A study of clergywomen in the United States unveils the dynamics of sexual harassment. Vivid personal stories from women who experienced sexual harassment show that problems usually are left unattended by church leaders. The secular law, women’s studies, family systems theory, and leadership paradigms each offer challenges and opportunities. The study recommends actions for the church at all levels.”

Cooper-White, Pamela Cynthia. (2001). The therapist’s use of self: Countertransference in pastoral counseling and clinical social work. [Ph.D.] Chicago, IL: Institute for Clinical Social Work. 629 pp.

“This study was designed to investigate therapist’s conceptualization and utilization of countertransference, through a comparative empirical study of two therapeutic disciplines: pastoral counselors/psychotherapists and clinical social workers.” Methodology included quantitative and qualitative questions in an anonymous questionnaire. Findings included: pastoral counselors were statistically much more likely to use prayer and ritual in the practice of psychotherapy; “With regard to ethical behaviors and sexual boundaries, a substantial number of therapists from both disciplines reported having engaged at least once in a number of behaviors deemed unethical by an independent panel...” with enactments “most often justified by both male and female therapists under the rubric of the ‘real relationship.’” Based on her psychodynamic consideration of narcissistic wounding in therapists, offers 3 main practice recommendations. The “final chapter

constructs a relational, or intersubjective, theology, which coheres with a constructivist view of human persons, and supports the practice recommendations...”

Cottrell, Clinton. C. (2009). Leadership development following ethical misconduct in a mid-sized PC (USA) congregation in southwest Florida. [D.Min.] Ambridge, PA: Trinity Episcopal School for Ministry. 115 pp.

Courtin, Judith Edwina. (2015). Sexual assault and the Catholic Church: Are victims finding justice? [Ph.D.] Melbourne, Victoria, Australia: Faculty of Law, Monash University. 260 pp.

“Over the last two to three decades in Australia, and internationally, there has been increasing exposure of institutional child sex crimes within the Catholic Church which has prompted demands for justice. In 2012, the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations was established as was a commission of inquiry into the Maitland-Newcastle Diocese in New South Wales. At the end of 2012, a national Royal Commission was set up to investigate child sexual assaults in government and non-government institutions, including the Catholic Church. This doctoral thesis commenced two years before these inquiries. It is a qualitative empirical study and case law analysis that sets out to determine whether victims of Catholic clergy sexual abuse in Australia are finding justice. To tackle this line of investigation, 70 people from Victoria and New South Wales, including primary and secondary victims, were interviewed about their experiences with civil litigation, criminal prosecutions and the Catholic Church’s internal complaints processes. In order to determine whether victims had found justice within these processes, a preliminary question needed to be addressed: ‘What is justice for these people?’ This latter line of inquiry identified seven critical criteria for justice for victims. These criteria were employed ultimately to evaluate the three pathways to justice, as outlined above. The findings of this research demonstrate that victims of clergy sexual abuse interviewed in this research are not finding justice. Further, those victims who attended the Church’s internal complaints processes, the Melbourne Response and Towards Healing, as well as not finding justice, suffered additional abuse and harm. The thesis concludes by outlining the significance of these findings and the types of reforms necessary to effectively address the justice needs of victims and their families, as identified in this research.”

Cowan, Jr., Emory Garland. (2000). Understanding Protestant pastors who have had sexual relationships with women in their congregations: A multiple-case study. [Ph.D.] San Francisco, CA: Saybrook Institute. 190 pp.

A descriptive-dialogic multiple case study that “explored the thematic issues of 3 male Protestant clergyman’s sexual relationships with adult female parishioners” using a qualitative methodology that addressed: “Why do some Protestant pastors have sexual relationships with women in their congregations? How do their familial relationships, developmental issues, identity issues, personality, job and/or marital stressors, and mental disorders contribute to the problem? How does the situation affect their lives and the way they make meaning of their experiences?” Critiques “reductionistic feminist and addictionologists’ views that all sexually acting out male Protestant pastors are either in a power and control struggle, or are sexual addicts.” Common themes in the interviews included: maternal and paternal abandonment; deep loneliness; few close friends; sexual naïveté; fear of women; lack of childhood play.

Cramb, Geoffrey Arthur. (1997). Accountability and support of Queensland Baptist ministers in phases of accreditation, functioning, and crisis (Australia, Baptist Union of Queensland). [D.Min.] Pasadena, CA: Fuller Theological Seminary.

Proposes preventive strategies and procedures for the Baptist Union of Queensland, the accrediting body for clergy in the 160 Baptist churches in the state. Part 3, “After Sexual Misconduct,” focuses on accountability and responses to ethical and moral misconduct.

Craney, Jan. (1995). *Aftermaths: Conflict between the support constituency and the Catholic Church about clergy sexual abuse*. [Master of Dispute Resolution] Sydney, Australia: University of Technology, Sydney.

Cutler, Mark G. (2009). *A strategy for pastoral leadership through traumatic circumstances caused by sexual misconduct*. [D.Min. ministry focus paper] Pasadena, CA: School of Theology, Fuller Theological Seminary. 166 pp.

Descriptors include: "Sexual misconduct by clergy" and "Lutheran Church – Missouri Synod – Clergy – Sexual behavior – Case studies."

Cutting, Marsha. (2003). *Characterizations of positive and negative supervisory experiences in clinical pastoral education: A qualitative study*. [Ph.D.] Albany, NY: State University at Albany. 108 pp.

A qualitative study was conducted regarding how students "perceive the quality of the supervision they receive or its effects" in Clinical Pastoral Education (CPE, "a clinical training program utilized by a significant number of clergy in the US..."). Sixteen participants were interviewed about supervision experiences "that they perceived to be either particularly positive or particularly negative." While those reporting negative experiences also reported "personal growth through CPE", they "reported troubling reactions to their experiences as well as career concerns." Lack of feeling safe in "the experiential groups, a central part of CPE" was reported by "many participants who had negative experiences..." Some who described negative experiences reported that their interactions with their supervisors involved inappropriate sexual talk or behavior."

Dale, Anne. (2003). *A healing community for Catholic clergy: An holistic model for community intervention*. [Ph.D.] KwaDlangezwa, KwaZulu-Natal, South Africa: Department of Psychology, University of Zululand - KwaDlangezwa. 94 pp. of text + 86 pp. of appendices.

"'To penetrate the mysteries, to bless with good conscience, to be great yet empty, to return to stillness and be forgiven, to do good deeds and help people reach the other shore — these are the great benefits of our path of cultivation. To calm people in stormy times, to help them understand the nature of things, to maintain purity, to nourish all things, to respect all life, and to answer the needs of those whose beliefs come from the heart — The sun rises, the darkness is banished; and we are witness to true wonder' (The Religion of Light, 1005). Research in the area of clerical paedophilia in the Catholic Church initially focused on managing the problem at the level of treatment intervention, with treatment centres run by religious orders in the UK and USA. Protocols have been developed worldwide to deal with reports or complaints against Catholic clergy who have allegedly interfered sexually with a child. Yet consideration and evaluation of this intervention clearly highlights the 'after the fact' nature of intervention. Leaders of the Catholic Church are certainly aware of the need for the prevention of mental ill-health, and the promotion of mental health in their ranks. However, it is the negative and vast publicity given to child molestation, and the immediate damage inflicted on the Catholic Church, that has resulted in a 'mop-up operation' rather than an exploration of causes and interventions aimed at prevention and the promotion of a healthy lifestyle. Recently, however, psychologists and philosophers, who have been called on to evaluate the problem in the USA, the UK, Southern Africa, and Australia, have been asking questions such as: Why does this happen in the Catholic Church? Or, more to the point, what needs to be done about it? My guiding hypothesis for the research was: Do Catholic priests constitute a high-risk category for mental ill-health? As regards the second question — what is to be done? — I propose the establishment of a Community Health Centre for Catholic clergy. My research addresses both questions. As regards the first question, the evidence — gathered through interviews and workshops over a period of eight years — points to the conclusion that paedophilia is not purely a problem of intra-psycho factors but also a symptom of the closed and isolated nature of the Catholic institution, whose structures both attract and give life to, otherwise possibly latent pathology. In addition, many priests — young and old — feel unheard and misunderstood, and perceive themselves to have been inadequately trained and poorly supported and managed. It is possible that, combining both intra-psycho repression and institutional suppression, the potential for a disaster such as the crisis the Catholic Church faces today, is created. The community of Catholic priests is perhaps not conceptualized, nor cared for,

as a community of male human beings. It is precisely a working model of this community care for Catholic priests, that is being explored in this thesis. This thesis presents a working model - or a work in progress — where any assessment is related to healing and therapeutic intervention, in intentionality and orientation.”

Darling, Patricia, Ann. (1987). *Turning East in the Twin Cities: Converts and movements in the 1970s.* (Volumes I and II). [Ph.D.] Minneapolis, MN: University of Minnesota. 616 pp.

“The thesis chronicles the history and evolution of seven Minnesota groups of Eastern persuasion through the 1970s and early 1980s... The thesis describes the converts, what they learned and participated in, the beliefs and values they were exposed to, and the behaviors and values the teachers offered by way of example. The thesis also describes the deconversion process... Primary research included anthropological participant observation, interviews of group leaders and converts, and the gathering and study of literature used by the groups... Interviews provided access to oral history as well as psychological insight into the relationships between converts, groups and leaders. Thirty-eight transcripts of interviews are included.” 1 chapter is based on interviews with former students of Swami Rama (née Brij Kreshore Kumar from India), founder and spiritual leader, Himalayan International Institute of Yoga Science and Philosophy. The interviews described sexualized relationships with women students in Minneapolis, Minnesota, Chicago, Illinois, New York, New York, and India.

Day, Paul Frederick. (2004). *A theory of congregational intervention: A decision making model for handling clergy sexual misconduct.* [Ph.D.] Pasadena, CA: School of Psychology, Fuller Theological Seminary. 304 pp.

“The intent of this study is to develop a model that would assist decision makers from all theological and ethical streams develop a customized ‘best-fit’ intervention strategy” in order “to lead a congregation through the crisis of clergy sexual misconduct...” Extends clinical models of family stress and family crisis into the contexts of congregational coping and transformation. Integrates deontological, teleological, and communitarian ethics “to provide the reader with an ethically diverse perspective on the central issues related to the handling of clergy sexual misconduct.”

de Weger, Stepehn E. (2016, June 3). *Clerical sexual misconduct involving adults within the Roman Catholic Church.* [Master of Justice] Brisbane, Queensland, Australia: School of Justice, Faculty of Law, Queensland University of Technology. 210 pp.

“This thesis utilised an online survey to study adults’ experiences of sexual misconduct in the Roman Catholic Church. Twenty-nine people (23 women and 6 men) completed the survey to varying degrees. The survey used closed and open-ended items to gain a broad and deep understanding of victim/survivors’ perspectives on the abuse and responses to it. Feminist Standpoint Theory was used to show how survivor voices are essential in developing a more comprehensive understanding of this type of abuse. Three major themes emerged from participant accounts. First, inadequate language and definitions play a major role in shaping clerical sexual misconduct involving adults and responses to it. Second, clerical relationships are inherently and profoundly hierarchical and easily exploited by abusive clerics. Third, harms produced by this form of clerical misconduct are deeply traumatic in ways largely consistent with other forms of sexual and intimate abuse. However, this group of survivors has been primarily portrayed by Church authorities as adults caught up in mutual and consensual affairs. Victim/survivor accounts sharply contradict this narrative. Survivors of clerical abuse of adults have been ignored, shunned, and even legally challenged when they have sought justice and compassion. This thesis foregrounds their stories.”

Death, Jodi. (2008). *Forgiveness, power and child sexual abuse by church leaders in Australian churches.* [Ph.D.] Wagga Wagga, New South Wales: Faculty of Arts, Charles Sturt University. 327 pp.

“In exploring the occurrence of and responses made to child sexual abuse (csa) by Church leaders, this work primarily considers discourses of power and forgiveness. Within this, discourses of gender, sexuality, Church leaders, secrecy and denial are recognised as central to the construction

of csa by Church leaders within Christian churches. Taking post-structural and feminist theoretical perspectives, the works of Foucault and Butler are utilised to explore the function of power through discourse. Data for this work has come from on 15 semi-structured interviews with Church leaders throughout the Australian state of NSW, Qld and the ACT. In addition to this, denominational child protection policies and a media case study of what has become known as the Hollingworth saga are thematically analysed and considered through post-structural and feminist theories. The result of this has been the identification of narrative and identity as key to understanding the construction of forgiveness and power in the occurrence of and responses to csa by Church leaders in Australian churches...” The degree is in criminology. A focus is the Anglican Church of Australia.

Delaney, Elizabeth M. (2004). Canonical implications of the response of the Catholic Church in Australia to child sexual abuse. [Ph.D.] Ottawa, Ontario, Canada: Faculty of Canon Law, Saint Paul University, University of Ottawa. 350 pp.

“The Catholic Church in Australia responded to sexual abuse within the context of the Australian society, as did the church in each country. In presenting an overview of the response to child sexual abuse of both society and church in several countries besides Australia, the possibility exists not only for identifying similarities and differences, but also for understanding the reasons behind them. In the 1980s knowledge of the complexities of sexual abuse and its impact on victims was very limited. Likewise familiarity with the church’s penal law and related procedures was limited because it had not been used to any great extent. Increased and new usage of both penal law and procedural law identified areas that caused problems. At the heart of the church’s response to sexual abuse is the goal of responding to the dignity of the human person. Hopefully, identifying differences and problem areas will result in increased understanding and the upholding of the dignity of all people affected by sexual abuse.”

Dolch, Sally B. (2010). Healing the breach: Response team intervention in United Methodist congregations. [D.Min.] Washington, D.C.: Wesley Theological Seminary. 159 pp.

“Deployment of a theologically grounded response team is essential for healing United Methodist congregations who have experienced clergy sexual misconduct. The author studied the United Methodist response to clergy sexual misconduct by reviewing denominational and conference policies, and surveying and interviewing response team conveners. This research identified inconsistent conference policies and response, no theology of intervention, passionate response team commitment to healing, and evidence of healing following congregational intervention. The study concludes with a theology of intervention based on Paul’s Corinthian ministry, best practices to promote healing in congregations, and recommendations for future action.”

Dolcich-Ashley, Anselma T. (2011). Precepts, rights and ecclesial governance: A moral-theological analysis of the Catholic sexual abuse crisis in the U.S. [Ph.D.] South Bend, IN: University of Notre Dame. 327 pp.

“An analysis of US Catholic bishops’ responses to ongoing developments in the sexual abuse crisis from 2002-2007 reveals a narrow institutional definition of the problem as a violation of determinate laws governing priestly celibacy. Perceiving sexual abuse as a breach of the Sixth Commandment codified as Canon Law overlooks other salient moral concerns such as culpably-cooperating church leaders, uncritical cultures of clericalism, governance structures closed to accountability, and abuses of human rights. However, reappropriating the Sixth Commandment by means of a Thomistic interpretation of the natural law addresses the crisis from within the Christian moral tradition, because it enables meaningful and legitimate analogical application from the foundational principle into broad areas of human interrelationships in the church (including governing relationships between clergy and the community). With this moral method, the Sixth shows greater theoretical cast and practical application in the sexual abuse crisis because its scope is not restricted to vow-violation. The crisis can be redefined as the failure of the entire Catholic community to observe the wisdom of this fundamental moral concept. The Sixth Commandment demands well-functioning communal sexual boundaries, which in turn, require protection of the community’s members, a key task of church governing authority. In performing this task, church

governance must pass the test of plausibility in practical application and of consistency with Catholic moral principles and doctrinal commitment in order to be effective and authentic. As a community of human disciples, the church like all societies requires preemptive authority in governance in order to protect its members; as a relationship with the governed, church authority relies upon their assent and consent contributing in real (if limited) ways to ongoing communal discernment of the direction of governance in the church, including just demands for accountability. Claims of human rights by the victims-survivors themselves hold their own unique moral and juridical authority to block status quo practices of governance (such as secrecy and material cooperation), and place duties upon 'pastors and the other faithful' to find restoration in justice and peaceful and fruitful interaction for the sake of mission."

Donoso, Danilo. (2017). The adult male survivor of clergy-perpetrated child sexual abuse: An analysis of individual treatment approaches. [Psy.D.] Los Angeles, CA: California School of Professional Psychology, Alliant International University. 105 pp.

"The present dissertation examines the psychology literature on individual psychotherapy with men who survived sexual abuse by [Roman] Catholic priests as minors. Although adult male survivors of clergy-perpetrated child sexual abuse report symptomatology similar to individuals who suffered non-clergy child sexual abuse, clear deviations have been noted such as the incitement of spiritual and religious crisis during and after the abuse (Farrell & Taylor, 2000). These findings are discussed and it is suggested that there may be some important treatment implications from increased dialogue about the distinctive impact of clergy-perpetrated child sexual abuse on the adult male survivor. The aim of this dissertation is to give a critical analysis relating to the psychological sequelae of survivors of clergy-perpetrated sexual abuse, evaluate the strengths and weaknesses of psychotherapeutic interventions, and recommend future areas of study on the topic of individual psychotherapy with adults who survived child sexual abuse by Catholic priests."

Dorris, Deva. (2019). A comparative analysis of the Trauma Symptom Inventory-2 scale scores of adults sexually abused as children perpetrated by clergy and non-clergy. [Psy.D.] San Diego, CA: California School of Professional Psychology, Alliant International University. 67 pp.

"The present study investigates the difference between trauma-related symptoms and Trauma Symptom Inventory-2nd edition (TSI-2) scale scores for adult survivors of child sexual assault (ASCSA) perpetrated by clergy and non-clergy groups. The present study broadened the definition of clergy to include leaders from other religious denominations. The sample was comprised of archival data and consisted of 37 clergy perpetrated and 23 non-clergy perpetrated ASCSA. These participants completed a demographic questionnaire in addition to the TSI-2. The present study resulted in four clinically elevated scale scores on TSI-2 profiles for ASCSA perpetrated by clergy and non-clergy. Subscales Posttraumatic Stress (TRAUMA), Intrusive Experiences (IE), and Defensive Avoidance (DA) were clinically elevated in both groups, while Sexual Concerns (SXD-SC) was clinically elevated only for the non-clergy perpetrated group. There were two scales that reached statistical significance when the two groups were compared. These included TSI-2 subscales Anxious Arousal-Hyperarousal (AA-H) and Insecure Attachment-Relational Avoidance (IA-RA). Overall the data suggests that the experience of CSA results in trauma-related symptoms in adulthood regardless of abuse by clergy or non-clergy perpetrator."

Dowling, Peter William. (2002). How is power used in the Catholic Church? A case study of a group of male religious in the Archdiocese of Melbourne. [Master of Social Science] Fitzroy, Victoria, Australia: School of Social Science, Faculty of Arts and Science, Australian Catholic University. 169 pp.

By "a member of a [Roman] Catholic Religious Congregation of Men" who has been a member of his order's team that responded to allegations of sexual abuse of children by members. He conducted "a case study of one Group of Male Religious in the Archdiocese of Melbourne [Australia]... to provide further insight into use of power in the Catholic Church, and to offer some recommendations for future use of that power in a healthy and constructive way for the benefit of the Church and, ultimately, all of society." 1 issue of the use of power related to "the

Church's dealing with situations of sexual abuse... [and] the way in which the Church has used its power and influence." Based on research conducted with 5 focus groups. Includes recommendations, among which are those "around the importance of engaging in processes of healing where people have been hurt by past inappropriate use of power, and around the need to continually critique and challenge existing Church structures where there is injustice through lack of inclusivity."

Drake, T. L. (1995). Treatment modalities for the adult victims of sexually abusive clergy. [M.A.] Ottawa University, Arizona campus. 72 pp.

"The purpose of this study was to provide treatment modalities for therapists who encounter adult women victims of clergy abuse."

Dyer, Wayne. (1993). Pastoral ethics in cross-gender counseling. [D.Min.] Mill Valley, CA: Golden Gate Baptist Theological Seminary. 218 pp.

Describes a project for a Southern Baptist seminary that "developed and carried out a training model enhancing pastors' awareness of cross-gender counseling dynamics, and improving attitudes, knowledge, and skills that may help prevent the breakdown of pastoral ethics by inappropriate sexual conduct when doing cross-gender counseling."

Easton, Scott Douglas. (2011). Men who were sexually abused during childhood: An examination of factors that influence long-term mental health. [Ph.D.] Iowa City, IA: School of Social Work, University of Iowa. 221 pp.

"Men who were sexually abused during childhood (MSAC) represent a highly stigmatized, marginalized population at risk for a variety of psychological problems across the lifespan. Little research has been conducted to understand why some MSAC incur mental health problems and others do not. The purpose of this study was to identify which factors are related to mental distress among MSAC using a psychosocial trauma processing model: account-making. Using a cross-sectional design, the researcher collected data on 487 MSAC through an online survey. Multivariate analyses revealed that four *abuse* severity factors (*clergy* abuser, force, penetration, injury), disclosure variables (told after one year, response to first disclosure, overall response to disclosure, in-depth discussion), account-making, and high conformity to masculine norms were related to higher levels of mental distress. Furthermore, posttraumatic growth moderated the relationship between *abuse* severity variables (force, penetration) and mental distress. This study strengthened the knowledge base of MSAC, further developed account-making theory, and provided useful recommendations for clinical practice with this population. Future research areas were identified."

Eccles, Margot E. (2003). Supporting souls and voices: The Episcopal Church's response to clergy sexual abuse. [M.T.S.] Evanston, IL: Seabury-Western Theological Seminary. 102 pp.

Edlund, Mary. (2004). The use of the "leave of absence" to address non-criminal sexual misconduct by priests. [J.C.L. – licentiate in canon law] Washington, D.C.: The Catholic University of America. 58 pp. Topics include "sexual misconduct by clergy", "Catholic Church – clergy – sexual behavior", and "sex crimes (Canon law)."

Edwards, Ned Wolfe, Jr. (2004). The role of cosmogonic myth and metanarrative in shaping congregational identity. [D.Min.] Hartford, CT: Hartford Seminary. 83 pp.

"The purpose of this project is to consider the role stories particular to a congregation's origin and history may have when that congregation's identity and culture are in flux." Utilizes theories from the phenomenology of religion, cultural anthropology, and narrative theology to analyze 3 stories of a United Church of Christ congregation that is over 350-years-old. "Narrative theology's dialectic theory of change is tested through direct observation, congregational focus groups, a survey, and interviews. Further study is necessary to determine long-term results, but initial evidence indicates that metanarratives are effective in conveying the church's values and identity."

Their renewing and healing function was evidenced when the congregation unexpectedly learned of clergy sexual misconduct by a former pastor.”

Ellsworth, Peter J. (2014). A recidivism prediction study of the MMPI/MMPI-2 scores of Catholic clergy sex offenders: Identifying personality-based risk markers. [Ph.D.] Santa Barbara, CA: School of Psychology, Fielding Graduate University. 122 pp.

“Research has supported the use of the Static-99 (Hanson & Thornton, 2000), a risk assessment instrument based purely on historical empirical correlates, to predict recidivism with a population of clergy child sexual offenders (Montana et al., 2012). The addition of dynamic factors, also described as psychologically meaningful risk factors (Mann, Hanson, & Thornton, 2010), to a structured risk assessment provides information about the source of risk, identifies appropriate targets of treatment, and improves the ability to predict risk of re-offense (Thornton, Hanson, & Helmus, 2009). This study compared the MMPI/MMPI-2 (Hathaway & McKinley, 1951; Butcher, Dahlstrom, Graham, Tellegen, & Kaemmer, 1989) scale scores of 19 recidivist Catholic clergy and 232 non-recidivist Catholic clergy sex offenders, in order to identify personality-based risk markers for recidivism, and to more fully understand the psychologically meaningful risk factors that contribute to the offending behavior of this population. Four scales significantly predicted recidivism with moderate to large effect sizes, the Paranoia Scale, Hypomania Scale, Psychomotor Acceleration Content Scale, and the Ego Inflation Content Scale. It was argued that the interpretive correlates of psychopathology associated with these scales can be mapped onto psychologically meaningful factors empirically found to predict sex offender recidivism risk.” Regarding study participants: “The data used for this study were gathered from archival inpatient files from St. Luke Institute, a residential treatment program for Catholic clergy [in Suitland, Maryland]. Participants included 351 male, Catholic priests and brothers who participated in the program at St. Luke’s between 1985 and 2005... Participants included 19 recidivists, and 232 nonrecidivists... Participants were not divided between those who offended against prepubescent children and those who offended against adolescents... Recidivism was defined broadly.”

Emery, Robert E. (1994). Clerical sexual misconduct with minors: The responsibilities of the diocesan bishop and the canonical rights of the accused. [J.C.L. – licentiate canon law] Washington, D.C.: School of Religious Studies, The Catholic University of America. 75 pp.

Ericson, Robert H. (2011). Childhood sexual abuse of males by Catholic clergy and its long-term impact on adult survivors’ functioning. [Masters] Boston, MA: School of Social Work, Simmons College. 151 pp.

“This dissertation explores the long-term effects of childhood sexual abuse by Catholic clergy on adult male survivors... This study examines the abuse effects across four domains of functioning: (1) relationships; (2) educational/occupational; (3) sexuality; and (4) spirituality. How these men made meaning of the abuse was listened for, and the unique effects of childhood sexual abuse by members of the Catholic clergy on spirituality.”

Erickson, Donald A. (1998). The development and implementation of a comprehensive plan to reduce the potential risk of child sexual abuse in the ministries of the Cary-Grove Evangelical Free Church. [D.Min.] Deerfield, IL: Trinity Evangelical Divinity School, Trinity International University. 141 pp.

A project that developed a child protection program for a congregation of the Evangelical Free Church. Drew on research regarding problems of abuse and on biblical standards of sexual conduct. Created a policy manual, plans to protect children in church programs, a screening process and training for volunteer staff, and a program to educate the congregation about abuse and the church’s responsibility.

Epitima, Ashley. (2019). A comparative analysis of the Personality Assessment Inventory scale of adults sexually abused as children by clergy and non-clergy. [Psy.D.] San Diego, CA: California School of Professional Psychology, Alliant International University. 82 pp.

“Child Sexual Abuse (CSA) is unfortunately a frequent form of child maltreatment. In light of recent allegations against religious institutions, literature on Adult Survivors of Child Sexual Abuse (ASCSA) perpetrated clergy is expanding. The present study reports on the psychological functioning of both males and females perpetrated by either religious leaders (n = 39) and non-religious affiliated persons (n = 43) using the Personality Assessment Inventory (PAI). The present study utilized archival data. PAI data was collected at the Institute on Violence, Abuse, and Trauma (IVAT) and the Trauma Resolution and Integration Program (TRIP). Mann Whitney-U tests indicated that there were between-group differences. Specifically, the ASCSA perpetrated by clergy were significantly higher on scales related to alcohol usage, antisocial behaviors, and aggression, while the ASCSA perpetrated by non-clergy were significantly higher on scales related to anxiety, somatization, self-persecution, and isolation. This suggests that there was an overall trend of externalizing behaviors reported by ASCSA perpetrated by clergy and internalizing symptoms reported by ASCSA perpetrated by non-clergy within the present study. The ASCSA perpetrated by non-clergy perpetrators consisted of family, professionals, friends, strangers, neighbors and multiple. It is possible that perceived betrayal may have been higher for victims perpetrated by family members and subsequently increased internalization of symptoms. It is also possible that having multiple perpetrators may have contributed to higher levels of anxiety. Additionally, gender may have contributed to externalizing and internalizing, as there were more males in the ASCSA perpetrated by clergy group.”

Falkenhain, Marc Allan. (1997). Child sexual abusers among Roman Catholic priests and brothers: A cluster analytic study. [Ph.D.] St. Louis, MO: Saint Louis University. 95 pp.

MMPI-2 profiles of 97 Roman Catholic priests and religious brothers were cluster analyzed in an attempt to identify meaningful subgroups. This replicates methodologies of previous MMPI-2 studies used with child sexual abusers. A 4-cluster analysis using Ward's method was the most meaningful. Clusters were: sexually and emotionally underdeveloped; significantly psychiatrically disturbed; defended characterological; undefended characterological. Findings were similar to previous cluster analyses of child sexual offenders in the general population in the identification of a severely disturbed cluster and a characterologically disturbed cluster. Discusses implications for treatment and prevention.

Farrell, Derek P. (2003). Idiosyncratic trauma characteristics experienced by survivors of sexual abuse by clergy or religious. [Ph.D.] Manchester, England: Manchester Metropolitan University. 430 pp.

From the abstract: “This thesis is based upon a phenomenological investigation of the experiences of twelve people, from around the United Kingdom and Ireland, who have been sexually abused either by a member of clergy or by various brotherhood of monks. The assumption of this research is that such sexual traumatology generates unique trauma characteristics that are not accounted for within the existing Post-Traumatic Stress Disorder framework. A facet of this being that evidence arose indicating the majority of the research participants considered 'God' to have been part of the abuse, manipulated either by design or default by the perpetrator. This trauma characteristic creates significant anxieties regarding issues such as theological belief, crisis of faith and fears surrounding participant's own mortality. Various diagnostic criteria are critically reviewed in considering the wide-ranging sequelae experienced by the research participants. A new framework is proposed, that of Post-Enduring Traumatic Stress Disorder (PETSD) which encapsulates areas such re-experiencing, avoidance and hyper-arousal, but also acknowledges cognitive trauma characteristics and alterations in systems of meaning to include theological, existential and spiritual components. For survivors of such abuse it is not just this 'assumptive world' that is shattered. The corollary of these identified unique trauma characteristics is to then question the consequences for psychological methods of working with this client group. Various aspects relating to psychological interventions are examined. The role of the cleric is a truly unique and privileged position within western society. When clerics abuse this pastoral position for the purpose of sexual gain, they pervert the act of 'In Persona Christi', and instead become a powerful instrument of destruction.”

Faubion, Steven G. (2000). The causes, the consequences and the prevention of ministerial sexual immorality. [D.Min.] Pasadena, CA: Fuller Theological Seminary. 238 pp.

Purpose “is to help pastors understand the factors that make them vulnerable to ministerial sexual immorality in order to equip them to effectively deal with the sexual temptations that are inherent in vocational ministry.” Chapter 1 examines the problem: definition; 3 types of ministers who are potential offenders are characterized as predators, wanderers, and lovers; causes are identified in 3 categories, with 6 unique to human nature, 9 specific to the nature of pastoral ministry, and 5 the result of the temptations of modern culture; Chapter 2 examines the pressures and temptations inherent in human nature. Chapter 3 explains why ministers are uniquely vulnerable to sexual immorality. Chapter 4 identifies sexual enticements that permeate the culture. Chapter 5 identifies practical guidelines to help ministers prevent sexual immorality.

Fitzgerald, Michael J. (1991). The sacramental seal of confession in relation to selected child abuse statutes in the United States. [I.C.D.] Rome, Vatican City State: Pontificia Universita Gregoriana. 330 pp.

“The inviolability of the sacramental seal of confession is clearly established in the theological doctrine, canon law and pastoral practice of the Roman Catholic Church. However, the Church's teaching concerning the seal must be applied in the context of particular cultures of individual particular churches. In the case of the United States of America, the civil law which in the past has generally respected and civilly protected confidential communications between clergy and penitent, has begun to make exceptions to this policy in some cases, i.e., by abrogating the clergy-penitent privilege in certain child abuse reporting statutes. The present dissertation is a comparative study of the Church's law and teaching with respect to the sacramental seal of confession and its treatment in contemporary American civil law. The dissertation is divided into three logical parts which are interrelated. The first part treats the seal of confession from a canonical, theological and historical perspective. The second part treats the priest-penitent privilege in American civil law, particularly in relation to selected examples of current child abuse legislation. The third part compares and contrasts canon law's and American civil law's treatment of religious confidentiality, particularly the seal. In highlighting differences in the approaches, an argument is made for a greater sensibility in civil legislation to civil protection of confidentiality for clergy of all denominations and for the inviolability of the sacramental seal of confession in all cases as a matter of a human right and a constitutional right for Roman Catholic American citizens.”

Fleming, Timothy J. (1990). A silent multitude: Sexual abuse survivors in ministry. [D.Min.] Newton Centre, MA: Andover Newton Theological School. 176 pp.

Flynn, Kathryn A. (2000). Clergy sexual abuse of women: A specialized form of trauma. [Ph.D.] Claremont, CA: Graduate Faculty of Education, Claremont Graduate University. 423 pp.

Explored a trauma model as a valid theoretical construct to examine effects on women of sexual exploitation by their pastoral counselors and clergy. In a qualitative study using narrative research techniques, semi-structured interviews were conducted with 25 women from 11 states. Ages ranged from 23-68; all were Christian; 24 were Caucasian and 1 was African American; 1 woman's abuser was a clergywoman; 72% were abused by clergy as adults 28% as minors. Her trauma model was primarily derived from Judith Herman's Trauma and Recovery and work on complex posttraumatic stress disorder. While not a clinical study, her analysis found both classical and complex posttraumatic stress symptoms in the participants' narratives. Contextual intensifiers included clergy-specific factors: antithetical nature of the relationship, intensified captivity experience, and extreme isolation. Shifts in participants' meaning systems were prominent in their narratives. Extensively quotes participants. An extraordinary work. Thoughtful, lucid, and clear. Very thorough literature review on clergy sexual exploitation. [For a presentation of this study in book format, see this bibliography, Section I: Flynn, Kathryn A. (2003).]

Foss, Richard Wayne. (1996). Stumbling in the dark: Participant observations of clergy sexual misconduct. [Master of Counseling] Tempe, AZ: Arizona State University. 177 pp.

Fowler, Elinor Ruth. (1996). Pastoral care in the wake of love and betrayal: Clergy sexual misconduct and its effect on parishioners who were in the offender clergy's inner circle. [D.Min.] Princeton, NJ: Princeton Theological Seminary. 121 pp.

Based on 25+ interviews. Analyzes effect of clergy sexual misconduct on the inner circle in a congregation of those with close relationships to the offender clergy. Includes a systems analysis with recommendations, and a theological analysis, including the nature of forgiveness, reconciliation, grace, and justice.

Fowler, Raymond E. (2003). The impact of pastoral self-disclosure of weakness on counseling situations. [D.Min.] South Hamilton, MA: Gordon-Conwell Theological Seminary. 126 pp.

"This thesis contends that appropriate pastoral self-disclosure of weakness makes the pastor more approachable and effective as a counselor. The study first lays the biblical and theological framework. It then reviews the field literature pertaining to strength and weakness, self-disclosure in general and pastoral counseling, preaching and spiritual leadership. It explores the issues of transference, countertransference, clergy sexual misconduct, honesty, transparency, congruence, reciprocal relationships, credibility, vulnerability, admitting mistakes, reciprocity, and trust within the context of pastoral ministry. The project uses a congregational questionnaire to explore how church members view pastoral self-disclosure. The study concludes with guidelines for appropriate pastoral self-disclosure."

Francis, Perry Clark. (1997). Narcissistic and spiritual well-being measures of Lutheran clergy who have committed sexual misconduct. [Doctor of Education] Greeley, CO: University of Northern Colorado. 105 pp.

A study to measure the levels of narcissism and spiritual well-being in Lutheran clergy who self-reported acts of sexual misconduct. A sample of 1,000 clergy from ELCA, LCMS, and WELS were contacted; 42% (n = 420) completed the survey consisting of established and original psychometric instruments. The group who reported misconduct and had high levels of narcissism was found not to be significantly different from those who did not report having committed misconduct. The group who reported misconduct and had low levels of spiritual well-being was significantly different from clergy who did not report committing sexual misconduct.

Frazier, Herbert Strader. (1996). A pilot program for the office of ministerial care in the development of a state program of discipline and support for ministerial restoration. [D.Min.] Decatur, GA: Columbia Theological Seminary. 118 pp.

Subjects listed include "sexual misconduct by clergy" and "Pentecostalism."

Freiburger, James Garrett. (1994). Discerning characteristics specifically descriptive of clergy who sexually abuse minors. [Doctor of Psychology] Chicago, IL: Adler School of Professional Psychology. 193 pp.

"Data was archivally retrieved from the files on an inpatient mental health hospital in an attempt to evaluate the characteristics of 35 male clergy in treatment for sexually abusing minors and 34 male clergy in treatment with presenting problems other than abusing minors." Collected 24 characteristics common to both groups, and 6 specific only to 1. The effort to compare the data was hampered by the "lack of thorough documentation, misrepresentation, and guardedness from clergy perpetrators and those who treat them..." Seven characteristics and 14 clusters or significant correlations between the characteristics were found to be most descriptive of the abusers. Based on his analysis of objective and subjective data, concluded that "clergy perpetrators appear to be a heterogeneous, diverse population from which results and conclusions must be cautiously drawn." States that the data not available for the study "offers important insights that might be missed relying only on the information that is sparingly documented."

Friedman, Ellen C. (2001). [M.A.] As above, so below: A system of value-based ethics for Wiccan clergy. Seattle, WA: City University of Seattle. 108 pp.

“This work examines the present state of Wiccan ethics and the social reality existing in many Wiccan communities. Mention is made of the high degree of congruence between the role of clergy and therapist. The literature on professional ethics codes is reviewed for types, roles and effectiveness of current ethical systems. The work of C. S. Herrman, an analytical philosopher, is examined. He developed a systematic method to bring spiritual belief and values into congruence with ethical practice. The [American Psychological Association’s] Code of Ethics is examined for standards that could be useful in a code for Wiccan clergy. Herrman’s methods are used to define a template for a Wiccan value system and a code of ethics for Wiccan clergy.” Friedman is a Wiccan clergywoman. Chapter 1 examines social structures commonly found in Wiccan communities, and explores common dysfunctions in North American communities, including clergy who are abusive. States: “No sources exist that directly address ethics in relation to Wiccan groups.” Regarding abusive behavior by clergy, states: “...the decentralized nature of Wiccan groups tends to actually promote the social acceptance of such behavior... A too-frequent example of clergy abuse found within the Wicca community is that of sexual abuse. A significant portion of the community fails to realize that having sexual relations with their teacher carries an alarming potential to cause emotional trauma... The fact is that many Wiccan teachers believe, often insincerely, that having sexual relations with their students in ritual context is ethical; some actually require it for full initiation. Some, on the other hand, use their classes as a pool for sex partners... Wiccans believe in the sacredness of sex; but they must come to understand that there are sexual predators in the Wiccan community who use this belief as an excuse for forcing themselves on coven members. ...many teachers have traditionally required sexual contact from a student as a condition for initiation or even for advanced training. Some covens require the student to engage in sex with the priest/ess as a component of the initiation process.”

Fuehrer, Robert A. (1995). [D.Min.] A model for healing and revitalization in the aftermath of pastoral sexual misconduct. Chicago, IL: McCormick Theological Seminary. 75 pp.

Gafford, Jennifer S. (2000). Variations in psychological functioning among Roman Catholic religious professionals. [Ph.D.] St. Louis, MO: Saint Louis University. 118 pp.

An exploratory study was conducted to examine “meaningful patterns of psychological adjustment” of 61 Roman Catholic nuns and 131 priests, religious brothers, and seminary students. “Data were archival and represented a clinical population of religious professionals who were referred for psychological assessment by their religious superiors because of behavioral misconduct and/or emotional distress.” 1 part of the study was “whether clusters of this broad clinical sample would replicate cluster solutions of a more homogeneous sample of priests, child sexual abusers.” The primary instrument used was the Minnesota Multiphasic Personality Inventory-2. Results “revealed a five-cluster solution for men with moderately low stability and a highly stable five-cluster solution for women.” Concludes: “These results provide broad support for the emotionally underdeveloped and maldeveloped clusters described by Kennedy and colleagues (1977), and for the severely psychiatrically disturbed and characterological clusters described in a sample of religious professionals who were child sexual abusers.”

Gallegos, Merlinda Raquel. (1995). Child sexual molestation by priests and reactions of Catholic parishioners: A comparative study. [M.A.] Las Vegas, NV: University of Nevada, Las Vegas. 90 pp.

Sociological study explores effects that an incident of sexual abuse of a minor by a priest has on Roman Catholic parishioners. Direct, in-person survey interviews (N=100) with members of that parish and a demographically similar parish with no such reported incident. Members of the first parish were more likely to indicate lower levels of approval toward Church policies. Differences in levels of religiosity affected respondents’ trust and confidence in the Catholic Church.

Ganzkow-Wold, Stephen Luther. (1994). Professional ethical behavior, decision-making, and training in pastoral counseling. [Ph.D.] Madison, WI: University of Wisconsin. 219 pp.

“An ‘Individual-Church-Situational Interactionist Model’ of professional ethical decision-making was developed and investigated.” The study involved clergy supervisors and interns from the Evangelical Church in America. Among the vignettes in the hypothetical cases, the situations

included sexual and non-sexual dual relationships and professional sexual misconduct. Participants identified methods of training and reasons for their responses. Demographic variables included: pastoral status (supervisor or intern); gender; level of faith development; level of training in professional ethics; previous experience with a particular ethical dilemma. "The reasons were categorized and analyzed according to 'codified-noncodified' and 'pastoral-non-pastoral' groupings."

Gassios, Paul Nicholas. (1994). Clergy sexual misconduct and the efforts of the Orthodox Church to respond to it. [M.Div.] Crestwood, NY: St. Vladimir's Orthodox Theological Seminary. 72 pp.
Focus is the Eastern Orthodox Church.

Geary, Brendan. (2003). The contribution of spirituality to well-being in sex offenders. [Ph.D.] Baltimore, MD: Department of Pastoral Counseling, Loyola College in Maryland. 191 pp.

"The purpose of this study was to examine empirically the contribution of spirituality and church attendance to well-being, over and above demographic and situational factors, personality, and social desirability, in a sample of sex offenders. The sample consisted of 195 men in outpatient sex offender treatment programs or individual therapy... The sample was compared with data on religious practices from the General Social Survey (GSS). While there were differences in distribution of religious affiliation, the study sample was similar to the GSS sample on most aspects of religious practice and attitudes. The hypotheses of the study received partial support... The implications of these findings for sex offender treatment and recovery are discussed in wider context of recent developments in the field of positive psychology."

Gerard-Sharpe, Sara Maria. (2000). A Rorschach study of interpersonal disturbance in priest same-sex ephebophiles. [Ph.D.] Washington, D.C.: Department of Psychology, The Catholic University of America. 158 pp.

A study to assess whether significant differences exist between the interpersonal functioning of 76 Roman Catholic priests in treatment for same-sex ephebophilia and a comparison group of 75 priests in treatment for some other form of psychological disorder. Archival Rorschach protocols were used as well as other standard measures. Results of 5 1-tailed *t* test comparisons generally failed to find significant differences between the groups in the area of interpersonal functioning. The diagnostic utility of the Rorschach Sexual Score was confirmed. The ephebophile group was more sexually disturbed on 3 of the 5 summary scores.

Gianaris, Camille. (2005). A comparative analysis of father-daughter incest and exploitative professional sexual misconduct: A project based upon an individual investigation. [M.S.W.] Northampton, MA: School for Social Work, Smith College. 124 pp.

Sexual misconduct by clergy is a subject of the work.

Gillan, Brendan. (2001). Interpersonal trust, faith, and religious attendance of Roman Catholic males: A comparison of survivors of childhood sexual abuse by clergy and non-abused. [Ph.D.] Starkville, MS: Department of Counselor Education and Educational Psychology, Mississippi State University. 233 pp.

Purpose "was to investigate the effects of childhood sexual abuse by Roman Catholic clergy on the trust and faith level and religious expression of male victims/survivors." 2 groups of Roman Catholic adult males were recruited: 22 were sexually abused as children by clergy and were recruited through clergy abuse support agencies; 26 were non-abused adult males recruited from parishes. Participants completed the Interpersonal Trust Scale, Barnes-Fowler Faith Scale, and attitudinal and biographical questions. Outcomes included: no significant difference in the trust level of the 2 groups; the abused group had a significantly higher faith stage/style; the frequency of abuse had a statistically positive relationship with trust; the abused participants' church attendance and importance of religion was significantly and negatively affected; importance of spirituality was not significantly different between the groups; level of support on disclosure of the abuse was lowest from church personnel, family and friends, and professionals, respectively.

Gilligan, Philip Anthony. (2013). Exploring neglected elements of cultural competence in social work practice. [Ph.D.] Bradford, West Yorkshire, England: Department of Social Work and Social Care, University of Bradford. 84 pp. [ethesis accessed 02/15/18 at World Wide Web site of the University of Bradford:

<https://bradscholars.brad.ac.uk/bitstream/handle/10454/6313/P.%20A.%20Gilligan%20Ph.D%202013%20Exploring%20Neglected%20Elements%20of%20Cultural%20Competence%20in%20Social%20Work.pdf;sequence=3>]

Describes and reviews his work which has explored 4 related themes: “• The need for social workers to respond effectively to the impact (positive/helpful or negative/unhelpful or both) of culture, religion and belief in the lives and experiences of both service users and practitioners; • The potential offered by culture, religion and belief to assist and to hamper people’s recovery from trauma; • The tendency in social work theory, education and practice (perhaps of the social sciences in general) to ignore and avoid the significance and complexity of these issues; • The scarcity of adequate tools and frameworks to assist practitioners to explore the potential significance and impact of these issues for both themselves and those they seek to help.” His position is “that a sufficient understanding of the impact of religion, belief and culture is an essential aspect of culturally competent social work practice...” His work has “usually involved social work practice with children and families.” His research publications “have led to ongoing work aimed at developing frameworks to assist social workers and others to provide more effective and relevant responses to issues in specialised areas such as child sexual abuse in Muslim communities and sexual abuse perpetrated by Roman Catholic clergy... Regarding abuse by priests within the Catholic Church, my research has resulted in attention being given specifically to policy and practices in England and Wales in relevant professional journals...”

Goble, William Nelson. (1986). An exploratory study of the involvement of North Carolina’s Southern Baptist ministers in extramarital relationships. [Ph.D.] Cincinnati, OH: Union for Experimenting Colleges and Universities (Union Institute and University). 120 pp.

Based on a statewide survey of Southern Baptist male ministers in North Carolina (N=263; response rate of 8% to 3,198 mailed questionnaires). Of the respondents, 9% reported sexual activity with women other than their spouse. “No homosexuality or pedophilia was reported. A minimum of 68% of the extramarital relationships were with someone the minister had been counseling... Use of third party reporting suggested the actual rate of extramarital relationships involving ministers may be higher than is indicated by this study.” Identifies characteristics of those respondents who were involved in extramarital relationships.

Gómez Chávez, Luis Alberto. (2009). *Paso hacia la restauración de una iglesia donde el pastor ha caído en infidelidad sexual*. [D.Min.] Dallas, TX: Dallas Theological Seminary. 176 pp.

Descriptors include: “Sexual misconduct by clergy.” “Sexual abuse victims – Pastoral counseling of.”

Graves, Sandra L. (2015). Clergy-perpetrated child sexual abuse: Perceived effects based on archival reports of adult survivors who pursued litigation against the Catholic Church. [Ph.D.] Oakland, CA: Saybrook University. 222 pp.

Included in Graves’ description of herself as a researcher in the study, she describes herself in the dissertation as a “California-based Licensed Marriage and Family Therapist” in private practice, a former county child protective services worker, “a survivor of childhood sexual abuse by a priest, and a long-time member of the Survivor’s Network for those Abused by Priests (SNAP), and a practicing Catholic in good standing.” Her “archival research us[ed] a mixture of quantitative and qualitative methods, utilizing *Applied Thematic Analysis* (ATA) based on grounded theory (Guest et al., 2012). Abstract: “Clergy-perpetrated child sexual abuse (CPCSA) is neither a recent phenomenon nor limited to the Catholic Church. However, during the early 1990s, increased media coverage of litigation against the Catholic Church heightened the public’s awareness of the sexual abuse by clergy. The primary research question investigated: What can be discerned from archival plaintiff documents about CPCSA? Accessed through plaintiff attorney ‘gatekeepers,’

this mixed-method study utilized Claimant Questionnaires of 47 (36M, 11F) plaintiff-survivors, ranging in age from 27-68 years (\bar{x} = 48); age range at time of abuse was 6-17 (\bar{x} =11) years. The incidents of abuse involved 43 defendant/accused clerics (42M, 1F), 33 priests, eight brothers, and one nun. Applied Thematic Analysis (ATA) techniques were used for coding and statistical analysis of codes was completed utilizing Dedoose 'code application charts.' Descriptive statistical analysis clarified frequency and distribution of emerging themes. Findings were organized according to before, during, and after the onset of abuse. Situational aspects of CPCSA included themes: *Catholic clergy held in awe, someone should have known, high family devoutness correlated with access, defendant/accused cleric befriended family, increased attention as pre-requisite, gifts and enticements were utilized.* Themes related to the actual abuse events: *multiple settings utilized for abuse, sexually abusive acts were invasive and repetitive, majority experienced multiple incidents of abuse, duration of abuse, and types of sexually abusive acts (invasion of child's body, skin-to-skin, exposure of child and/or cleric, fondling, and other aspects).* The lived experience of being abused by a cleric, disclosure and disclosure related events, and reported injuries following the onset of the abuse identified: *effects of abuse were immediate, afraid to tell, disclosure delayed, first disclosure audience varied, disclosure responses varied, long-term outcomes (trauma symptoms, anxiety, depression, and substance abuse, relational and sexual problems, physical health, loss and regret, including faith), and plaintiffs' experiences with healthcare providers.* This study informs prevention strategists' work such as Finkelhor's Preconditions Model of Child Sexual Abuse. Considerations for the Catholic Church, survivors and their families, litigators, and healthcare professionals are discussed. Contributions include bridging the gap (healing) between Church leadership and the survivor community."

Gressette, William. (2009). Scripture does not mandate permanent disqualification for a pastor's sexual sin. [Th.M.] Dallas, TX: Dallas Theological Seminary. 53 pp.

Descriptors include: "Sexual misconduct by clergy."

Gvosdev, Ellen. (1994). The pastoral care of women sexually abused by clergy: A program of spiritual guidance. [Ph.D.] Cincinnati, OH: The Union Institute. 224 pp.

Gvosdev created a program of spiritual guidance "which will enable care-givers to bring victims to spiritual healing by reimagining Scripture and looking to the contributions of women throughout Christian history. This introduction of feminist theological thought acknowledges the fact that women's experiences have been left out of most interpretation of religious tradition." This program is a way for victims "to be an integral part of their healing process."

Hake, Howard L. (1990). Extramarital involvement among clergymen: Causes, prevention, restoration. [D.Min.] San Anselmo, CA: San Francisco Theological Seminary. 251 pp.

"This project provides a critical examination of extramarital involvement among clergymen in the context of psychological theory/practice and biblical theory. An attempt is made to ascertain contributing factors, or conditions in the clergyman's life often present during extramarital involvement. From these recurrent themes, inferences for prevention are drawn and discussed. The study concludes with a consideration of the need for the church to readdress the areas of sexual theology, forgiveness, and restoration of repentant [*sic*] and petitioning clergymen. Appendices are included containing self-help materials for ministers and functional as well as sample plans for clergy restoration."

Hapsin, Abu. (2002). The applicability of Islamic law to the Indonesian criminal law: A study of the community of Central Java's perspective concerning sexual misconduct. [Ph.D.] Bangkok, Thailand: College of Religious Studies, Mahidol University. 209 pp.

Descriptors include: "Clergy sexual misconduct" and "Islamic law."

Harder, Kenneth J. (2003). Clerical sexual abuse of minors: An analysis of the policy of the Diocese of Tulsa in comparison with the USCCB Essential Norms and *Sacramentorum sanctitatis tutela*. [J.C.L. – licentiate in canon law] Washington, D.C.: The Catholic University of America. 45 pp.

Harrell, Robert R., Jr. (1996). Case studies of congregations recovering from pastoral moral failure. [D.Min.] Dallas, TX: Dallas Theological Seminary. 259 pp.

By the pastor, First Evangelical Free Church, Austin, Texas. "The purpose of this research is to identify some of the emotions experienced by individual members of two local congregations following the discovery of their pastor's moral failure."

Headington, Gregory Lee. (1997). A guide to recovery for fallen pastors: The journey back from sexual misconduct. [D.Min.] Pasadena, CA: Fuller Theological Seminary. 233 pp.

A 'ministry focus paper' consisting of 3 sections: problem of sexual misconduct in ministry, including the author's account of his misconduct; Biblical and theological basis for restoration of pastors; and, an ecclesiastical strategy for restoring clergy who have committed sexual misconduct. [Correction: Headington cites a survey attributed as 1991 by the Fuller Institute of Church Growth in which respondents who were pastors reported that 37% had been involved in inappropriate sexual misconduct with a person in the church. However, according to personal communication from Edmund Gibbs, his advisor, 12-13-2000, Headington was quoting H.B. London, Jr. and Neil B. Wiseman's Pastors at Risk: Help for Pastors, Hope for the Church (1993), p. 22, that misreported the year, source, and percentages for this survey, and that the original source was Richard A. Blackmon's 1984 doctoral dissertation at Fuller, referenced above in this bibliography, this section, which reported percentages different than what Headington's source is citing. In short, Headington perpetuated another source's inaccuracy.]

Hefner, Kerri Mock. (2017). Following the good shepherd: Theology for abuse prevention and boundary training programs. [D.Min.] Decatur, GA: Columbia Theological Seminary.

Herder, Jewel Lee. (2017). Sexual violence and the violence of silence: Clergy sexual abuse in the Roman Catholic Archdiocese of Philadelphia. [Ph.D.] Philadelphia, PA: The Lutheran Theological Seminary at Philadelphia.

Hershberger, John Kenneth. (1981). An experimental study of the influence of child abuse education on the pastoral counseling responses of seminary students. [Ph.D.] Iowa City, IA: University of Iowa. 295 pp.

"This dissertation examined relationships between religion and child maltreatment."

Hill, Ellen R. (1997). Resurrection: Renewal and rebirth in congregations which have experienced betrayal of the pastoral trust. [D.Min.] Claremont, CA: School of Theology at Claremont. 143 pp.

Case study of a congregation that views the congregation as a secondary victim of clergy sexual misconduct. Identifies 3 factors contributing to recovery of the congregation: healthy leadership models; appropriate boundaries and expectations; open methods of decision making, conflict resolution, and communication. Uses a systems perspective to analyze a congregation.

Hill, Fiona D. (2008). Disarming the "Bible-bashers": Claiming the Bible for Australian abuse survivors. [Ph.D.] Melbourne, Victoria, Australia: Melbourne College of Divinity (renamed University of Divinity in 2012), Melbourne, Victoria, Australia. 286pp. [Accessed 08/16/19: https://repository.divinity.edu.au/32/1/Fiona_Hill_PhD_thesis.pdf]

"This study seeks to develop a biblical hermeneutic of abuse to increase the reading agency of people who have been assaulted or sexually abused within Australian religious institutions by drawing particularly on South African Contextual Bible Study and a form of narrative therapy developed through the Dulwich Centre in South Australia. The hermeneutic encourages survivors to 'disarm' the 'Bible-bashers' of their own contexts by resisting the isolation that contributes to abuse; placing individual stories of abuse into wider social, political and historical context; critiquing dominant discourses; and identifying resistance strategies that can be used for social and personal transformation. The hermeneutic is applied to four Hebrew Bible texts in which ancient women are abused: Hagar (Genesis 16 and 21); Dinah (Genesis 34); Tamar – the daughter-in-law of Judah (Genesis 38); and Tamar – the daughter of King David (2 Samuel 13). Textual analysis

reveals that, although these abuse survivors initially appear as isolated figures within the biblical texts, they all show signs of being linked to support networks and demonstrate resistance strategies which open up their stories to life-giving alternatives. These incidences of abuse are part of wider patterns of greed and lust for power by key religious and political figures in the Hebrew Bible. Tactics include perpetrators, accomplices and narrators co-opting God's support. The study concludes that, while God is never actually on the side of abusers, the deity is often implicated in abusive acts. In such circumstances contemporary survivors are challenged to call God to justice through intercession, resistance, expressing anger and claiming the power to "re-name" God. A hermeneutic of abuse maintains hope that, even in the face of death and destruction, possibilities will emerge that lead to healing and restoration."

Horn, Gregory Curtis. (2007). The development of theological-ethical structures of human personhood as descriptive basis for clergy confessional conduct. [Ph.D.] Pasadena, CA: School of Theology, Fuller Theological Seminary. 302 pp.

"This dissertation presents a study designed to reduce and ultimately prevent male clergy sexual misconduct in America by reacquiring the biblical definition of the meaning of a truly whole and holy human." The methodology is "an anthropology grounded in a biblically derived doctrine of theological anthropology as a basis for ethical decision making..." Calls for "an Accountable Confessing Community as a supportive pastoral care system" as a step "to implement an ongoing program of supportive pastoral care to pastors so they may be more capable of resisting temptation and fulfilling the integrity of their call."

Huson, Donna Preble. (2002). Psychological, sexual, and spiritual effects of clergy sexual abuse of women. [Ph.D.] La Mirada, CA: Rosemead School of Psychology, Biola University. 214 pp.

Purpose "was to examine the effects of sexual relationships between women and clergy to whom they were not married." Semi-structured, in-depth interviews with 7 participants were conducted regarding their relationships with clergy before, during, and after the relationship was sexualized. Prior to sexualization, all participants "regarded the ministerial role as a powerful symbolic representation of God and the church as a safe place. As the women drew closer to the clergymen, they felt closer to God." The sexualization of the relationship "was linked to the erosion of the clerical professional role" as the clergy "sought to meet their emotional, physical, sexual, and spiritual needs through the women." The women's psychological, sexual, and spiritual symptoms were "manifested in feelings of isolation, helplessness, and dependence which prevented [them] from extricating themselves from the relationship." Concludes with "a number of recommendations directed toward emphasizing the professional role and responsibility of the minister," a framework that "places sole responsibility for maintaining personal, emotional, and sexual boundaries on the professional."

Hutchinson, Carol. (2005). A process of restoration for clergy guilty of sexual misconduct. [D.Min.] Portland, OR: George Fox University, George Fox Evangelical Seminary. 108 pp.

"...the Church in general lacks a concept of restoration that provides spiritual and emotional healing of an offender [who is clergy and has committed sexual misconduct] within the context of the redemptive community of faith. This dissertation is intended to demonstrate how Scripture, church history, theology and psychology support restoration of fallen clergy." Chapter 1 uses "three biblical case studies: Saul, David and Peter... [in order] to examine the failure of each individual and how God dealt with each one in relation to his leadership role." Chapters 2 and 3 examine the Donatist controversy as "a historical case study in support of restoration." Chapter 4 considers "arguments for and against returning fallen clergy to pastoral ministry" and examines New Testament passages. Chapter 5 describes "spiritual elements that are a part of the [restoration] process in order for the offender to be healed and restored, since the faith community provides the optimal environment for spiritual and emotional restoration."

Isely, Paul J. (1996). In their own voices: A qualitative study of men sexually abused as children by Catholic clergy. [Doctor of Education] Boston, MA: Boston University. 609 pp.

A qualitative study using semi-structured interviews with nine men regarding the impact of sexual contact by an ordained Catholic minister during their childhood. Findings include: developmental insults resulting in influences on the child's social, relational, and intrapsychic life; high rates of depression, anxiety, guilt, low self-worth, anger, and difficulty managing and maintaining interpersonal relationships; symptoms of posttraumatic stress were found in all. Most of the nine were no longer practicing Catholics.

Jack, Sherwin S. (2004). A restorative ministry to congregations in the aftermath of clergy sexual misconduct. [D.Min.] New York, NY: Hebrew Union College-Jewish Institute of Religion, New York. 92 pp.

Jamrog, Marcia M. (2006). Clergy sexual misconduct: Towards understanding its impact on psyche and soul. [M.A.] Carpinteria, CA: Pacifica Graduate Institute. 99 pp.

"This study unpacks and clarifies the origins, symptoms, and consequences of the spiritual disconnect resulting from Ritual Sexual Abuse. A common thread in every story documented herein is the ability to dissociate. The dissociation was so extreme that these parts or alters began to take charge and control the entire inner system. The focus of the interviews included was to determine what affect the ritual sexual abuse had on the individual's spiritual life." The abstract does not specify the methodology or conceptual framework.

Jani, Witness. (1995). Assessing the role of seminaries in the battle against sexual misconduct in the ministry. [M.A.] Deerfield, IL: Trinity Evangelical Divinity School, Trinity International University. 48 pp.

Johnson, Jerry James. (1995). Clergy sexual abuse and male survivors: A study of stress and coping among 25 men abused by the same minister during their adolescence. [Ph.D.] Minneapolis, MN: University of Minnesota. 91 pp.

Johnson, Thomas H. (2008). Clergy and secular counselors: The education effect and moral reasoning development. [Ph.D.] (no place of publication): Walden University. 205 pp.

"Male counselors who have received religious training appear to have the highest rate of sexual abuse perpetration among mental health professionals. The prevalence of sexual misconduct by mental health professionals has been documented, but no research to date had compared the levels of principled moral reasoning between counselors who have had advanced religious educations (seminary) with those who have had advanced secular educations (graduate schools). The hypothesis examined was that male counselors who obtained licensure/certification through religious based training would obtain lower principled reasoning (N2-scores), as measured by the Defining Issues Test-2 (DIT-2), than secularly trained male counselors." Participants were compared from members of the American Association of Marriage and Family Therapists and the American Association of Pastoral Counselors. Analysis of variance "suggested that there was no difference in principled reasoning sources; thus differences in education did not appear to affect principled reasoning scores. ...thus, the results bring us closer to understanding what does (and does not) explain the higher prevalence of sexual abuse among the clergy."

Johnston, Allan Roy. (1999). Wounded churches: Causes and curative suggestions for congregations and afterpastors. [D.Min.] Seattle, WA: Northwest Graduate School of the Ministry [later renamed as Bakke Graduate University]. 189 pp.

Focus is congregations following discovery of sexual abuse committed by a pastor.
Denominational context is the Lutheran Church-Missouri Synod.

Johnston, John Edward. (1996). Predictive factors regarding extra-marital relationships in ministers. [Ph.D.] Manhattan, KS: Kansas State University. 230 pp.

Based on a survey of ministers and former ministers conducted in the Presbyterian Church (PCA) in America. "Out of an estimated population of 100 to 150 ministers in the PCA who had been

dealt with by the church courts for an affair in the last 23 years, a sample of ten ministers was gathered out of thirty contacted, one of which was not known to the church courts.” A comparison group was used, “most of whom had not had an extra-marital relationship.” Findings include factors related to ministers who were more likely to have had an extra-marital relationship.

Joiner, LynnAnne Marie. (2008). Congregants’ responses to clergy pornography addiction. [Ph.D.] Lubbock, TX: Texas Tech University. 106 pp.

“Pornography addiction has been identified as a form of sexual addiction and, although no solid prevalence rates exist, it is believed to be one of the most common forms of sexual addiction among clergy. Even though pornography addiction involves no direct offense against others, congregants are considered secondary victims of clergy’s sexual difficulties. This is supported by bioecological and systems theories which assume that individuals (clergy) are impacted by and have an influence on the systems and contexts in which they operate (church congregations). Despite this, no empirical investigations on congregants’ reactions to clergy pornography addiction exist. This is an exploratory study designed to gain initial information regarding congregants’ judgments and beliefs about clergy addicted to pornography. This study involved 233 surveys from undergraduate students at a private Christian university... Results suggest that congregants give clergy with addiction lower trait ratings than those without addiction. However, they do not judge the character of clergy with pornography addiction more harshly than those with alcohol addiction... congregants believed clergy with both types of addiction should disclose their struggle to another person and receive professional help. They did not believe the addiction should be disclosed to the entire congregation, nor did they think the congregation’s funds should be used to help for professional treatment. Participants believed the cleric’s ability to do his job would be affected by his addiction, but did not think he should be removed from his position.”

Jones, Douglas O. (1979). Privileged communications with clergy in the United States: An analytical study of the laws of each state, territory and protectorate concerning such privileged communications. [D.Min.] San Anselmo, CA: San Francisco Theological Seminary. 129 pp.

Jurkewicz, Regina Soares. (2006). Violência clerical: Abuso sexual de mulheres por padres no Brasil. [Doutorado em Ciências da Religião] São Paulo, Brazil: Pontifícia Universidade Católica de São Paulo, 183 pp. + 16 pp. of appendices.

“This thesis examines sexual abuse and violence against women by priests. Using public complaints made in Brazil between 1994 and 2000 as an empirical base, it details 203 articles related to 21 cases of sexual misconduct by clergymen, including sexual abuse, rape, and the violation of vows of celibacy. These articles were grouped to create a dossier on each of the cases and numbered sequentially. Brazil’s most important media sources were consulted, including online news sites and non-governmental organizations (NGOs) across the country. Two representative cases were chosen and studied in depth. Interviews were conducted with plaintiffs, witnesses, members of the Church hierarchy, and attorneys involved in the cases, preserving the anonymity of all interviewees. Utilizing a sociological perspective, the analysis explores the mechanisms by which the Catholic Church attempts to cover up such cases. Showing the specificities of the violence perpetrated against women by priests, the study points toward the existence of structural causes of this violence and their different manifestations, examining them through the lens of feminist theory. The study suggests that a specific analytic category should be developed in order to better comprehend this particular type of violence against women. The term clerical violence is proposed for describing this type of violence, whose structural aspects include gender asymmetries, the separation between clergy and lay members, patriarchal discourse, the sexualization of ministerial relations and the force of symbolic violence. The work of Pierre Bourdieu is useful in understanding religion as a symbolic system that endows the priest with sacred power. Given that the causes of clerical violence are mainly structural, likewise, structural solutions are needed in addressing the issue.”

Kauffman, Nancy Lee. (1996). Becoming thrivers: Christian faith as a resource for restoring adult survivors of childhood sexual abuse. [D.Min.] Claremont, CA: School of Theology at Claremont. 109 pp.

Explores the role of Christian faith as a resource to victims of child sexual abuse to move from a stage of surviving to thriving. Includes a case study of 1 family examining the harm. Identifies devotional resources.

Keenan, Marie. (2007). *The good clergy man: A study of Roman Catholic clergy who have sexually abused minors*. [Ph.D.] Dublin, Ireland: School of Applied Social Science, University College Dublin. 465 pp.

Kelley, John Hutchinson. (2004). *Institutionalizing children: The child protection system in modern Ireland*. [M.A.] Hartford, CT: Trinity College. 128 pp.
Subjects include child sexual abuse in Ireland by clergy.

Kelly, Patricia M. (2010). *Shades of purpose: Confronting the silence of clergy sexual abuse*. [M.A.L.S.] Hanover, NH: Dartmouth College. 111 pp.

Kennedy, Margaret. (2009). *The well from which we drink is poisoned: Clergy sexual exploitation of adult women*. [Ph.D.] London, England: London Metropolitan University. 341 pp.

Kent, Brianna Black. (2006). *The process of healing for adult male survivors of childhood sexual abuse by Catholic priests*. [Ph.D.] Fort Lauderdale, FL: Graduate School of Humanities and Social Sciences, Nova Southeastern University. 272 pp.

Kleiven, Tormod. (2008). *Intimitetsgrenser og tillitsmakt: kirkesamfunns bruk av retningslinjer i møte med seksuelle krenkelser sett i lys av et diakonifaglig perspektiv*. [Intimacy limits and confidence: Church community use of guidelines in dealing with sexual offenses in the light of a diaconal discipline.] Oslo, Norway: Det teologiske menighetsfakultet.
a, 379 pp.

Kolton, Tamara Ruth. (1999). *The experience of women rabbis: Eight women rabbis describe their work and their lives*. [Ph.D.] Cincinnati, OH: School of Interdisciplinary Arts and Sciences, The Union Institute, 141 pp.

“This dissertation seeks to understand the present day experience of being a woman rabbi within the North American context. It seeks to reveal both the pleasure and struggle inherent in the lives of women as rabbis. It utilizes the heuristic research model which includes the researcher's initial engagement, incubation, illumination, explication, and creative synthesis. The research was conducted with eight women rabbis who openly shared their professional and personal experiences in the rabbinate. It includes the researcher's own experience in the rabbinate. The research was conducted through in-depth interviews, which were recorded on tape and subsequently transcribed. The data resulting from the interviews were analyzed and organized by using the heuristic, qualitative research method (Moustakas, 1990). The study revealed 12 core themes that poignantly depict the experience of women rabbis. These include: (1) early knowing of desire to be a rabbi; (2) creating a new model for the meaning of success; (3) challenging traditional perceptions; (4) valuing of women rabbis as role models; (5) community resistance; (6) sexual harassment; (7) awareness of the costs of being a rabbi in terms of privacy, time, and relationships; (8) awareness of being scrutinized; (9) appreciation for women rabbis and their unique skills; (10) celebrating the interpersonal connections; (11) deep love and satisfaction of work; and (12) optimism regarding the future for women in the rabbinate. Individual composite depictions are presented along with a group composite portrait that synthesizes the findings. Implications of the research findings are discussed, limitations of the study are addressed, and recommendations for future research are presented.” Part II of Chapter 4 presents the core themes from the data. The 6th, *sexual harassment*, is introduced with the statement: “Participants describe vivid encounters with sexual harassment. The sexual harassment reveals itself in the form of physical or verbal advances. Women rabbis share discomfort they feel as a result of being touch too often or inappropriate ways by members of the community. They report that because they are women, members of the

community feel they are entitled, if not obligated, to kiss and hug them. They report hearing remarks made to them that are sexual in nature. They discuss the coping strategies they have developed to deal with this issue.” This is followed by 4 quotations from the study’s participants.

Krachenfels, John. (2011). Attribution style in Roman Catholic clergy accused of sexual offenses against minors. [Ph.D.] Garden City, NY: The Institute of Advanced Psychological Studies, Adelphia University. 125 pp.

“The sexual abuse of minors by Roman Catholic Priests has been a problem since the very beginnings of the institutional church. A common thread in research and profiles of clergy child molesters is an externalizing of blame and responsibility. Psychoanalytic theories on the development of problems with appropriate sexual relationships identify a struggle with a sense of personal control. This study used the Belief in Personal Control Scale and the Attributional Style Questionnaire for General Use to examine the difference in attributional style of priests accused of sexual misconduct with minors and priests without such accusations. Study participants were 12 priests accused of sexual offenses against minors whose names were drawn from a public database: bishopaccountability.org. They were contacted by mail in care of their diocese. The comparison group consisted of 20 priests on active duty from dioceses throughout the United States who were recruited by mail sent to them at their parish assignments. Demographic questionnaires were included in the research packets to ensure a match between groups on variables such as age, years of service, level of education, and sexual orientation. Scores of priests with accusations were compared to those of priests without accusations. Based on profiles of child molesters, it was expected that accused clergy would have a more external locus of control and a more global and stable attributional style than clergy in the general population. Results indicated that the groups were matched in terms of demographics apart from their current status within the church. While no significant differences were found in subscales of internal/external locus of control, the groups were significantly different in terms of belief in personal control. Priests without accusations exhibited exaggerated belief in personal control while priests with accusations showed a lower sense of personal control. Exaggerated belief in personal control was also correlated with priests’ sense of responsiveness on the part of supervisors and bishops. Possible reasons for the lack of more significant findings are discussed. One problem was the small sample size of the study. The lower scores of the accused on personal control give some credibility to psychoanalytic theories on the development of problems with appropriate sexual relationships. This result may also be linked to the diminished place the accused priests now hold in the church and in society. The exaggerated personal control of priests without accusations may be a consequence of the elite status afforded and expected of the clergy. Further research is encouraged to increase the sample size, including interviews which might allow for a subtle observation of locus of control. Treatment recommendations include a focus on developing a more internal locus of control which has been found to improve treatment outcomes.”

Krantz, Steven G. (1994). Pastoral strategies for ministering Christ in a bruised church environment. [D.Min.] Pasadena, CA: Fuller Theological Seminary. 152 pp.

Aftercare for congregations affected by clergy abuse of power and misconduct.

Kudlac, Karen Elaine. (2006). Family narratives of crisis and strength: A phenomenological study of the effects on the family system when a child has been sexually abused by a Catholic priest. [Ph.D.] San Denton, TX: Texas Woman’s University. 361 pp.

Conducted by a Roman Catholic nun who is a family therapist. “This qualitative research study examined the effects priest sexual abuse of children has had on the family system in order to learn more about what family therapists need to know when working with these families. The theoretical foundation for this study was family systems theory.” A phenomenological research method was utilized to interview 18 participants from 12 families recruited locally, statewide, and nationally through purposive and snowball sampling. Participants “included mothers, fathers, sisters, husbands, wives, and adult children of persons who were sexually abused by a priest as a child. Three of the participants had also been abused by a Catholic priest.” Semi-structured, audiotaped interviews were conducted face-to-face with 16 participants and by telephone with 2.

“Two themes emerged from the analysis of the interviewed data, *Crisis and the Functionality of Silence* and *Crisis and Growth Through the Mettle of Faith*. Under the first of these umbrella themes were the concepts of *silence* and the *emotional strain* on the family. *Blind faith* and *eyes wide open* were the concepts that explicate the second theme.”

Kunkel, Lois Irene. (2000). *Spiders spin silk: Reflections of missionary kids at midlife*. [Doctor of Education] Toronto, Ontario, Canada: Department of Adult Education, Community Development and Counselling Psychology, Ontario Institute for Studies in Education of the University of Ontario. 195 pp.

A qualitative study, the work is described as heuristic research in concept and using a reflexive inquiry design by which she was a participant researcher. Also uses a feminist framework. Written in the genre of testimony. Uses life history research to understand how the experiences of those raised as missionary children, including experiences of trauma, continued to influence them in adult life. Focuses on those who “spent their formative years living away from their families in mission run boarding schools. Little research has been done with [adult missionary kids] to see how their missionary childhood resonates in their lives at mid-life.” Presented non-chronologically and with extensive reliance on metaphors. Includes photographs from her childhood, images of excerpts from her school assignments, images of excerpts from her childhood letters, and images from her art therapy exercises. In 1964 at 7-years-old, she went with her parents from Canada to live in Liberia where they served as Lutheran missionaries. She resided in the Lutheran-operated hostel at Phebe Mission Station. The family returned to Canada in 1972. In a chapter entitled, “Attachment Disk One: Omni the Python,” she reports being sexually violated by a male housefather beginning at 10-years-old. Reports that other girls living in the same dorm have stated they also were sexually violated by the same person. Very briefly describes dissociation as 1 of her coping behaviors. Very briefly describes as an adult reporting her experiences of sexual abuse to officials of the Evangelical Lutheran Church in America, the entity that sent her family to Liberia. Some material was gathered informally “in conversations with siblings, friends, and in my psychotherapeutic work with [missionary kids] clients.” Some was gathered in “a series of formal, in-depth, audio-taped recorded interviews...” with a woman who had resided in the Mamou Alliance Academy in Mamou, Guinea, operated by the Christian and Missionary Alliance, a woman who had resided in various boarding schools in South America, and a man who had resided in a Lutheran-operated boarding school in West Africa. The woman who resided at the Mamou boarding school reports allegations of sexual misconduct committed by houseparents and a school nurse. Kunkel states: “There is a lively debate in the current missionary literature about the value of boarding schools for [missionary kids]. I believe that by revealing a little of our lives at mid-life, we add depth to the discussion which can so easily dismiss the lingering and long term impacts of separating [missionary kids] children from their families and sending them away to live. The sacrifice and the suffering of the children, even at mid-life, is real.” 10 pp. of references.

Lagan, Hugh D. (2009). *Social functioning, boundary disturbance, and hostility in Roman Catholic priest pedophiles and ephebophiles*. [Doctor of Psychology] Boston, MA: Massachusetts School of Professional Psychology. 156 pp.

Lagan is a Roman Catholic priest and a member of the Society of African Missions. Based on the Rorschach dataset of Gerard McGlone. “An archival study was designed to examine differences in social functioning, boundary disturbance and hostility among sex offending and non-offending Roman Catholic priests as measured by the Rorschach Inkblot Method (RIM). The sex offending priests were divided into two groups: Pedophiles (N=73) and Ephebophiles (N=64). The control group (N=79) consisted of randomly sampled priests, none of whom reported any history of sexual offense. Results of several Univariate Analysis of Variance (ANOVA) and post-hoc analysis indicated that offending priests showed significantly higher impaired object relations, internalized aggressive impulses and interpersonal boundary disturbances compared to non-offenders. Additionally, pedophile priests were significantly more likely to identify with the role of aggressor and have difficulties managing aggressive impulses than ephebophile priests and non-offending priests. Chi-square analysis found that pedophile priests reported significantly higher frequencies of unusual texture responses, difficulties distinguishing fantasy from reality and more distorted

social perceptions. Findings supported previous research which has identified intimacy deficits, passive-dependence, chronic emotional loneliness, negative internalized emotions and the depersonalization of others as pro-offending risk factors among child molesters. The Rorschach differences identified in this study add to our knowledge base regarding characteristics of clergy sex offenders.”

Lamis, Liza B. (2008). *Resisting abuse of women in the member churches of the National Council of Churches in the Philippines: Towards healing and wholeness*. [D.Min.] San Anselmo, CA: San Francisco Theological Seminary. 209 pp.

Subjects include: “Sexual misconduct by clergy – Philippines.”

Lane, Nancy J. (1995). *The abuse of power by Church and society toward women with disabilities: The theological and spiritual implications of sexual abuse of the vulnerable by the powerful*. [Ph.D.] Cincinnati, OH: The Union Institute. 458 pp.

Identifies herself as “the first woman with a developmental disability (cerebral palsy) to be ordained [to the priesthood] in the Episcopal Church” in 1984. The abstract states: “Clergy sexual abuse as an abuse of power is explored within the contexts of the Church as a patriarchal institution and as violence against vulnerable and oppressed women. Sexual violence is a sanctioned form of social control. Clergy sexual abuse is a crisis for the women who are victims because it destroys their spiritual lives. Most studies of clergy sexual abuse do not discuss the abuse of women with disabilities, even though studies show that 98% of these women are abused. Patriarchalism and sexism in the institutional church is examined to demonstrate how it fosters and perpetuates the abuse of women. Patriarchal ideology socializes men to be dominant, encouraging them to acquire power for controlling life. Religion has defined women as inferior and sanctioned their oppression by allowing men to dominate women by the abuse of power. There is no little or no accountability for men in patriarchal structures, while women who break the silence about their abuse are further victimized by the institutional abuse of power used to protect the perpetrator. The women’s movement emphasizes telling the truth about one’s own experience. Telling the truth about one’s experience of abuse is to speak about suffering, despair and hopelessness. It is also about transforming one’s life from powerlessness to hope. Experts encourage survivors of clergy abuse to “speak truth to power” in order to transform one from “victim” to “survivor”. Feminist liberation theologians believe that autobiographies “are essential to the communication of these intense experiences, for these more direct ways of witnessing break through our denial more quickly” (Engel and Thistlewaite). Using praxis and theory, the abuse of women with disabilities is examined within the contexts of patriarchal society and Church. Feminist liberation theology is used to examine the abuse of power by clergy. Story-telling and narrative are used as a method of praxis for telling my own story of abuse in the Church. My situation is interpreted in light of the faith journey, and theological reflection is employed for examining the spiritual implications of abuse and the healing process.” In Chapter 2, “Theology and Story-Telling,” in the section, ‘Telling My Story,’ she states: “My story is about being [sexually] abused by a priest of the Episcopal Church and at the same time, suffering from what I know understand as the abuse of power by my Bishop and others in the institutional church.” The individual, who had been her priest, as described as her “spiritual director and friend” who, in 1986, “invited me into his personal life” and “said it was best for me if we kept our relationship a *secret*. The usual was that the Bishop would not approve.” Chapter 9, “Clergy Abuse: Betrayal by My Priest and Friend,” includes a lengthy account of her experiences 1980s-1990s.

Lanier, Ryan David. (2002). *The Catholic Church’s approach to restoring its image in the face of the sexual abuse crisis*. [M.A.] San Bernardino, CA: California State University, San Bernardino. 95 pp.

Focus of the project is “the public relations response of the [Catholic Church] to the sexual abuse malady...” Purpose is “to evaluate the discourse and actions of the church according to image restoration theory.”

Larsen, Martha Klein. (2005). *Voices from the margin: Oral histories of clergy sexual misconduct in light of a Foucauldian analysis of power*. [Ph.D.] Chicago, IL: Chicago Theological Seminary. 247 pp.

Larsen, Tom Arden. (1999). Making the church a safe place for children: The prevention of sexual abuse. [D.Min.] Chicago, IL: Lutheran School of Theology at Chicago. 89 pp.

Lavengood, Henrietta L. Brandt. (2002). Women's spirit, women's work, and women's place in pastoral counseling. [D.Min.] New York, NY: New York Theological Seminary, 194 pp.

Descriptors include: "Sexual misconduct by clergy." Includes case studies.

Lee, Marie Kim. (2003). The relationship between narcissism and clergy functioning in the California-Pacific Methodist denomination. [Doctor of Psychology] Pasadena, CA: School of Psychology, Fuller Theological Seminary. 95 pp.

"In light of the current crisis in some churches, one wonders whether extreme narcissism among clergy could be at the root of problems in ministry in such extreme personal defensiveness, hyper-authoritarianism, instigating church conflict, committing sexual misconduct, and other immoral behaviors. Therefore, overt and covert narcissism were measured in a sample of United Methodist clergy candidates utilizing the Minnesota Multiphasic Personality Inventory (MMPI). It was hypothesized that those with high narcissism would be related to greater problems in ministry. Results were mixed in this sample. No significant results were found for covert narcissism. However, overt narcissism was significantly correlated with less problems in ministry, which could suggest moderate levels of overt narcissism may actually contribute to ministry effectiveness for clergy."

Lee, Norman. (2006). The impact of psychosocial risk factors on the development of pedophilia and ephebophilia in members of the Roman Catholic clergy. [Ph.D.] Fairfax, VA: George Mason University. 170 pp.

"This retrospective study examined archival data gathered from 110 Roman Catholic clergy referred for evaluation at the Saint Luke Institute, a private psychiatric facility dedicated to the treatment of the Roman Catholic clergy. The purpose of this study was to investigate the relationship between various psychosocial risk factors and the development of pedophilia and ephebophilia, as well as the types of pedophilic/ephebophilic acts committed by child sexual offenders... Eleven risk factor variables were examined using discriminant analysis, and were further considered from a multiple risk perspective by evaluation overall risk burden scores. Results indicated that the risk factor variables of family attitude towards sex, the presence of child sexual abuse in the offender's own history, maternal relationships, and confused sexuality were primarily useful in differentiating among the three groups. Evaluation of overall risk burden revealed that child sexual offenders were generally exposed to a greater number of risk factors than non-offenders. Both methods of examining specific variable combinations and examining overall risk burden provided equivalent classification accuracy rates; however no single risk factor demonstrated a uniform impact on each of the comparisons considered. ...[there was] no significant relationship between psychosocial risk factors and the severity of acts committed by sexual offenders. Implications of these findings for the prevention and treatment of sexual offenders, as well as the selection of Roman Catholic clergy members are discussed."

Leong, Kim Susan. (1989). Sexual attraction and misconduct between Christian therapists and their clients. [Ph.D.] La Mirada, CA: Rosemead School of Psychology, Biola University. 158 pp.

Based on survey data from 223 Christian psychotherapists, including pastoral counselors. Found that "87% have been sexually attracted to their clients on at least one occasion, and that a minority (3%) have acted on such feelings." Found that: "Therapists with a Consensual orientation towards religion were more likely to report a belief in the beneficial effects of erotic touch in therapy and were more likely to report acting out sexually with one or more clients after termination." About half of the respondents believed their professional training on this matter was inadequate; pastoral counselors voiced more disappointment about their training. Discusses implications for training.

Lester, Carole. (2000). Empathy development in the narcissistically disturbed clerical paraphilic: Applications of spiritual constructs. [Doctor of Psychology] Immaculata, PA: Immaculata College. 256 pp.

Advanced theoretical reformulation of the literature based in the study of the application of spiritual constructs when treating the narcissistically-disturbed clerical paraphilic. Considers 4 theoretical treatment orientations for clergy offenders – Kohutian, Kernbergian, Cognitive-Behavioral, and Sexual Addiction/Compulsion – within the context of narcissism as a personality disorder and co-morbid condition of paraphilic behaviors. Her theory presents a path model of treatment that integrates spiritual constructs of compassion, forgiveness, and grace. A literature study of St. Augustine and his confessions is presented as an application of the theory. Appendices include a treatment manual. Includes quantitative scales of psychometric measures for empathy, forgiveness, and spiritual well-being.

Lewis-Lakin, Barbara. (1997). Know justice, know peace: An examination of the relationship between justice and healing in the practice of pastoral psychotherapy with survivors of clergy sexual abuse. [D.Min.] Evanston, IL: Garrett-Evangelical Theological Seminary. 86 pp.

“The nature of this work was a study of survivors of clergy sexual abuse and the impact of justice or the lack thereof on their healing process. The study was for the purpose of understanding the specific relationship between legal or denominational justice and individual therapeutic process. Two methods of data collection were used: questionnaire and interview. The analysis of the narrative data was focused on the patterns of meaning which were present and the emergent themes as compared with the foundational literature. The healing process for survivors of clergy sexual abuse was influenced by their determination of justice.” By a United Methodist pastor; draws from her experience of 3 years as “the Consultant to the Bishop of the Michigan Area of the United Methodist Church on matters of clergy sexual misconduct” and as a pastoral counsel in southeastern Michigan. Her theoretical framework utilized process and liberation theology, object relations theory of personality, and an ethical analysis of the imbalance of power in the clergy/parishioner relationship. Qualitative research methods result in data from 11 respondents with 8 questionnaires and 3 interviews. All respondents were white, female, and heterosexual. Focuses on 5 who participated in a formal denominational complaint process against the abusive pastor. Chapter 4, “Findings,” quotes extensively from the 5 and reports main themes in the narrative data: vulnerability, manipulation of power, boundary violations, betrayal of trust, and faith concerns. Reports elements of justice and healing which emerged from the narrative data as questions asked by the survivors.

Ligon, Joe. (2002). A process to assist churches who have experienced the loss of a pastor because of moral failure. [D.Ed.Min.] Fort Worth, TX: Southwestern Baptist Theological Seminary. 196 pp.

“The author developed a process to assist churches that have experience [*sic*] the loss of a pastor because of moral failure. For this project, moral failure was defined as sexual immorality and the pastor was defined as the senior pastor of a church. The author developed the process by researching the available literature and information on this subject and by interviewing leaders at four churches that had experienced the loss of a pastor because of moral failure. A group of ministers and lay people evaluated the process to determine its potential effectiveness.”

Lincoln, Misti J. (2001). A balm in Gilead: The role of the church in healing and prevention of child sexual abuse. [M.Div.] Johnson City, TN: Emanuel School of Religion. 90 pp.

LoBaugh, Marlene S. (2010). The fear of false accusation of sexual misconduct among Catholic priests. [Ph.D.] Santa Barbara, CA: School of Psychology, Fielding Graduate University. 113 pp.

“To investigate the effects on the priesthood of the relatively recent accusations against priests for sexual abuse, anonymous responses from a sample of 45 Roman Catholic priests were analyzed. The Depression, Anxiety, and Stress Scales (Lovibond & Lovibond, 2004); the Stress Profile (Nowack, 1999); and a 15-item Informational Questionnaire which focused on support, stress, and similar factors were used. The results from the Questionnaire make it clear that the priests are adversely affected by the situation and fear false accusations. Surprisingly, they expect little

support from either the bishop or their fellow priests. Social support was found to be inversely related to stress, but only support from peers and the bishop. Support from parishioners and family had effectively no effect on perceived stress. Curiously, the same relationships were found between social support and fear of false accusation. The greater the support from peers and the bishop the less the fear, but the level of support from parishioners and friends was not related to fear of false accusation. Support from family members or the bishop bore no relationship to the health status variables. Support from fellow priests and support from family were related to only some of the health variables. The results concerning the relationships between level of stress and coping styles indicate that priests are having difficulty successfully using positive coping styles to reduce their current stress level. Rest and relaxation were negatively related to the priests' current fear of being accused, but none of the other relationships between styles of coping and fear of false accusation were significant. There were no significant relationships between stress minimization and any of the health variables. Rest and relaxation were positively associated with good health habits. Anxiety, as measured by the DASS, correlated well with the DASS stress scores, but not with the other measures of stress, current level, change in level, or the Stress Profile score. However, most priests reported low levels of anxiety. Although there was a significant relationship found between anxiety and fear of false accusation for priests in general, anxiety was not related to fear of personally being accused. No relationships between anxiety and any of the health status variables were close to significant. Overall the priests rated themselves as not depressed, so no relationships between depression and stress or fear of false accusations were found. False accusations are not limited to the clergy; some of the other vulnerable populations were discussed. In addition, considerations for reducing the consequences of the false allegation situation were offered."

Lozano-Whitten, Cheryl Elaine. (2010). "Farther forgive for I have sinned": Strategies of apologia used by the Roman Catholic Church in addressing the sexual abuse crisis. [M.A.] Commerce, TX: Texas A&M University– Commerce. 50 pp.

"The sexual abuse by Roman Catholic clergy has overwhelmed public media and has resulted in a barrage of criminal and civil lawsuits. Between October of 1985 and November of 2002, more than three-hundred and ninety-four media sources reported on allegations of sexual misconduct worldwide. The response by the hierarchy of the church has been defensive with little effort in expressing remorse. Researchers over the past decade have focused much attention on how organizations respond to crises involving allegations of wrongdoing, but little attention to the church as an organization remains under-researched. When an organization suffers such a crisis as did the Catholic Church regarding the sexual abuse of its members, the role of apology takes on various viewpoints. The questions posed for this research are: First, what strategies of apology did the Catholic Church use in addressing the sexual abuse by clergy and were the apologies issued apologies of regret or remorse. Secondly, I want to explore the impact the media has had on the church. Finally I want to explore the status of the church today with regard to legal issues and the effect the statute of limitations is having on the victims being compensated. The apologies issued on behalf of the Church were few and far between. Based on the analysis of articles from the Boston Globe, it appears that the Church apologized as more of regret than remorse. The silence and cover-up by leaders in the Church forced the hand of many victims to speak out about the abuse and confront the Church in the only way they would respond . . . in a court of law. Once the accusations became public, the media played a pivotal role in escalating the crisis, thereby, forcing the hand of the Church in addressing the abuse. Taking responsibility for the actions of clergy from the very beginning would have been the responsible thing for the Church to do."

MacDonald, Bonnie Glass. (2007). Responding to clergy sexual misconduct: Facilitating congregational healing and restoration. [D.Min.] Louisville, KY: Louisville Presbyterian Theological Seminary. 108 pp. Context is the United Methodist Church.

MacDuffie, Bruce L. (1998). Becoming a preaching congregation: The restoration of communion in a congregation wounded by clergy sexual misconduct. [D.Min.] Evanston, IL: Seabury-Western Theological Seminary. 56 pp.

Madsen, Corey. (2004). *An evensong for Father Bob*. [M.F.A.] South Bend, IN: Department of English, University of Notre Dame. 252 pp.

A novel that involves sexual misconduct by clergy and Roman Catholic youth.

Mapes, Robert L. (1998). *Therapeutic relationships and noncounseling activities: A study of licensed professional counselors and pastoral counselors*. [Ed.D.] Commerce, TX: Texas A&M University–Commerce. 135 pp.

“The purpose of the study was to examine therapeutic relationships and noncounseling activities... The study also examined noncounseling activities that involve counselors and clients and contribute to dual relationships... Licensed Professional Counselors and Pastoral Counselors participated in survey research and provided data used in survey analysis.” Findings included: “Pastoral Counselors were more accepting than Licensed Professional Counselors toward noncounseling activities. Both groups had a moderate level of acceptance for sharing attendance at an outside activity with a client and a very low level of acceptance for employing clients. The study also demonstrated that noncounseling activities create a great ‘gray’ area in counselor-client relationships not adequately addressed by professional codes and guidelines.”

Mappes, David Allen. (1995). *Expositional problems related to the eldership in 1 Timothy 5:17-25 (discipline)*. [Ph.D.] Dallas, TX: Dallas Theological Seminary. 234 pp.

“The main objective of this dissertation is to examine and explain selected expositional problems relating to the eldership in 1 Timothy 5:17-25... Three principal questions arise: (1) Does Paul distinguish between two types of elders (ruling and non-ruling), and what is the nature of that ruling? Most importantly, how would elder discipline affect that ruling? (2) Before whom are the elders to be rebuked (the congregation or only fellow elders), and what type of sin or sins require rebuking? (3) Does the laying on of hands refer to the restoration of penitent sinners, fallen elders (those who have been rebuked), and or does it refer to identification of new elders?”

Martin, Joan Carol. (2008). *Darkness approaching blessing*. [D.Min.] Decatur, GA: Columbia Theological Seminary. 37 pp.

“This project, through individual interviews, published resources, and personal research, strives to provide guidelines for clergy on how to incorporate and preserve a romantic, non-married relationship within a congregational setting. In addition, problematic areas for the pastor, love interest, congregation and denominational structure are considered through the lens of systems theory recognizing that all are dynamically connected within a larger emotional system. The hope is, as a result of this research, clergypersons can have romantic relationships that are healthy, appropriate, Christ-centered, and beneficial to the pastor, love interest, and congregation.”

Marucci, Louis A. (2005). *The cost of scandal: A study on the effects of clergy sexual abuse, in relation to past and present giving patterns of Roman Catholics, in order to strategize for future donor motivation*. [M.A.] Winona, MN: Saint Mary’s University of Minnesota. 169 pp.

“Examines how the child sexual abuse scandal affected the giving patterns of Roman Catholics to the church. Methodologies include a literature review, a survey of annual and lapsed donors, key informant interviews of individuals with expertise in Catholic philanthropy, and focus groups with diocesan administrators. Finds that Catholics gave more to their local parishes in 2002 than they did in 2001 and that during the same period, overall contributions to diocesan appeals remained constant or declined slightly. Provides specific recommendations for action to re-establish trust, restore accountability, enhance transparency, and foster stewardship.”

McDevitt, Patrick Jeremiah. (1999). *Priests as victims of childhood sexual abuse: The effects of disclosing a history of childhood sexual abuse on the capacity for empathy*. [Ph.D.] Baltimore, MD: Loyola College in Maryland. 132 pp.

“This study explored the effects that disclosing a history of childhood sexual abuse in psychotherapy and/or spiritual direction will have on Roman Catholic priests’ capacity for

empathy.” Participants were priests, both diocesan and religious. Based on self-report, 3 groups were compared: priests who reported childhood sexual abuse and disclosed it during psychotherapy and/or spiritual direction; priests who reported being abuse but did not disclose; priests who did not report sexual abuse. Hierarchical multiple regression analyses of independent variables were used to compare participants’ capacity for empathy. “This study demonstrates a hopeful resolution to the dark and painful reality of sexual abuse within the Roman Catholic Church. The information in this study alludes to the need for earlier developmental assistance in disclosing sexual abuse which might prevent later and more damaging crises for priests. ...it is the hope of this study that disclosing past abuses, failures, and stigmas in psychotherapy and/or spiritual direction can be ultimately transformed into gifts and charisms for the good and service of the Roman Catholic Church and the whole world.”

McGlone, Gerard James. (2001). Sexually offending and non-offending Roman Catholic priests: Characterization and analysis. [Ph.D.] San Diego, CA: California School of Professional Psychology, Alliant University. 227 pp.

Study is “designed to provide additional data about Roman Catholic clergy who sexually offend minors under age 18.” Archival data on 158 offending clergy (priests and brothers) were gathered through a treatment center with a national base of patients. This group was compared with 80 non-offending Roman Catholic clergy. Findings included: a greater proportion of pedophile clergy had dependent and schizoid features than ephebophile clergy, who were the majority of offenders. Findings on personality measures (Millon Multiaxial Personality Inventory III and the Rorschach Inkblot Method) were also reported. “The study also provided basic information about non-offending priests’ experiences, attitudes, and sexual orientation.”

Mc Quillan, Cornelius T. (1997). Prevention of clerical child abuse through cognitive changes. [M.A.] Recinto Metropolitano, San Juan, Puerto Rico: Universidad Interamericana de Puerto Rico. 107 pp.

McWilliams, Anne Grace. (2001). Clergy sexual misconduct: A study in psychoanalytic theory and discourse ethics. [Ph.D.] Nashville, TN: Vanderbilt University. 172 pp.

Proposes “discourse ethics as a method for pastoral care that makes it possible to utilize psychoanalysis as a critical theory with implications for social and political theory, and as a resource for pastoral care. Recovery of the classic understandings of transference and countertransference is the key to unmasking communicative distortions, disclosing true desires and interests, and promoting justice in professional practice... The final chapter discusses implications of the method for pastoral care and counseling through analysis of two cases.”

Medley, Mary. (2001, June). Sacred & profane: Sacred & violent: Towards understanding priestly sexual violence. [Ph.D.] Wollongong, New South Wales, Australia: Faculty of Arts, University of Wollongong. 348 pp.

“In the last two decades ‘clerical sexual abuse’ emerged as a specific category within the more general phenomenon of male sexual violence. The Australian [Roman] Catholic Church formulated policies to address this coercive sexual activity by some of its clerical men. I employ a feminist approach to call into question these Church responses by examining the significance of gender to issues of male violence and by indicating the Church’s disregard of either the systemic or gendered aspects of the problem. This thesis situates Catholic clerical sexual abuse into the religio-social context in which this highly particularised violence occurs. Reading Durkheim’s sacred/profane concept through a feminist lens I situation men who are priests in the Roman Catholic tradition into the social/sacred location in which they perpetrate sexual violence. This thesis thus reiterates crucial feminist perspectives on male sexual violence to insist that these acts of sexual abuse by priests constitute violence; that they are not indicative of individual psychopathology or sexual aberration; and that priesthood, as a specific social structure, supports this violence. Gender analysis of some of Catholicism’s discourses and ritual practices reveals an implicit gender bias in the priest/priesthood distinction and allows critique of the Church’s failure to examine priesthood as the structure to which its perpetrators belong. This thesis demonstrates that Durkheim’s sacred/profane dichotomy provides a valuable theoretical tool to develop an

understanding of the connection between religion, gender and violence that is most terribly enacted in priestly sexual violence.” Based, in part, on interviews with members of Friends of Susanna and Broken Rites.

Medley, Patricia Stauffer. (1998). *Vocation after violation: An educational intervention for afterpastors*. [D.Min.] Princeton, NJ: Princeton Theological Seminary. 371 pp.

Presents the design and reports the successful results of an educational intervention with 4 Evangelical Lutheran Church of America pastors serving congregations with pastoral removals due to clergy misconduct. Includes case studies. Draws from family systems theory to analyze the dynamics of the congregation and the pastor’s role.

Medlin, Joseph M. (2008). *A silence of discipleship: The crisis communication techniques employed by the Dioceses of Los Angeles and Orange counties during the height of the sexual abuse scandal*. [M.A.] Fullerton, CA: California State University, Fullerton. 103 pp.

“The purpose of this study was to identify the crisis management and communication techniques used by the Diocese of Orange and the Diocese of Los Angeles during the highest point of their sexual abuse scandals. Interviews, surveys, and focus groups were conducted with parishioners, clergy members, and employees within the dioceses to determine the communication methods employed throughout the crisis... This case study shows contradictions to the literature on crisis communications. Both diocese [*sic*] failed to identify a single spokesperson, follow a predetermined crisis communications plan and provide a timely response.”

Mendola, Michael Joseph. (1998). *Characteristics of priests and religious brothers referred for evaluation of sexual issues*. [Doctor of Psychology] Keene, NH: Department of Clinical Psychology, Antioch New England Graduate School. 131 pp.

Retrospective, empirical study. Examined archival data from 277 Roman Catholic priests and religious brothers referred for psychiatric evaluation of sexual issues. Purpose was to investigate the relationship between symptomatology and psychopathology of those who abused minors and adults. Standardized psychological tests were utilized.

Menees, Richard Andrew. (1998). *How fallen pastors can be restored: A biblical pattern that shapes church discipline*. [Master of Theology] Pasadena, CA: School of World Mission, Fuller Theological Seminary. 181 pp.

Advocates a 6-step restoration process proposed by Gordon MacDonald for restoring ‘fallen leaders’ to ministry. Process includes: confession, confrontation, discipline, comfort, advocacy, and public declaration of restoration. Based on his exegesis, argues for a biblical obligation to restore when possible. His exegesis finds biblical requirements in the restoration process: public confession, public rebuke of fallen leaders, and temporary suspension from ministry. Recommends restoration for fallen leaders rather than cover up or permanent disqualification.

Miller, Juanita K. (1992). *To whom do I turn? A study of institution child abuse*. [B.A.] Perth, Western Australia, Australia: Murdoch University.

Concerns the experiences of former residents of Western Australian orphanages operated by the Christian Brothers. Based on interviews.

Miller, Vera Senora Evans. (2005). *Ordained abuse: How Bible passages have been used to inflict abuse upon parishioners in the church*. [D.Min.] Rochester, NY: Colgate Rochester Crozer Divinity School. 144 pp.

Mills, Patti Ann. (1980). *Spiritual correction in the medieval church courts of Canterbury*. [Ph.D.] Rochester, NY: University of Rochester. 267 pp.

A detailed analysis of correction cases employed by the late medieval Roman Catholic Church to discipline members based on records from the Diocese of Canterbury from the mid-14th until the end of the 15th century. “Most of the criminal cases heard in the Canterbury Consistory were

strictly sexual in nature... Most lay defendants were peasants, the rest servants or artisans, and it is clear that the Consistory was used to discipline only socially humble people. Equally low in their own hierarchy were the churchmen apprehended for transgressions in the diocese, and they appear many times more frequently among the accused than their estimated numbers in the general population would suggest. The clergy, however, were exceptionally adept at escaping the consequences of their misconduct.”

Morawski, Michael J. (2011). The analysis and implications of immoral and unethical behavior among Christian ministers. [D.Min.] St. Paul, MN: Bethel Seminary. 280 pp.

“Many ministers are experiencing a lack of proper training and education, especially in character development. This lack of integrity has contributed to a multitude of dysfunctional clergy. Sexual immorality is not predicated on race, gender, status, personality, or intelligence and is ultimately the minister’s choice. Through grounded theory, case studies, and several interviews, the researcher found that if the minister would participate in counseling, be assigned an accountability partner for a one-year probationary period, and keep a consequences list always before him or her, there would be a significant reduction in clergy sexual misconduct.”

Morris, Nancy McIlwain. (1993). Body, mind and spirit: Discerning a Christian sexual ethic for the twenty-first century. [D.Min.] Madison, NJ: Drew University. 71 pp.

A project conducted in a large, urban congregation following its experience of sexual misconduct by a member of the ministerial staff.

Morse, C. Taylor. (2005). Interim ministry following violation of trust: A tale of two congregations and compendium of resources for the after-pastor. [D.Min.] Hartford, CT: Hartford Seminary. 114 pp.

Presents case studies from 2 congregations.

Morton, Dawn Renee. (2005). The correlation between church leaders’ understanding of the issue of child sexual abuse and preventive steps taken within their churches. [Ed.D.] Louisville, KY: Southern Baptist Theological Seminary. 206 pp.

“The [descriptive quantitative] research examined the relationship between knowledge of faith-based church leaders [213 seminary students] regarding the facts of child sexual abuse and the practice of child sexual abuse prevention steps utilized within the church... Exploration of the abuse of power, the multileveled aspects of denial, the victim, the perpetrator, prevention steps available to the church and parental partnership were included.” The abstract does not indicate the results of Pearson *r* correlation analysis that was conducted “to determine if there was a relationship found between knowledge and practice of church leaders.”

Mouton, Tommy. (2009). A pastor’s crucifixion. [Master of Fine Arts] San Jose, CA: Department of English and Comparative Literature, San Jose State University. 267 pp.

“This novel, as narrated by Matthias, the ten-year-old protagonist, is an interpretation of Christ’s last 40 days as devised and dictated by Pastor, the pedophilic antagonist. The novel has been written to highlight the cyclical effects of sexual and physical abuse, and religious oppression and exploitation, as it pertains to the Baptist church. Biblically stylized, as it is reminiscent of the King James Bible, this novel relies extensively on its use of verbatim and phrasal repetition. The plot has not been written for one to find figurative biblical meaning in each of its devices, as it is not meant to be purely *allegorical*. Rather, the plot is meant to suggest the audaciousness of this well-respected man of God, as he is plagued by his insatiable sexual desires, and ultimately takes up the cross in an attempt to save his congregation from spiritual ruin. Set in 1988 in an unnamed, unincorporated southwestern Louisiana community, this novel relies heavily on its use of regional vernacular and local color.”

Nasini, Gino. (2000). A thorn in the flesh: Clergy sexual misconduct in the Brazilian Catholic Church: An overview of related questions. [D.Min.] Newton Centre, MA: Andover Newton Theological School. 213 pp.

Translated into Portuguese and published in 2001.

Nelson, Abigail. (2005). *Crisis in the Catholic Church*. [M.A.] Fullerton, CA: California State University, Fullerton. 103 pp.

“The Catholic Church is currently facing one of the worst crises in the history of the church. For years, clergy sexual misconduct has been covered up by the church as priests were shuffled from church to church. This case study will examine how the church failed to effectively handle this crisis as the scandals broke. Since this scandal was revealed in 2002 in Boston, Massachusetts, throughout the U.S. the Church has been facing lawsuits and bankruptcy. Through a content analysis of coverage of the crisis, two in depth one-on-one interviews with members of the administration, and a survey questionnaire, this study will also look at the public’s sentiment towards the church and what steps the church has taken to attempt to redeem itself in the public’s view. Hopefully this study will be able to provide insights and strategy recommendations for successful image restoration for the Church.”

Newsome, Loren J. (2011). *The use of Rorschach scales in distinguishing Roman Catholic clergy sex-offenders from non-offenders on narcissism, dependency, immaturity, and sexualization*. [Ph.D.] San Diego, CA: California School of Professional Psychology, Alliant University. 192 pp.

“This study sought to determine whether a sample of clerical sex offenders (n = 138) were more narcissistic, dependent, immature, and sexualized relative to a sample of clerical non-offenders (n = 80), and in that way, resemble non-clerical sex offenders. Groups were compared on the Lerner’s Defense Scale (LDS), the Rorschach Oral Dependency Scale (ROD), the Comprehensive System Food variable, the Rorschach Maturity Index (RMI), and the Rorschach Sexualization Scale (RSS) [sic] The secondary purpose was to test the criterion validity of two of the thematic Rorschach scales (the LDS and the ROD) using the MDMI Narcissistic and Dependent scales, thus assessing their generalizability to a clerical population [sic] It was hypothesized that offenders would produce more narcissistic, dependent, immature, and sexualized records than controls [sic] Additionally, Rorschach and the MCMI scales were hypothesized to converge after controlling for cross-method response style [sic] Results revealed that sexually offending clergy were more dependent than non-offending clergy on all Rorschach and MCMI measures [sic] Surprisingly, they were also more open, demonstrated more complex information processing and cognitive maturity than non-offending clergy [sic] No significant differences were found between groups on measures of narcissism and sexualization [sic] Continuous analyses revealed that as predicted, LDS scores converged with MCMI Narcissistic scale scores when response style was accounted for [sic] Conversely, the measures of dependency did not converge [sic] A variety of exploratory analyses were also conducted [sic] Implications of the findings, limitations of this study, and future recommendations are discussed [sic]”

Newton, James Boyd. (1993). *Pastoral immorality: Grounds for permanent disqualification*. [D.Min.] Chattanooga, TN: Temple Baptist Seminary, Tennessee Temple University. 126 pp.

Niemi, Charlene. (2016). *Forgiveness and psychological well-being of adult male survivors of childhood sexual abuse by Catholic priests*. (Ph.D.) Azusa, CA: School of Nursing, Azusa Pacific University. 178 pp.

“The purpose of this study was to (a) explore the mediating effects of forgiveness with the psychological well-being of adult male survivors of childhood sexual abuse by Catholic priests and (b) elucidating relationships may enhance interventions. Characteristics of abuse include age of first occurrence, frequency, length of time abuse continued, and types of abuse. The Neuman Systems Model was employed to guide the research study. A non-experimental, cross sectional design was used to examine the relationship between forgiveness and psychological well-being among adult male survivors of childhood sexual abuse by Catholic priests. This quantitative, descriptive correlational study employed self-administered questionnaires that were distributed through the Internet to obtain information from the 67 participants. Descriptive statistics were used to summarize data. Additionally, *t* test and analysis of variance was used to compare men’s abuse characteristics across forgiveness and psychological well-being. Pearson’s correlation was

conducted between forgiveness and psychological well-being. Simultaneous multiple regression was performed to ascertain the effects of the various characteristics of abuse and forgiveness on prediction of psychological well-being. The results found the highest number of men were first abused between 11 and 14 years of age; the abuse continued over a period of few years; frequency was three to 10 times; and a total of 355 types of abuse noted, for an average of 5 to 6 types of abuse per participant. The only *t*-test results that were statistically significant were forgiveness (absence of negative) and age of first occurrence, with the second category (11 to 17 years) having higher forgiveness (absence of negative). Pearson's correlation showed moderate to high significance. The multiple regression revealed forgiveness had the highest variance in predicting psychological well-being. While this study identified facilitation of forgiveness as a possible intervention to improve psychological well-being in male survivors of child sexual abuse by Catholic priests, the small size limited the possibility of discovering the role of other factors of abuse may have in well-being. Of importance is that while the characteristics of abuse cannot be altered, forgiveness was the only variable that can be modified."

Nishimoto, Jo Ann K. (2002). *A program evaluation of Marble Retreat: A psychotherapy program for clergy in crisis*. [Doctor of Psychology.] Wheaton, IL: Wheaton College Graduate School. 57 pp.
Marble Retreat, Marble, Colorado, treats clergy and spouses. Identifies as 1 common theme in counseling clergy in crisis as "sexual addiction or misconduct or sexual identity issues."

Noyes, Thomas Craton. (1998). *Broken vows, broken trust: Understanding clergy sexual misconduct*. [Ph.D.] Cincinnati, OH: The Union Institute. 99 pp.
Qualitative research methodology was used with 6 male clergy, 4 mainline Protestant and 2 Roman Catholic. Purpose was to identify systemic and situational themes of stories of clergy who engaged in sexual addictive behavior or sexual misconduct. Structured clinical interviews were conducted and tape transcriptions analyzed. Themes included: social isolation; lack of personal accountability for time and behavior; early sexual encounters and exposure to pornography; cognitive distortions regarding the nature of their behavior; emotionally and/or physically absent fathers; limited formal or familial training and education regarding sexuality issues.

O'Connor, Paul Toby. (1999). *Sexual abuse against children by priests and religious: A study of factors that might lead to offence within the Catholic Church*. [M.A.] Sydney, Australia: Macquarie University. 222 pp.

"This study identified a number of factors specific to the Catholic Church which might lead to the committing of *sexual abuse* against children by *clergy* and religious in Australia. Child sex offenders differ from the general population on a range of measures of psychopathology. The psychopathology of priest and religious child sex offenders is no different to that of offenders found in the general population. There were no observable differences between *clergy*, religious or nonreligious child sex offenders and the general population when a range of traditional environmental factors were examined. However, a number of factors specific to the Church environment in which *clergy* and religious operate were identified as contributing to the committing of child sex offences. Factors were identified through a review of the literature and a survey of Church personnel, victims and offenders. It is suggested the Church develop new standards and approaches covering the recruitment, formation and ongoing supervision of religious personnel. It must implement internal procedures for dealing with allegations of child *sexual abuse* as a response to public demands for a greater commitment to open and robust systems of accountability. The study provides a comprehensive framework upon which future researchers can build and suggests those key areas in which further research is warranted."

O'Rourke, Martin K. (2006). *Guard your heart: A sexual misconduct prevention program for ministers*. [D.Min.] Virginia Beach, VA: School of Divinity, Regent University. 299 pp.

The primary focus was "to research the problem of sexual immorality among [Christian] pastors, with a goal of reducing such behavior through a prevention training workshop... A prevention training workshop was designed, based upon the most recent research on precipitating factors and

causes of such failures, and integrated with scripturally based models and methods for preventing sexual immorality.”

Ostrowski, Allison. (2010). *Perscribo malum: Framing, re-framing and making sense of clergy sexual abuse*. [Ph.D.] Boulder, CO: Department of Communication, University of Colorado. 155 pp.

“This dissertation proposes, deploys and evaluates a new methodology to measure frames in media content and audience perceptions by conceptualizing frames as comprised of correlated constructs instead of the traditional approach of measuring frames in content with preconceived notions of overarching framing categories. Using the pervasive issue of the sexual abuse of children by members of the [Roman] Catholic clergy, a content analysis of 1,115 stories from national and regional newspapers from 1998-2008 was conducted... Also, audience framing of clergy sexual abuse was measured through a survey of 497 participants. An exploratory factor analysis discovered two common (homosexuality and celibacy) and six unique (punishment, women, psychological, authority, supervision and family) audience frames... This methodology shows that audiences consume words and concepts related to clergy sexual abuse from news frames but that audiences re-frame (highlight certain constructs while ignoring others, align constructs into different frames than news articles) the issue in order to make sense of it.”

Ott, Stephen Eugene. (1994). *Protestant male clergy: Violations of sexual boundaries and assessment for rehabilitation potential*. [Ph.D.] Berkeley, CA: Graduate Theological Union. 174 pp.

Purpose was “to review the psychological and religious literature on the subject of therapists and Protestant male clergy who become sexually involved with adult clients” and “to investigate three major models currently used in the assessment of the rehabilitation potential of offending therapists, including clergy.” Used those data “to produce recommendations for the development of policies and procedures to deal more effectively with the problem of clergy sexual boundary violations with adult counselee’s [sic] and parishioners.” Concludes that “there are no widely accepted standards for what constitutes appropriate assessment for rehabilitation potential, or sufficient treatment. The study supports the concept of assessment for rehabilitation potential of some boundary violating clergy. It was concluded that a majority of clergy would not or could not enter a thorough assessment and rehabilitation treatment program.”

Padazinski, C. Michael. (1999). *Loss of the clerical state: A penalty or rescript?* [J.C.D.] Rome, Italy: Pontifica Studiorum Universitas a S. Thoma Aq in Urbe. 184 pp.

From the WorldCat academic database description: thesis contents includes, “Sexual misconduct of clerics: The United States dilemma,” and the related subjects include, “Catholic Church – Clergy – Sexual behavior.”

Paulson, Kelsey L. (2013). *Consequences of anger and shame reactions in adults sexually abused as children*. [Ph.D.] San Diego, CA: California School of Professional Psychology, Alliant University. 223 pp.

“Although there are decades of research pertaining to childhood sexual abuse [reference], there is presently a dearth of literature related to trait anger and shame as central emotional consequences of childhood sexual abuse. Additionally, there is a paucity of research regarding how anger and shame lead to long-last and devastating effects in childhood [reference]. This study aimed to augment the extant literature by examining the relationship between severity of sexual abuse, trait anger, trait shame, suicidality, non-suicidal self-inflicted injury (NSSII), and trauma symptom severity and it was hypothesized that greater amounts of anger and shame lead to greater severity in each of the aforementioned outcomes. The data were obtained from adults who were sexually abused as children. Adults who were sexually abused by clergy were oversampled in the hopes of gaining information about these individuals because to date, no-empirically-based studies have examined the population. Data were analyzed through regression analyses which suggested that trait anger and shame did not act as moderator variables between severity of sexual abuse and outcome variables; nonetheless, severity of sexual abuse, trait anger, and shame each significantly predicted trauma symptom severity and severity of sexual abuse and trait shame significantly predicted suicidality. Neither severity of sexual abuse nor trait shame significantly predicted

NSSII. Additionally, analyses of variance tests revealed a significant difference between individuals sexually abused by clergy and individuals sexually abused by individuals other than clergy on trauma symptom severity, but no significant differences between these two groups were found on trait anger or trait shame. Implications, limitations, and suggestions for future research are discussed.”

Perez-Truglia, Ricardo Nicolas, & Bontan, Nicolas. (2014). “Charitable Giving and Religious Networks.” Chapter 3 in *Three essays on social incentives*. [Ph.D.] Cambridge, MA: Department of Economics, Harvard University, pp. 95-135.

In various professional contexts beyond this document, his surname appears as both Perez-Truglia and as Truglia. From the abstract: “This dissertation studies social incentives in pro-social behavior and its various implications, including but not limited to disclosure policies, fundraising strategies and geographic polarization... Chapter 3 provides evidence on the causal effect of religious participation on charitable giving and social services. As identification strategy, we exploit an event-study of [Roman] Catholic-clergy sexual abuse scandals in the United States. We find that the scandals caused a long-lasting decline in religious participation, charitable giving and the provision of social services. However, the scandals did not affect religious beliefs or other forms of pro-social behavior. This evidence is consistent with the hypothesis that religious participation causes higher charitable giving, more likely through social mechanisms (e.g., solicitation, social pressure) than through religious beliefs (e.g., belief in god).” At the outset of the chapter, they state: “This paper explores the effects of a negative shock to the single largest non0governmental provider of social services in the United States, the Catholic Church, on the social sector landscape... We estimate the causal effects of the scandals on [various outcomes] by exploiting the fine distribution of scandals over space and time using an event-study framework.” 70 chapter endnotes.

Perillo, Anthony Dion. (2014). *Risk assessment of sexually abusive clergy: Utility of sex offender risk instruments with a unique subgroup*. [Ph.D.] New York, New York: City University of New York. 146 pp.

“Sex offender risk instruments provide empirically based outlooks on recidivism risk and often serve as a critical part of sex offender management. If applied to unrepresented offender groups, these instruments may offer inaccurate pictures of risk and hinder efforts to reduce sexual violence. With little research available on sexually abusive clergy prior to the abuse scandal of the early 2000s, sexually abusive clergy are one group not represented in the research used to develop risk measures. An understanding of the validity of current risk assessment practices with sexually abusive clergy is critical and timely, as changes to the handling of abuse by the Church will lead to increased need for risk assessment in the community. Based on archival file data of sexual abuse in the Catholic Church and data from a state-wide investigation of sex offenders (N = 6,934), the current series of studies were designed to incrementally identify differences between sexually abusive clergy and general sex offenders, evaluate the validity of current risk instruments with clergy, and explore alternatives to improve risk assessment with clergy. Study 1, which compared clergy and general offenders over the course of their offending history, found that clergy exhibited different patterns from general sex offenders on most variables included in risk measures. Study 2 (N = 2,852) examined recidivism in relation to scores on established risk measures. Recidivism rates for clergy (14%) were similar to rates from the body of sex offender research. Of the four instruments examined (Static-99, Static-99R, RRASOR, and MnSOST-R), only the Static-99R predicted recidivism for clergy (and did so poorly). Study 3 (N = 616) identified additional predictors of clergy recidivism and possible modifications to current items. This revised approach resulted in stronger predictions of clergy recidivism, on par with the best predictors of recidivism for general sex offenders. Overall, results suggest sexually abusive clergy to be a unique subgroup of offenders not properly accounted for in current risk measures. Use of the Static-99, RRASOR, and MnSOST-R with clergy is not recommended. Future research is needed to develop proper and valid risk assessment approaches with sexually abusive clergy.”

Peterson, Juan P. (1997). An examination of the problem of adultery which occurs among the leadership of evangelical African American churches on the east coast of the U.S.A. [M.S.] Philadelphia, PA: Philadelphia College of Bible. 62 pp.

Pidutti, Theresa Marie. (2001). An exploratory study of the communication process of rebuilding trust among women who have experienced a violation of trust through abusive control by religious leaders. [M.A.] Virginia Beach, VA: Regent University.

Pinillos, Richard M. (2012). The evolution of the right of defense in the preliminary penal investigation of delicts related to the clerical sexual abuse of minors. [J.C.L. – licentiate in canon law] Washington, D.C.: School of Religious Studies, The Catholic University of America. 78 pp.

Pope-Lance, Deborah J. (2007). Afterpastors: Relational harm and healing in the aftermath of clergy misconduct. [D.Min.] Newton Centre, MA: Andover Newton Theological School. 247 pp.

Draws from case material from her work with afterpastors, “[m]inisters who serve congregations in the aftermath of a predecessor’s sexual misconduct...” Identifies and describes 4 types of difficulties – disaffections, disruptions, deceptions, and dysfunctions – “observed in the locus of afterpastors’ ministerial relationships.” Examines profiles of clergy offenders to discern common relational patterns. States: “Each of the four types of difficulties is an artifact of injury inflicted by offenders’ interaction on the integrity of ministerial relationships.” Concludes: that “given the essential relationality of ministry, clergy sexual misconduct sufficiently damages the ministerial relationship that any afterpastor’s ministry will be predictably difficult until and unless the integrity of the ministerial relationship is restored.” Also “draws on case material to examine how particular afterpastors addressed each of the four types of difficulties commonly reported.” Based on those considered to be effective and the work of relational theorists, she constructs a model of relational competence based on genuine, empathic, and boundary competence, which leads to an ethical standard for ministry.

Potchatek, Margaret Grunden. (2007). Soul rape: Critical moral failure in religious settings. [Doctor of Psychology.] San Francisco, CA: California Institute of Integral Studies. 230 pp.

“The purpose of the study is to discover the psychosocial dynamics that perpetuate clergy sexual abuse of children and lonely adults. The focus of the study is on the behavior of those who surround the perpetrators of sexual abuse. The narrative is based on heuristic principles of research design. The study is informed by the researcher’s personal experience as a member of a congregation which hired a pedophile priest, by clinical experience with adult survivors of sexual abuse, and by her role as an advocate for victim’s rights. The study includes four case histories involving clergy sexual abuse – an adult female, two early-adolescent males, and an eight-year old multi-racial female, all from widely disparate geographic locations. Data is derived from journal notes, informal discussions with survivors of sexual abuse, clinical notes, notes taken during church hearings, letters, and apologetics published by clergy. The researcher refers to William James’ writings of ‘critical ethical moments’ which determine moral character. The study draws on fundamental existential concepts including the assumptions that human existence is organized around themes of freedom, anxiety, dread, loneliness, and alienation, and that individuals may resort to misuse of power, self-deception, and inauthenticity to escape the anxiety that attends loss of social status, stasis for, meaning. When the viability of a religious institution is threatened by the phenomenon, clergy and laity who attach meaning and derive status, power, and identity may be motivated to enable abuse. They may use power differences to control, intimidate, punish or scapegoat those who report. They may use the concepts of *confidentiality* and *presumption of innocence* to prevent disclosure. Victims, family members, clergy peers, and laity may compromise moral principles because of the psychological impact and taboo nature of the phenomenon. Those who report clergy abuse may be constrained by cultural attitudes toward whistleblowers and by social pressure to be silent. Psychological characteristics of the victims (social marginalization, substance dependence, guilt, self-blame, e.g.) may disempower and diminish their believability. Perpetrators may manipulate screening processes and surround themselves with sympathetic supporters.”

Pounds, Bayne Bagdanovich. (1993). *The minister of youth and personal tort liability: An analysis of selected legal issues.* [Doctor of Education] New Orleans, LA: New Orleans Baptist Theological Seminary. 166 pp.

Purpose “was to determine areas of personal tort liability for which ministers of youth are susceptible due to their interactions with minors and to ascertain appropriate preventive measures.” Identified typical duties of youth ministers in Southern Baptist churches and legal issues related to those duties, including “clergy malpractice, counseling regulation, negligence, sexual molestation, and child abuse reporting...”

Power, Georja Jane. (2003). *Organizational, professional and personal roles in an era of change: The case of the Catholic clergy.* [Ph.D.] Fitzroy, Victoria, Australia: School of Psychology, Faculty of Arts and Science, Australian Catholic University. 286 pp.

Based on qualitative and quantitative research. Among her findings: “Key factors impacting on relationships of [Roman Catholic] priests [in Australia] with parishioners were found to be first, a decline in the authority of priests, second the revelations of sexual abuse by priests, and third, the difficulty numbers of clergy have with establishing and maintaining close, intimate relationships.” Chapter 5, “Priest as Moral Authority,” explores “the identity of priests as celibate, virtuous and chaste moral authority” and concludes: “Issues of sexual abuse by clergy, and the lack of appropriate response by church authorities, threatens to further deconstruct public and parishioner perception of the moral authority of the church, and consequently the view that priests are its sacred representatives.”

Pratte, Claude William. (1984). *Guidelines for pastors to deal successfully with temptation to sexual sin.* [Th.M.] Dallas, TX: Dallas Theological Seminary. 65 pp.

Prestwood-Taylor, Beverly. (2008). *Choice, process, leadership and grace: The four winds of healing for traumatized congregations.* [D.Min.] Hartford, CT: Hartford Seminary. 189 pp.

“‘Traumatized churches,’ sometimes labeled ‘clergy killer’ congregations, are churches marked by clergy sexual misconduct. Some churches are usually harmed beyond the visible shame, pain and embarrassment. Often they become stuck in a cycle of bad relationships with pastors, which is triangled into conflicted relationships between the members of the congregation. This project describes the two year pilgrimage of ‘Church of the Warm Heart’ as it moved beyond the destructive cycle and reputation toward wholeness and re-creation.” The title reflects the 4 factors identified by the congregation as primary instruments for its healing.

Punzo, Jessica. (2013). *Traumatic symptoms and overall well-being in those abused by church workers.* [Doctor of Psychology] Chicago, IL: Adler School of Professional Psychology. 149 pp.

“The purpose of this study was to examine the traumatic symptoms and overall well-being of those abused by church workers, analyzing group differences based on a variety of variables. The sample consisted of 72 members of the Survivors Network of Those Abused by Priests (SNAP), half male and half female. Participants completed a demographic survey in addition to the Traumatic Stress Inventory, Second Edition (TSI-2), which measures many different trauma symptoms and yields four factor scales, 12 clinical scales and 12 subscales. Participants also completed the World Health Organization Quality of Life Questionnaire, Brief Version (WHOQOL-BREF), which assesses overall functioning in four life domains. The following hypotheses were examined: (1) SNAP members would have more traumatic symptoms, as evidenced by higher scores on the TSI-2, when compared to a clinical sample, (2) SNAP members would have more dysfunction in everyday life, as evidenced by lower scores on the WHOQOL-BREF, when compared to a clinical sample, (3) there would be no difference in TSI-2 scores between men and women, (4) the earlier that SNAP members were abused, the more traumatic symptoms they would endorse, (5) the older SNAP members were when abused, the better they would be functioning in life, (6) the longer the duration of abuse of a SNAP member, the more traumatic symptoms they would endorse, (7) the shorter the duration of abuse, the better a SNAP individual would be functioning, (8) the younger a SNAP member was, the more traumatic

symptoms they would be experiencing, (9) the older a SNAP member was, the better they would be functioning in various life areas, (10) the shorter amount of time elapsed since the abuse ended, the more traumatic symptoms a SNAP member would experience, and (11) the more time elapsed since the abuse ended, the better a SNAP member would be functioning in different areas of life. Results of data analysis supported two out of the eleven hypotheses. SNAP members showed significantly higher traumatic symptoms than a clinical population and significantly lower overall well being than a clinical sample. There was a significant difference in traumatic symptoms between men and women, as men endorsed more traumatic symptoms than women on most of the scales. Moreover, there appeared to be a significant positive correlation between the age of onset and some TSI-2 scores. There tended to be a significant negative correlation between some TSI-2 scores and duration of abuse, and significant positive correlations between current age and some TSI-2 scores. Furthermore, there were significant positive correlations between years since abuse ended and some TSI-2 scores. There were no statically significant findings with respect to WHOQOL-BREF scores and the predictor demographic variables. The study findings are limited in that the sample size, although much larger than samples in previous studies of this population, was smaller than what was required for sufficient power. There was also an imbalance of individuals who reported being abused by Catholic priests versus other denominations. It could also be noted that recruitment strategies limited the generalizability of this study. Study results may contribute to the overall knowledge base about post-abuse symptoms and functioning in those who have been abused by church workers to assist in strategizing for future treatment options.”

Quinlan, William M. (2004). Current interpretations of Canons 1040, 1^o and 1044 (par.)2, 2^o. [J.C.L. – licentiate in canon law] Washington, D.C.: The Catholic University of America. 51 pp.

Raiford, James B. (1990). Restoration to ministry centers: Case studies and a proposal.. [D.Min.] Dallas, TX: Dallas Theological Seminary. 233 pp.

“This dissertation focuses upon the ministry of restoring pastors personally and professionally. The aim of the research is to discover the most effective restoration centers and use these findings as a foundation to establish a new center in northern Alabama. Restoration centers selected for case studies are Link Care Center in Fresno, California, Marble Retreat in Marble, Colorado, SonScape Re-Creation Ministries in Pagosa Springs, Colorado, Christian Counseling Ministries in Buena Vista, Colorado, and Fairhaven Ministries in Roan Mountain, Tennessee... These five restoration to ministry centers have ministered to over 14,158 professional pastors and their wives... Specific research uncovers the most common problems pastors encounter, the most dominant problems, as well as the most devastating. Included are twenty-two causes for the problems and thirteen proposed reasons for pastors failing to seek professional help.”

Ramos, Samuel. (2004). Preventive steps for pastoral sexual misconduct: A seminar for Brazilian pastors in the North American Division. [D.Min.] Berrien Springs, MI: Seventh-day Adventist Theological Seminary, Andrews University. 175 pp.

Rassieur, Charles Leo. (1974). An exploratory study of how male pastoral counselors cope with their sexual attraction to female counselees. [Ph.D.] Claremont, CA: School of Theology at Claremont. 271 pp.

Richardson, William. (2010). The presumption of innocence in canonical trials of clerics accused of child sexual abuse: An historical analysis of the current law. [Ph.D.] Leuven, Belgium: Faculty of Canon Law, Katholieke Universiteit te Leuven (Catholic University of Leuven). 324 pp.

Rico, Jorge E. (1997). A summary on the dynamics, prevention, and legal implications of clergy sexual misconduct. [D.Min.] Berrien Springs, MI: Seventh-day Adventist Theological Seminary, Andrews University. 184 pp.

Reports a ministry project involving the design, presentation, and evaluation of a seminar regarding clergy sexual misconduct for 57 pastors in the Oregon Conference, Seventh-day Adventist Church. Topics include “the dynamics, prevention, and legal implications of sexual

misconduct among clergy.” States: “New and transferring pastors should be screened for potential sexual difficulties and should be asked to participate in an orientation process. Churches should develop programs to rehabilitate and restore fallen pastors and to aid the recovery of their victims, their families, and their congregations.”

Rieth, Sarah M. (1994). *Torn colors and threads of grace: Spiritual healing for adult survivors of sexual abuse*. [D.Min.] Rochester, NY: Colgate-Rochester Divinity School. 204 pp.

By an Episcopal priest who is a psychotherapist. Framework is feminist and is oriented to psychotherapy and clinical application. Also examines spiritual themes. Some of her clients include women who were abused by clergy.

Robinson, Edward Anthony. (1994). *Shadows of the lantern bearers: A study of sexually troubled clergy (Catholic)*. [Ph.D.] Baltimore, MD: Loyola College in Maryland. 478 pp.

Compares the psychological test profiles of 5 groups of Roman Catholic clergy: ephebophile (N=30); pedophile (N=30); sexual compulsive (N=30); alcoholic (N=30); a psychiatric comparison group (N=30). Tests used were the MMPI-2, MCMI-II, and Rorschach Ink-blot test. “The most interesting finding was a 95% successful discrimination between the ephebophile and pedophile groups. Small sample sizes and a low variable-to-member ratio expose the models to an overcapitalization on chance their generalizability cannot be confirmed by this present research.”

Rodriguez, Kathryn. (1998). *Predictors of self-esteem and spiritual well-being among sexually abused women*. Western Conservative Baptist Seminary.

Rossetti, Stephen Joseph. (1994). *The effects of priest-perpetration of child sexual abuse on the trust of Catholics in priesthood*. [Ph.D.] Chestnut Hill, MA: Boston College. 181 pp.

Explores the effects of Roman Catholic priests being accused in public of child sexual abuse on the trust of adult Catholics in the priesthood, the Church, and in God. 3 groups of active Catholics in the U.S.A. and Canada were identified: Group 1, those with no exposure to the accusations (N=501); Group 2, those who had a priest in their diocese accused (N=1,097); Group 3, those who parish priest had been charged (N=177). Analyses of Variance (ANOVA) compared the trust levels of the 3 groups. There was a statistically significant decline in trust in priesthood and Church, but not in God, from Group 1 to 2 to 3. Concludes that this highlights a need to extend pastoral and psychological care to parishes and the Church when priests are charged.

Rourke, Marguerite Anastasia Freese. (1993). *Deliver us from evil: Healing lessons acquired in recovering from the sexual assault of my child as pastor to the accused*. [D.Min.] Chicago, IL: Chicago Theological Seminary. 38 pp.

Rowland, Charles H. (1987). *The responsibility of a diocese for the actions of its priests' sexual misconduct: Canonical implications*. [J.C.L. – licentiate in canon law] Washington, D.C.: School of Religious Studies, The Catholic University of America. 61 pp.

Ryan, Gregory. (2005). *Cognitive mediation deficits and sexually offending Roman Catholic clergy using the Rorschach Inkblot Test*. [Doctor of Psychology.] Baltimore, MD: Loyola College.

Ryder, Rosalie. (2006). *Paedophile priests: An analysis of the concept of moral panic and its applicability[i.e. applicability] to the Christchurch Order of St John of God case of historic sexual abuse allegations*. [M.A.] Wellington, New Zealand: Victoria University of Wellington. 178 pp.

Sagala, Miranda Belinda. (2003). *Los Angeles Archdiocese child sexual abuse scandal: A case study in crisis communication*. [M.A.] San Bernardino, CA: California State University, San Bernardino. 65 pp.

“This thesis examined strategies employed by the [Roman Catholic Church's] Los Angeles Archdiocese in its communication with the media during the initial phases of handling the child sexual abuse scandal. Internal and external messages from the archdiocese were analyzed in terms

of how well they conformed to the five generally accepted principles that should govern crisis communication: timeliness, openness, honesty, regret and accessibility.”

Saradjian, Adam. (2000). Cognitive distortions of religious professionals who sexually abuse children. [D.Clin.Psy.] Uxbridge, West London, England: Brunel University London.

Satterfield, Ted L. (1997). “When shepherds stray”: A study of clergy sexual misconduct within the Christian Church (Disciples of Christ). [D.Min.] Lexington, KY: Lexington Theological Seminary. 99 pp.

Schiller, Lauren Marie. (1994). Buddhism in contemporary America. [M.Science.] Southern Connecticut University. 234 pp.

From Part 1, *The Contemporary History of Buddhism in American*, Chapter 3, ‘The Shadow-side of Buddhist America, 1980-1990,’ pp. 51-72, describes the period of the 1980s into the early 1990s as “the moral undoing of institutional Buddhism” in the U.S.A. following revelations that “[a] number of teachers, both America and Asian, fell into a very human trap, that of abuse of power - - primarily sexual and financial. The private lives of Buddhist teachers became the subject of public scrutiny and outrage; while the spiritual lives of many students were thrown into upheaval.” Traces responses to incidents involving: Richard Baker Roshi, San Francisco Zen Center; Hakuyu Taizan Maezumi Roshi, Zen Center of Los Angeles; Osel Tendzin, Vajradhatu. States that the subsequent “critical examination of Buddhist practice... set much of the groundwork for how Buddhism is currently expressed,” especially the increase in emphasis on lay practitioners, including “what the expectations and responsibilities of teacher and student were going to be.” Cites analyses and critiques in articles by Jack Kornfield, Martin Collcut, and a panel consisting of Susan Griffin, Peter Rutter, and Yvonne Rand. Identifies an open letter from Western Dharma teachers in 1993 as “establishing guidelines for understanding and dealing with impropriety.” 24 endnotes to the chapter.

Schlosser-Hall, Corey Clifton. (2002). From exile to exodus: Rhetoric and the re-constitution of community following one congregation’s crisis in leadership. [Ph.D.] Minneapolis, MN: University of Minnesota. 541 pp.

Case study of how Westminster Presbyterian Church, Minneapolis, Minnesota, reconstituted itself following the resignations in 1997 of the pastor and associate pastor following behaviors that the Presbytery of the Twin Cities Area defined as sexual misconduct. The symbolic action and organizational practices that emerged during and after the resignations are analyzed from 4 complementary perspectives: crisis communication; organizational communication; leadership communication; symbolic communication. 2 theoretical assumptions are used: communities are constituted and reconstituted through symbolic action and practices that are rhetorical in character; those actions and practices are enabled and constrained through a process that is best described by Anthony Giddens’ theory of structuration.

Schmidt, Karl Walter. (2003). Crisis in the church: Fact or fallacy? [M.A.] Milton, MA: Curry College. 97 pp.

Schott, John. (1940). A consideration of the moral and spiritual degeneracy of the clergy in early eighteenth century England... [S.T.M.] New York, NY: Union Theological Seminary.

Descriptors include: “Sexual misconduct by clergy – England.”

Sellers, Karen Smith. (1997). Crossroads: Clergywomen thinking seriously about leaving church-related ministry. [Ph.D.] Minneapolis, MN: Department of Work, Community, and Family Education, University of Minnesota, 168 pp.

“The purpose of this research was to learn what it is like for clergywomen to think seriously about leaving church-related ministry for some other kind of work... Hermeneutic phenomenology provided the theoretical research methodology... Nine clergywomen were interviewed individually in order to explore and clarify their subjective experiences of thinking seriously about

leaving church-related ministry. The transcripts were analyzed for underlying themes... Four core themes were identified. One, thinking seriously about leaving church-related ministry responds to the feeling that one's well-being is threatened. The threat is felt as a lack of fit or as a challenge to survival, integrity, or identity. Two, the experience is part of a deeply spiritual process in which the call to ministry is not doubted, but the organized church is questioned. The women's primary commitment is to expressing their own spirituality and to becoming who God wants them to be. Three, the experience reveals profound ambivalence not only about the institutional church but also about ordination, loyalties, and suffering. Four, the experience results in feeling stuck and seeing few appealing alternatives. With no clear vision of what they could do or would rather be doing, the clergywomen perceive that leaving would not solve the problem." Chapter 4 presents her analysis and the 4 themes. States that the women in study "have tended to [think seriously about leaving church-related ministry] in isolation." Among the contributors to the isolation phenomenon is *lack of trust*, the examples of which include a woman who "was sexually harassed by her denominational officer," a man who "exercises considerable influence in the placement process and can limit her access to suitable ministry opportunities."

Shea, Diane J. (2006). Effects of sexual abuse by Catholic priests on adults victimized as children. [Ph.D.] Minneapolis, MN: Walden University. 182 pp.

"Prior to this study, there were no scientific data examining specific psychological effects of sexual abuse by priests on adults who were victimized as children... [This study] was a quantitative quasiexperimental design investigating symptoms of depression, posttraumatic stress disorder, levels of learned helplessness, and strength of religious faith between those abused by a priest and those abused by a layperson. A group of 29 males who were abused by a Catholic priests and group of 20 males abused by a layperson completed a demographic questionnaire, the Beck Depression Inventory, the Learned Helplessness Scale, and the Strength of Religious Faith Scale and the Posttraumatic Check List. ...independent *t* tests results suggested that both groups had scores that were suggestive of learned helplessness, moderate levels of depression, the presence of posttraumatic stress disorder, and weak religious faith. Those abused by a priest were older at the time of first abuse and did not report their abuse until a later age."

Sherrill, Carl W. (2011). The corruptible heart and the pastor's marriage. [D.Min.] Fort Worth, TX: Southwestern Baptist Theological Seminary. 252 pp.

"This dissertation argues that adultery on the part of a pastor or his spouse is the fruition of a heart that has suffered sinful, idolatrous corruption, rebelling against the biblical teachings of love, marriage, and a marital love that honors God. Accordingly, adultery has an internal causation, not an external causation. The dissertation will research the prevalence and scope of pastoral and pastoral spouse sexual misconduct and their acceptance of responsibility. The spiritual relationship with God in an adulterous relationship is examined. This Bible is seen as uniquely qualified to address the causation of pastoral misconduct."

Shewman, Richard Douglas. (1995). The diocesan bishop and the pastoral care of victims of child sexual abuse by clergy. [J.C.L. – licentiate in canon law] Washington, D.C.: School of Religious Studies, The Catholic University of America. 123 pp.

Shirritt-Beaumont, Raymond Morris. (2001). The Rossville scandal, 1846: James Evans, the Cree, and a mission on trial. [M.A.] Winnipeg, Manitoba, Canada: Department of History, University of Manitoba and University of Winnipeg. 156 pp.

"In February 1846 the Reverend James Evans, who had been for several years the senior missionary among the Cree at Norway House, Manitoba, was accused by members of his congregation of sexual impropriety with young Native women who had resided at various times in his home." The trial that followed is a central theme in this study that considers "the larger debate concerning the broader meaning and significance of missionary/aboriginal encounters."

Silva, Bryan William. (2006). [Doctor of Psychology.] A model for on-going care of clergy who have been accused of sexual misconduct: Program development guidelines. Los Angeles, CA: Pepperdine University. 157 pp.

“The purpose of this study was to develop a model of on-going care of Roman Catholic clergy who have been accused of sexual misconduct. The model was designed as a follow-up to in-patient evaluation and treatment. Through a data driven approach to literature review, databases of psychological, legal and theological literature were [sic] examined for information pertinent to the issues of caring for sexually offensive clergy. The model includes issues pertinent to the decision-making process of a religious superior, i.e. bishop or provincial, in the Roman Catholic Church and informs the process of choosing housing, providing ongoing psychological treatment, boundary setting and monitoring procedures for this type of clergyman. Specific elements are included to inform the religious superior about underlying issues that will affect decision-making. Other models and approaches, such as Relapse Prevention, Abstinence Violation Effect, the Containment Model of sexual offender management, and various views of offender typology are also included. The study ends with a decision tree to aid religious superiors in the decision-making process with these clergy.”

Ruth, Kibbie Simmons. (2002). A decision-making process for managing sensitive information in congregations for the San Francisco Presbytery. [D.Min.] Berkley, CA: Pacific School of Religion. 214 pp.

Schwartz, Eve. (2017). Personality profiles of adult survivors of child sexual abuse perpetrated by religious leaders. [Psy.D.] San Diego, CA: California School of Professional Psychology, Alliant International University. 108 pp.

“This study investigated differences between personality profiles of religious perpetrated adult survivors of child sexual abuse (RLPSA) and other child sexual abuse survivors (CSA) as measured by the Minnesota Multiphasic Personality Inventory (MMPI-2). The present study aimed to extend and broaden the clergy-perpetrated sexual abuse (CPSA) literature to include RLPSA survivors and inform treatment interventions for clinicians working with this unique population and CSA survivors in general. The sample consisted of 59 participants from an adult survivor database including RLPSA survivors (n = 41) and CSA survivors perpetrated by Non-Religious leaders, some of whom experienced institutional betrayal (IB). These participants completed comprehensive psychological evaluations between 1994 and 2017. The total sample also included 109 female survivors who served as a non-clerical control sample from a published study (Elhai et al., 2001). Scales F, 2(D), 4(Pd), 6(Pa), 7(Pt), 8(Sc), and PK (PTSD) were among the most elevated scales in the entire sample, yet not all scores were significantly different. Non-clerical CSA survivors showed statistically significantly higher scores on scale F than RLPSA survivors regardless of IB. Similarly, a significant difference was found between groups on scale K with implications that RLPSA survivors may fare better in adulthood than non-clerical CSA survivors. Alternatively, RLPSA survivors may have a stronger propensity towards denial. Overall, the data suggests that CSA in general accounts for severe pathology in adulthood regardless of IB and religious leaders as perpetrators.”

Silva, Rosa Eliza da. (2008). Diagnóstico em atendimento psicoterapêutico a religiosos: prevalências psicosssexuais. [Mestrado do Programa de Ciência da Religião] São Paulo, Brazil: Pontifícia Universidade Católica de São Paulo.

English translation of a portion of the abstract in Portuguese as used by the University of Coventry University library, London, England. “The object of this research is a group of priest and seminarians of the Catholic church in São Paulo (Brazil). 149 subjects are taken in this research. They were all under psychoterapic care of 12 experts in psychoterapy. All those twelve experts where individually interviewed about their clinical judgment on the psychological diagnostic of the subjects. For this purpose the group of subjects where reduced to 48 subjects (25 priests and 23 seminarians). At this point of the research the main objective was the clarification of the diagnostic of the 48 cases under study. A extense research work was undertaken in the cases files of all the subjects and the attention was concentrated in the psychosexual aspects of the

subjects behaviour, because the incidence of this kind of behaviour was predominant. For this purpose the DSM IV TR of the American Psychiatry Association was taken as the main reference for the classification of the cases.”

Sinclair, Lisa M. (2010). [D.Min.] Shattered dreams and shattered vows: The lived experience of healing marital sexual betrayal in American missionary women. Columbia, SC: Columbia International University. 229 pp.

“This research describes the lived experience of healing in marital sexual betrayal of North American missionary women. The data were analyzed to find major themes that the women, as co-researchers, evaluated for resonance and dissonance. The women's voices emerged as their experiences were quoted with rich description under each major theme. Theological reflections on the findings and recommendations for missionary women, missions and member care providers, and sending churches were included. Areas of needed future research were suggested. Marital sexual betrayal impacted all areas of the women's lives. God provided healing through disparate means, but most of all, through His own comfort and sustaining.”

Sinclair, Paul L. (2008). Factors influencing North American missions men to remain sexually pure. [D.Min.] Columbia, SC: Columbia Biblical Seminary and School of Missions, Columbia International University. 221 pp.

“The study explores factors that contribute to North American missionary men living lives marked by sexual purity. It uses a mixed method design that incorporated both descriptive and quantitative data analyses in an effort to determine the impact of: 1) family of origin and past life experiences, 2) missionary life stress, and 3) the practice of different disciplines on the lives of missionary men serving in cross-cultural contexts overseas. Overseas male missionaries from five North American evangelical mission agencies (617 men) were asked to participate in an anonymous web-based survey with 226 men completing the survey. Prevalent themes and factors impacting male missionary sexual purity emerged in the study. Study results point to the importance of past life experiences, the impact of cross-cultural life stresses, and the employment of specific disciplines. These factors affect a man's pursuit of sexual purity.”

Slafter, Roger R. (1984). The effects of lust on the Christian leader. [Th.M.] Dallas, TX: Dallas Theological Seminary. 92 pp.

From the introduction: “A Dallas Theological Seminary student and a member of the staff were spending time enjoying one another's fellowship. This would be fine except for the fact that they were both married. The ‘innocent’ relationship turned into an affair. Shortly after commencement, a promising Dallas Theological Seminary graduate left his wife for another woman. A successful pastor was disqualified from the ministry because his affair with the church secretary had been exposed... How many lives, homes, and churches have been torn apart because of a lack of fidelity and self-control? Adultery does not simply happen. It is the consequence of giving in to strong sexual desire. Sexual desire is an area of conflict which every man must face... It is, therefore, the purpose of this thesis to help Christians to turn away from lust based upon their knowledge of its harmful effects.”

Smith, E. Daniel. (2001). Authentic love: The traumatized congregation, the afterpastor, and the good shepherd. [D.Min.] Evanston, IL: Seabury-Western Theological Seminary. 75 pp.

Smith, Mark Graham. (2003). Whose discipline? Which ecclesiology? What kind of bishop?: An interdisciplinary empirical study of Episcopal response to clergy sexual misconduct in the Church of England since 1963: Some implications for the future of church discipline. [Ph.D.] Lancaster, England: Lancaster University.

Smith, Robert Gamey. (1996). Rehabilitation and restoration of the fallen pastor. [D.Min.] Pasadena, CA: Fuller Theological Seminary. 303 pp.

Written “to facilitate the design and implementation of a more effective ministry of rehabilitation [of leaders] within the Assemblies of God... the main purpose of this work is to encourage the development and implementation of more cohesive, inclusive, and practical steps of restoration.” The 1st part is a theology of restoration based on scripture. The 2nd part “is a review of the effectiveness of rehabilitation, both inside and outside the fellowship. It includes a number of anonymous interviews with victims and recommends a systemic approach to rehabilitation.” The 3rd part is practical suggestions.

Smith-Moran, Barbara Putney. (2008). *To heal the brokenhearted: Restorative justice for victims of sexual abuse by religious leaders*. [D.Min.] Berkeley, CA: Church Divinity School of the Pacific. 221 pp.

Smith-Pollard, Damali Najuma. (2013). *A word fitly spoken: Lifting the veil of “sacred silence” about sexual violence through prophetic preaching and teaching*. [D.Min.] Dayton, OH: United Theological Seminary. 184 pp.

“The project hypothesis is training equipping clergy with the tools and knowledge to address issues of sexual violence through the preaching and teaching will lift the veil of “sacred silence” for many survivors of sexual violence, and certain to foster healing, reconciliation and transformation. Working with clergy and churches in my region of South Los Angeles, the methodology included: congregational surveys, clergy interviews, sermon series, an online training course, and post-training follow-up. The findings show that this focused training sparks new conversations and interest for implementing sexual violence preaching, teaching and awareness campaigns.”

Somers, Delmar Odell. (1986). *Minister hazards within the Free Methodist Church*. [D.Min.] Pasadena, CA: Fuller Theological Seminary. 137 pp.

Based on surveys returned from 118 Free Methodist ministers in the western U.S., 7 ministry hazards were examined. Hazards included: financial situation of the minister; family of the minister; conflicts related to professional role; sexual problems, with 25% admitting to sexual behavior inappropriate for a minister.

Stanley, Michael L. (1997). *What should the evangelical church do with clergy guilty of sexual misconduct?* [M.A.] Deerfield, IL: Trinity Evangelical Divinity School, Trinity International University. 153 pp.

“...Many evangelical leaders have not risen to the sin of sexual immorality. This moral failure among church leaders currently challenges the church’s credibility and a forthwith response is demanded: What is the church to do with clergy guilty of sexual immorality? ...Chapter four is devoted to the three methods that are currently being practiced among evangelicals concerning leaders guilty of sexual immorality: (1) immediate restoration; (2) potential restoration based on evidence of repentance and successful completion of counseling; (3) immediate disqualification with no opportunity for restoration to leadership. Each of these views is examined for strengths and weaknesses.”

Stapleton, Anne F. (1993). *The power and the pedestal: Roman Catholic women in Newfoundland reassess their beliefs and attitudes in the aftermath of scandal*. [M.A.] Fredericton, New Brunswick, Canada: University of New Brunswick. 165 pp.

A sociological study was conducted to determine how Roman Catholic women in Newfoundland reacted to events in 1987 in the Archdiocese of St. John’s, Newfoundland, involving criminal accusations and charges of sexual abuse of altar boys by clergy that resulted in the conviction of 5 priests on 28 charges. Respondents’ (N=24) were interviewed regarding their religious beliefs and behaviors in relation to the event. No change in their faith in God was reported, but their relationship to the organized Church was at least strained and at most terminated. The decrease measured 32% on church-worker scores, 36% on attendance scores, and 37% on public/social scores. No change was found on personal piety measures. Half of the women “displayed religious behavioural changes of meaningful proportions.” “The findings supported the centrality of children in women’s lives, the community-wide scope of such a scandal’s impact and women’s

perception of themselves as second class members of their Church.” [See also this bibliography, Section I: Nason-Clark, Nancy (1998).]

Starr, LeAnne. (2008). Childhood clergy sexual abuse: The impact on caregiver attachment and attachment to God. [Doctor of Psychology.] Colorado Springs, CO: The University of the Rockies. 79 pp.

“This research project investigated the hypothesis that when compared to attachment relationships with primary caregivers, adult survivors’ attachment relationships with God would be less secure. Grounded in the theoretical work of object relations and attachment theories, the questionnaires measured childhood attachment to primary caregivers as well as the current attachment to God. The participants were a United States nationwide sample of 85 adult survivors of childhood clergy sexual abuse. The results did not support the primary hypothesis due to the invalidity of one measure with this particular sample. The usefulness of attachment theory to operationalize, and measure relationship with God was a shift from previous studies with this population, indicating the potential for future research to utilize the attachment framework.”

Stein, James P. (1992). Bridging the gap: Restoring trust after sexual misconduct. [D.Min.] Chicago, IL: Lutheran School of Theology at Chicago. 110 pp.

Focuses on congregational dynamics from the perspective of afterpastors (pastors who followed a pastor who committed sexual misconduct) in Wisconsin and Illinois, Evangelical Lutheran Church of America. “Books by Marie Fortune and Peter Rutter describe the interpersonal dynamics between abuser and victim. The author proposes a number of pastoral skills needed for the healing of such a congregation.”

Stone, Kaylee A. (2015). The impact of victim age and religious affiliation on perceptions of cleric sex offenders. [M.S.] Grand Forks, North Dakota: Department of Psychology, University of North Dakota. 77 pp.

“The present study examined perceptions of sex offenders using a 2 (victim age: 11-year-old vs. 15-year-old) X 2 (type of sexual offense: rape vs. statutory rape) X 3 (affiliation of the perpetrator: public school teacher vs. Catholic priest teacher vs. Lutheran pastor teacher) factorial design. Participants (N = 286) were asked to read one of 12 vignettes describing charges of improper sexual activity between a male teacher and his male student. Results indicated that participants recommended a shorter sentence and registry level, attributed more blame to the victim and less to the offender, and found the victim more mentally unstable when the offense was statutory rape. Participants believed that the offender was mentally unstable, should be convicted at a higher rate, and attributed less blame to the victim when the victim was 11. Participants also recommended lengthier sentences to the Lutheran pastor when the offense was rape. Implications are discussed.”

Strum, Richard I. (1992). The healing of a church impacted by moral failure in spiritual leadership. [D.Min.] Portland, Oregon: Western Conservative Baptist Seminary. 226 pp.

Strum is a minister in the Assemblies of God.

Taylor, Gerardine Ann. (1996). An empirical comparison of intermittent and compulsive sexually exploitative clergy. [Ph.D.] Baltimore, MD: Loyola College in Maryland. 203 pp.

Study identified 2 groups of Roman Catholic clergy and religious who sexually exploited adults in fiduciary relationships. The first group exploited in isolated or intermittent patterns (N=40). The second group adults were sexually compulsive (N=40). These groups were compared with a clergy group of alcoholics (N=40) and a clergy group impaired psychiatrically (N=40). The study proposed and empirically validated 3 dimensions of a 4-dimensional paradigm for comparing these groups. The 4 dimensions were: personality profile, psychosocial profile, Axis I comorbidity, and Axis III comorbidity. MCMI-II, MMPI-2, and NEO PI-R were used to determine the interaction effect of disorder and group profile. The compulsive group had more dysfunctional psychosocial histories and more Axis I pathology than the intermittent group. Results suggest that the 2 groups have distinct nosologies, would benefit from different treatment approaches, and have different prognoses for rehabilitation.

Taylor, Cheryl Ann. (2003). A resource to assist ministers in the awareness and prevention of ministerial sexual misconduct. [D.Min.] Springfield, MO: Assemblies of God Theological Seminary. 221 pp.

“Ministerial sexual misconduct is a moral, theological, ethical, and practical problem.

Consequently, the purpose of the project was to develop and present a seminar to assist ministers in proactively addressing the problem of ministerial sexual misconduct.”

Teare, Budd D. (2006). An investigation of the child abuse reporting practices and attitudes of clergy in the state of Indiana. [Ph.D.] Minneapolis, MN: Capella University. 121 pp.

“Specifically, this research examines how the clergy from holiness denominations in the state of Indiana perceive child abuse and its causes and how they understand their role and their reporting obligations in dealing with an abused or neglected child in their church. The study used a cross-sectional survey research design collecting quantitative data.” Notes that for the 2003-2004 reporting period, Indiana led the nation in child deaths, and that its rate of children dying from abuse and neglect was >2x the national average. Of the 7 denominations (Missionary Church, Evangelical Free Church of America, Wesleyan Church, United Brethren Church, Free Methodist Church, Friends, and Nazarene) to which the 140 clergy, 7 of whom were women, were affiliated, Teare states “that no well-defined policy [towards child abuse and its reporting] exists for any...no clear guidelines exist for what action is to be taken by [clergy] as a matter of denominational policy...” The research design was chosen as “a means to explore the relationship between clergy demographic variables and knowledge attitudes and reporting practices variables.” Results were determined by using statistical analysis. Among the findings: 1.) 74.9% of respondents reported their pre-ministry training as inadequate or minimal [regarding child abuse, and 37.9% reported that pre-ministry training contained no instruction on reporting child abuse. 2.) 72.9% did not know if their denomination had a written policy on reporting child abuse. 3.) 44.3% did not know if the church they served had a written policy on reporting child abuse. 4.) Of about 48% of clergy who had previously suspected child abuse, “only 39.6% indicated that they had reported the child abuse to child protect [*sic*] services.” Discusses policy implications.

Teague, Benjamin C. (2006). Falsely accused and the process of rebuilding one’s life and ministry. [D.Min.] Kansas City, MO: Midwestern Baptist Theological Seminary.

Teague, James Brian. (2013). Safe environment training: Effects on Catholic schoolteachers’ and administrators school security and satisfaction. [Ed.D.] New York, New York: Fordham University. 214 pp.

“In 2002, in light of the sexual abuse crisis in the Catholic church, The United States Conference of Catholic Bishops established *The charter for the Protection of Children and Young People* that mandated safe environment training for clergy personnel, and volunteers working in the Catholic church. In this study, under the auspices of a national Catholic organization, teachers and administrators in its schools were surveyed on their career satisfaction and sense of school security as a function of their safe environment training. The survey also assessed participants' perceptions about what other aspects in their school community might contribute to creating a safe educational environment. The findings indicated that the teachers and administrators perceived the safe environment training as contributing minimally to their career satisfaction and to the creation of safe educational environments in their schools. The results consistently showed that distinction and clarity of roles and the quality of school leadership did contribute to the teachers' career satisfaction and were viewed as major factors in the establishment of safe educational environments. These findings suggest that teachers and administrators in Catholic schools perceive the abuse crisis in the Catholic church as a catalyst in bringing the issue of safe environments to the forefront of educational discussion.”

Ternes, Gary John. (1997). Canonical investigations concerning accusations of clergy misconduct. [J.C.L. – licentiate in canon law] Washington, D.C.: School of Religious Studies, The Catholic University of America. 54 pp.

Thoburn, John W. (1991). Predictive factors regarding extra-marital sexual activity among male Protestant clergy. [Ph.D.] Pasadena, CA: School of Psychology, Fuller Theological Seminary. 133 pp.

Study designed to predict or profile male Protestant pastors at risk for extra-marital sexual behavior. 5 factors were identified: family of origin history of addiction; marital adjustment; sexual attraction and arousal in a ministry context; low self-esteem; use of pornography. Based on a survey of 500 male Protestant pastors in the U.S.A.

Thomas, Eloise K. (2005). Religious leadership failure: Effects of apology and restitution on forgiveness. [Masters degree] Springfield, MO: Behavioral Science Department, Evangel University.

Completed in a clinical psychology program. 1 topic includes "clergy – sexual behavior."

Thomas, Richard Cecil. (1997). Sexual failure among spiritual leaders (Misconduct, Baptist). [D.Min.] Wolfville, Nova Scotia: Acadia University. 383 pp.

A thesis-project based on an evangelical perspective with a goal of providing resources for a seminar/workshop. Includes: biblical understanding of human sexuality, marriage, the family, and the morality of spiritual leaders of ancient Israel. Utilizes contemporary psychology to examine the sexual misconduct of spiritual leaders, and the women who become their victims. Includes data from the author's 1995 survey of pastors in the United Baptist Convention of the Atlantic Provinces, Canada.

Thornton, Robert. (1995). Prevention and the Roman Catholic clergy: Risk assessment and application of a working model for prevention. [Doctor of Psychology] Chester, PA: Widener University. 180 pp.

Thuma, Scott L. (1996). The kingdom, the power, and the glory: The megachurch in modern American society. [Ph.D.] Atlanta, GA: Emory University. 575 pp.

"Using multiple ethnographic methods of participant observation, interviews, archival records, and questionnaire data, this study examines in depth the history and culture" of a U.S. megachurch, Chapel Hill Harvester Church, Decatur, Georgia, and its founder, Earl Paulk, Jr., who was alleged to have committed clergy sexual abuse.

Tigges, Malissa. (2014). For God's sake: Religion-related child maltreatment & case study of the Fundamentalist Church of Jesus Christ of Latter-Day Saints. [Doctoral project] Miami, FL: Carlos Albizu University. 173 pp.

"Religion-related child maltreatment is a phenomenon that many would rather not examine. However, when investigated as a form of child abuse or neglect that is qualitatively different than other types of maltreatment, a disturbing view of faith's capabilities is revealed. Through a systematic review of case reports and research studies involving many different religious backgrounds, the relationship between religious beliefs and child maltreatment is explored. The primary domains that will be addressed include the nature, circumstances, and psychological and spiritual outcomes of religion-related child maltreatment. This literature review also includes a comprehensive case study of the Fundamentalist Church of Jesus Christ and Latter-Day Saint (FLDS), where the sexual abuse of minor females in this faith is related to religious beliefs and the practice of plural marriage. While fully acknowledging that religion can be a source of comfort and hope to many children, the research provides a compelling case that, regardless of ones [sic] theology or religious affiliation, the maltreatment of children under the cloak of religion can cause deleterious effects. This literature review aims to create a more realistic, balanced view of religion-related child maltreatment, with the hopes of fostering positive religious experiences for all children."

Tingley, Diane Carter. (2000). An analysis of congregational susceptibility to pastoral sexual misconduct. [D.Min.] Cambridge, MA: Episcopal Divinity School. 121 pp.

Catalogued subjects include: "Clergy – Sexual behavior" and "Sexual abuse victims – Case studies."

Totten, Donald Leo. (1996, May). Factors related to clergy sexual misconduct. [Ph.D.] Berrien Springs, MI: School of Education, Andrews University. 186 pp. [Accessed 01/13/18:

[https://digitalcommons.andrews.edu/cgi/viewcontent.cgi?article=1736&context=dissertations\]](https://digitalcommons.andrews.edu/cgi/viewcontent.cgi?article=1736&context=dissertations)

“The purpose of this study was to determine, through a survey research methodology, personality and situational factors in the lives of active clergy that may be related to clergy sexual misconduct.” 249 pastors completed questionnaires “pertaining to spiritual well-being, locus of control, burnout, social support, active pre-marital sexual conduct, erotic thoughts, naivete/lack of training, demographics, and sexual involvement with a non-spouse while in the ministry.”

Univariate, discriminant, and multiple regression analysis were used to analyze the influence of the variables on the incidence of sexual misconduct. Of respondents who admitted sexual misconduct: 26% of their “partners” were identified as members of the congregation, 15% were staff members, 8% were volunteer workers, and 5% were counselees. The predictors were not considered to be definitive.

Towers, Paul Wayne. (2000). Sex offenders within our churches and pews: A growing reality. [D.Min.] Alexandria, VA: Virginia Theological Seminary. 208 pp.

Trusty, John A. (1997). “Touch of the pastor’s hand”: Sexual misconduct between clergy and laity. [Ph.D.] Washington, D.C.: Howard University. 156 pp.

Tse, Philip. (2003). Effectual procedures for dealing with pastoral sexual misconduct in Chinese churches. [D.Min.] Portland, OR: Western Seminary. 180 pp.

“This paper brings to the attention how the Chinese church board and pastoral staff in North America should be aware of the reality of possible pastoral sexual misconduct in the church and how to deal with such a case when it does occur. Through research of literature and professional sources, we will take a look at the situations and analysis of pastoral misconduct in North America today. Then, we will check the theory from a biblical point of view to see how to deal with such sin. The influence of Chinese cultural background on the handling of conflicts in Chinese churches will also be studied and analyzed. By interviewing leaders from three Chinese churches that were involved with pastoral sexual misconduct cases and analyzing their by-laws, we are trying to learn from them and avoid their mistakes so that Chinese churches in the future can do a better job when encountering similar situations. Finally, some practical guidelines are provided for the church board, pastoral staff and other church leaders on how to deal with these cases.”

Tucker, Mark E. (1998). Justice for the accused: The obligation of major superiors in clerical religious institutes and the sexual abuse of minors. [J.C.L. – licentiate in canon law] Washington, D.C.: School of Religious Studies, The Catholic University of America. 60 pp.

Tullis, Charles L. (2017). The impact of clergy perpetrated child sexual abuse upon attachment among adult interpersonal relationships. [Ph.D.] Prescott Valley, AZ: School of Marriage and Family Sciences, Northcentral University. 154 pp.

“This qualitative study employed the transcendental phenomenological methodology to understand the impact clergy perpetrated child sexual abuse (CSA) has upon people of faith whose caregivers included God, the church and clergy of their religious denomination. This research considered the impact of clergy perpetrated CSA upon attachment and later adult interpersonal relationships. A central idea of attachment theory is the idea of an infant caregivers influence upon trust and the formation of internal working models that affect the child throughout the life span. The formation of a safe place and safe haven are themes associated with attachment theory and considered in this research. Adult attachment became an aspect of attachment theory following its initial formation of attachment theory. This research presents that spirituality and faith should be included as an aspect of attachment theory. Spiritual caregivers, safe places, safe havens, and associated internal working models impact adult interpersonal relationships. Research regarding attachment theory has little or no reference to spiritual attachment to faith constructs and impact upon interpersonal relationships. Twenty-six people were considered for the research

while seven were ultimately accepted in accordance with the criteria set for the research. A population of seven participants who were sexually abused as a child by a clergy person were selected using the purposeful sampling method. This research substantiated that attachment to faith based caregivers and associated aspects to include God, the church, and clergy persons is an important aspect for consideration in the therapeutic encounter. Clergy perpetrated CSA survivors' individual narratives provide a fresh understanding regarding spiritual and faith based attachment processes, which formulate internal working models that impact adult interpersonal relationships. Therapists will benefit from a fresh understanding of the impact clergy perpetrated CSA has upon attachment in the lives of the world's faith based population. Therefore, it is recommended that faith based attachment processes be considered when addressing CSA in the therapeutic encounter, even if the perpetrator was not a clergy person but faith and spiritual attachment are a substantial aspect of the survivor's experience."

Valladares, Raul A. Sanchez. (2015). *Personal Resiliency: A training module for fostering person wholeness for newly-credentialed ministers of the Northern Pacific Latin American District.* [D.Min.] Springfield, MO: Assemblies of God Theological Seminary at Evangel University.

The 1-year personal resiliency training module is intended "to foster personal wholes for all newly-credentialed ministers of the Northern Pacific Latin American District of the Assemblies of God." Among the topics in Chapter 3, are causes and effects of ministry failure, sexual misconduct, and abuse of power.

Van Wyk, Ryan. (2010). *Understanding pastoral infidelity: Developing a theoretical model.* [Ph.D.] Pasadena, CA: School of Psychology, Fuller Theological Seminary.

"Can pastoral infidelity be predicted? Building upon previous infidelity research, most notably Thoburn and Balswick (1993), a theoretical model is proposed that divides causes into two categories: Predisposed and contextual/external. At three pastoral ministry conferences, 560 male pastors completed anonymous surveys measuring the incidence of pastoral infidelity and its relationship to predictive variables. Fifteen and a third percent of the population reported engagement in inappropriate extramarital sexual behavior and five and six-tenths of the surveyed population reported engagement in extramarital sexual intercourse. Item analysis was completed using odds ratios, chi-square statistics, Pearson correlation statistics, and frequency data. Significant predisposed variables included family of origin difficulties and parenting attitudes around sexuality, sexual intimacy dissatisfaction, and various forms of sexual preoccupation. Significant contextual/external variables included friendships with the opposite sex, knowing colleagues who had committed infidelity, and both part time and solo ministry positions. Implications for future research are discussed, including case studies or longitudinal research, as well as the development of more complex forms of data analysis. Also discussed are ideas for prevention, including changes within church denominations, challenging church attitudes around sexuality, and therapy for pastors in training."

Veerman, Alexander L. (2005). *Ontrederd Het proces in de kerkenraad als de predikant seksueel misbruik heeft gepleegd.* [Desparate. The process in the church council when the minister had committed sexual abuse.] [Ph.D.] Kampen, The Netherlands: Theologischce Universiteit te Kampen. 380 pp. [ISBN#: 90 239 1997 1]

In Dutch-language; context is The Netherlands. English translation of the abstract by the author: "This dissertation examines the process within the church council when it becomes known that the church minister/pastor has been found guilty of sexual abuse. What is also investigated is the function of religion in such a process. Although the problematic impact of such an event is substantial, there is hardly any literature available on this subject matter. This dissertation intends to fill this gap. It describes two sides of clergy sexual abuse: on the one hand it is understood as the abuse of the vocation and the job position tied to that vocation; on the other hand the sexual nature of the abuse per se is taken into account. The most important conclusion is that the process in a church council can be described with the aid of six episodes or storylines. An episode is defined as a relatively independent or semi-independent storyline with its own discerning theme as well as a plot of its own within the larger story of the process in the church council. A second conclusion is

that the religious discourse is most easily available to bystanders of the guilty party. The research makes clear however, that there are many possibilities to involve religious discourse in guiding this process.” Uses qualitative research methodology.

Vollman, Brenda K. (2011). *Identity and behavior: Exploring an understanding of “being” and “doing” for Catholic priests accused of the sexual abuse of minors in the United States*. [Ph.D.] New York, New York: City University of New York. 365 pp.

“The problem of sexual abuse of minors by Catholic priests in the United States has been problematized as a phenomenon that is, in part, a distinction of the priesthood. Although it is known that there are sex offenders in the world who are not, nor were they ever, priests, this study sets forth to uncover whether or not the priests in the sample are, in fact, different on typical psychological risk factors than the at-large sex offender. More importantly, in the absence of notable differences on risk factor characteristics, this study explores the ways in which narrative structures are used to tell difficult stories. It also supplements an understanding of the specificity of the problem of abuse in the Church, and the ways in which priests use both classic vocabularies of motive as well as vocabularies that are culturally rooted. The narratives paint a picture of the ways accused priests make sense of their identity as men, as moral leaders, and as men accused of sexual abuse, particularly as these are understood within the Catholic subculture of sin, repentance, and redemption. The specific risk factors described are deviant relationships to sexuality, social interaction deficiencies, and low esteem. In general, priests are no different on most of the measures, and when they are the comparative sample sizes are small, requiring a cautious use of the findings to make universal claims regarding priests. What is unique to the priesthood is the trajectory of the story of coming to this peculiar master status, and the mechanisms for managing the allegations made against them which, whether true or not, interrupt the priest’s narrative. Priests use similar stigma management techniques as other sex offenders with victims who are minors and/or adults. Some priests in this sample denied allegations outright or, when they admitted to them, engaged in the process of disavowal from the ‘sick self’, often after they had received some sort of treatment. Admitters also used typical techniques of neutralization, the content of which, at times, were illustrative of an understanding of self as fallible and forgivable.”

Webb, Elizabeth Ann. (2004). *The body of Christ broken: Child sexual abuse trauma and the communion of compassion*. [Ph.D.] Atlanta, GA: Graduate Division of Religion: Emory University. 188 pp.

“This dissertation posits a disposition of compassion as a theological and ecclesial response to child sexual abuse trauma. Traumas like child sexual abuse issue in a disintegration of temporality, voice, and identity, such that the victim or survivor continually re-experiences a shattering of the self. As a consideration of a survivor memoir shows, this shattering is especially acute when the trauma takes place in childhood, forming and deforming the child’s identity around fragmentation. While compassionate embrace of the traumatized person is crucial for the restoration of her identity, it is most often the case that society and church have sought instead to deny and repress the reality of trauma and traumatized persons themselves. This denial is underscored and enabled in the church by a common theological drama of sin, (dis)obedience, and self-sacrificial suffering, a drama that characterizes some recent popular Christian approaches to responding to child sexual abuse. Simone Weil’s distinctive theological anthropology, doctrine of God, and christology provide the fertile ground for a constructive proposal of compassionate attention as a truer accounting of and response to child sexual abuse trauma. A consideration of how a disposition of compassion can be birthed and sustained in the church, especially in light of the close proximity of decreation and self-destruction, leads to imagining a practice of Eucharist that centers around attention to the broken body of Christ. Through our performance of such a communion, we can come to receive Christ’s attention to our woundedness, and can be formed in and through an encircling of compassion that offers restoration for all who are undone. A consideration of the communion liturgies of three Protestant denominations illustrates the centrality of a theology of sin and self-sacrifice that is largely preventing Eucharist from releasing this potential for formation in compassion. Thus the constructive argument turns to the proposal of a liturgy for a communion of compassion. The conclusion returns to the irreducible trauma of

child sexual abuse, retraces human vulnerability and the possibility of the church as a communion of compassion, and, in the end, wrestles with the dangerous proximity of compassion and self-destruction.”

Weisberg, Randall Thomas. (2002). From post-mortem to a strategic paradigm for ministry health at Desert Hope Church (Arizona). [D.Min.] Pasadena, CA: Fuller Theological Seminary. 209 pp.

“The purpose of this paper is to conduct a post-mortem on the contributory causes of the general involency and ultimate demise of my ministry as senior pastor of Desert Hope [Wesleyan] Church [in Phoenix, Arizona], with a view toward what it would take to bring about ministry health there through a proposed strategically therapeutic paradigm for ministry.” Weisberg followed a pastor, “a respected leader in the district... who had taken the church from sixty five to nearly four hundred in attendance, but... was living in an ongoing adulterous affair with a key lay woman in the church. The day that his assistant pastor learned of it and was about to confront him, he abruptly resigned and was gone.”

Wells, Kenneth Beckett. (1997). An analysis of clergy sexual abuse: A comparison of conference participant responses to the review of literature. [M.A.] Ottawa University – Arizona. 83 pp.

“The purpose of this study was to provide a comparison analysis regarding the issues of clergy sexual abuse. Through this comparison, conclusions were reached leading to expanded insight regarding the effect of clergy sexual abuse on the offender, the victim and the parish.”

White, Kelley E. (2005). Pastoral restoration after sexual misconduct: Forgiveness and apology. [Masters degree] Springfield, MO: Evangel University.

White, Kelly M. (2010). Shades of purple: Confronting the abuse of clergy sexual abuse. [Master of Arts in Liberal Studies] Hanover, NH: Dartmouth College. 111 pp.

Descriptors include: “Child sexual abuse by clergy.” “Catholic Church – Clergy – Sexual behavior.”

Whitman, D. Mitchell. (2004). The effect of ego strength on extramarital involvement among Protestant clergy. [Ed.D.] Seattle, WA: Seattle Pacific University. 133 pp.

“The purposes of the study were to refine and augment existing evidence concerning the rate of physical and emotional extramarital involvement (EMI) among Protestant clergy and to determine if EMI by clergy is correlated significantly with ego strength... Participants were 178 male and female clergy leaders from multiple denominations who were students or alumni of a clergy leadership training program. Participants completed a demographics questionnaire, a sexual and emotional behavior questionnaire, and the 16PF-5th Edition Questionnaire. Results indicated that there was a small but significant inverse correlation between Ego Strength and EMI that involved some form of sexual touching. No correlation was found to exist between Ego strength and CEMI [clergy extramarital involvement]... the rate of CEMI was lower among clergy participating in this study than rates for other professionals described in the professional sexual misconduct literature. Finally, the rates of extramarital involvement in the personal or professional life of clergy leaders sampled here were similar across genders, which is inconsistent with prior research.”

Wilson, Pamela J. (1988). The development of a handbook for Catholic clergy and their support staff on child sexual abuse. [M.S.] Plattsburgh, NY: State University of New York, Plattsburgh. 96 pp.

Williams, David. (2006). A cleric’s right to self-defense when accused of a delict from the accusation to the beginning of a formal process. [J.C.L. – licentiate in canon law] Washington, D.C.: The Catholic University of America. 78 pp.

Winterschlade, Carmen M. (1999). Cognitive deconstruction in sexually compulsive priests. [M.A.] Washington, D.C.: American University. 73 pp.

“The focus of this study is self-destructive compulsive sexual behavior in Roman Catholic clergy and male religious.” Tested Baumeister’s theory of cognitive deconstruction as a “framework for understanding the cognitive processes of long-term sexually compulsive males who report a history of compulsive sexual behavior beginning in adolescence.” Consequences of cognitive deconstruction include: disinhibition; passivity; absence of emotion; irrational thinking. Examined the Rorschach protocols of 112 Roman Catholic who were referred for psychiatric evaluation: 39 priests diagnosed with compulsive sexuality were compared to 37 diagnosed with anxiety disorder and 36 who did not receive a psychiatric diagnosis at the time of evaluation. The results did not support the hypothesis that the compulsive sexuality group would have significantly more extreme scores on the 13 variables chosen to reflect cognitive deconstruction: it was not significantly different from both the anxiety group and the control group.

Wolf, Donald. (2003). *Unspeakable acts: Interpretation, imagination and the preaching voice in the aftermath of clerical abuse*. [D.Min.] Evanston, IL: Seabury-Western Theological Seminary. 190 pp.

Wolf, Ronald E. (1992). *Clerical sexual misconduct: Analysis of selected rights of clergy in light of some diocesan policy statements*. [J.C.L. – licentiate in canon law] Washington, D.C.: School of Religious Studies, The Catholic University of America. 86 pp.

Wolf, a Roman Catholic priest, has served as chancellor of the archdiocese of Santa Fe, New Mexico.

Yina, Martin N. (2007). *The 2002 press framing of Catholic priests’ child sexual abuse, its mental health dimension and implications for health communication: A multiple case study*. [Ph.D.] Washington, D.C.: Howard University. 143 pp.

“This dissertation examines the 2002 press coverage of the allegations of Catholic priests’ sexual abuse of minors, focusing more on its mental health dimension and what implications it has for health communications... The research is a multiple case study that makes use of qualitative frame analysis as its analytical tool and is informed by framing theory... The entire coverage had a public health model because it viewed the abuse as preventable.”

Yuvarajan, Elil. (2014). *Clergy perceptions of sexual assault victimization*. [Psy.D.] Waco, TX: Department of Psychology and Neuroscience, Baylor University. 75 pp.

“Although congregants often turn to clergy for help in dealing with personal difficulties, including marital problems, substance abuse issues, and mental illness, survivors of sexual assault do not commonly turn to clergy for support or guidance. This study utilized a mixed-methods approach, including an online survey and semi-structured interviews, to look at how clergy perceive sexual assault victimization to discover how those attitudes influenced relationships with survivors of sexual assault. The results of the study showed that more blame was assigned to the victim as the relationship with the perpetrator became closer, with the exception of marital rape. The study also found that hostile sexism was a predictor of negative attitudes toward rape victims. Also, religious fundamentalism was not a predictor of negative attitudes toward rape victims. The results of the semi-structured interviews were used to inform the interpretation of the survey results. Clergy reported four main themes that drove their perceptions of sexual assault: the taboo nature of sexual assault, benevolent sexism as part of church culture, differences in the power hierarchy between clergy and congregants, and the lack of a need for training on working with survivors.”

X. Training and Educational Materials

Anglicare Australia, & TAMAR (Towards a More Appropriate Response). (1998). Behind Closed Doors: Child Sexual Abuse and the Church. [57 minute videocassette. VHS] Public Affairs Unit, AngliCare NSW, PO Box 427, Parramatta, NSW, 2124, Australia. (61) (02) 9895-8000.

Developed as a joint project of Anglicare Australia (Sydney Diocese, Anglican Church in Australia), and TAMAR (Towards a More Appropriate Response), an advisory, educational, and

advocacy group working within the Anglican Church. Includes a workbook. [Not examined; based on others' descriptions.]

Anglican Video, & ABC Publishing. (Producers). (2000). Sexual Misconduct in Our Churches: Learn to Spot It, Learn to Stop It. [28 minute videocassette. VHS] Toronto, Ontario, Canada: Anglican Diocese of Toronto. Available from: Anglican Book Centre, Toronto, CA.

Anglican Church of Canada. Uses 5 "real-life scenarios." Utilizes 3 points in each incident to discuss: What is happening here? What could be done immediately? What practice should be put in place? Includes a study guide. [Not examined; based on others' descriptions.]

Anton, Jean. (Executive Producer); Gargiulo, Maria. (Writer & Director). (2003). A Sacred Trust: Boundary Issues for Clergy and Spiritual Teachers. [89 minutes, 4 videocassettes. VHS; also available in PAL] Seattle, WA: The Center for the Prevention of Sexual and Domestic Violence. Available from: FaithTrust Institute (formerly The Center for the Prevention of Sexual and Domestic Violence), 2400 N. 45th St., Suite 10, Seattle, WA 98103. (206) 634-0055. \$300.

A 4-part video series. From the guidebook: "The video series, A Sacred Trust, and [the] accompanying facilitator's guide have been created for spiritual leaders from the Jewish, Buddhist, and Christian traditions... While the primary intent is to educate clergy and those studying to become spiritual leaders, lay people can also benefit... [The series] is advanced training for those already grounded in the basics." The main objectives are: "1) To increase awareness of the need for healthy and appropriate boundaries in the clergy/congregant or spiritual teacher/student relationship; 2) To illustrate the impact of appropriate vs. inappropriate boundaries in promoting effective ministry; and 3) To provide clergy and spiritual teachers with guidelines and suggestions for developing appropriate boundaries and necessary self-care strategies." Includes interviews with 16 individuals. The 4 videos are: Video 1, "Boundaries, Power and Vulnerability." (22 minutes). Video 2, "Dating, Friendships, Dual Relationships, Gifts." (23 minutes). Video 3, "The Pulpit, Transference, Hugging and Touch, Intimacy." (22 minutes). Video 4, "Personal Needs and Self-Care, Red Flags, Final Reflection." (22 minutes). Includes a facilitator's guide: Poling, Nancy Werking. (2003), A Sacred Trust: Boundary Issues for Clergy and Spiritual Teachers: Facilitator's Guide for Video Series. Seattle, WA: The Center for the Prevention of Sexual and Domestic Violence, 64 pp. The guide contains: advice on physical arrangements and discussion guidelines; lesson plans; opening and closing meditations specific to each video; skits, handouts, and activity directions; brief appendices with commentary for specific faith, spiritual, and demographic communities. [For the participant workbook to the revised edition, see this section below: FaithTrust Institute. (2008).]

Archdiocese of St. Paul - Minneapolis. (1992). Understanding the Sexual Boundaries of the Pastoral Relationship. [36 minute videocassette. VHS] Communications Office, Archdiocese of St. Paul - Minneapolis, The Chancery, 226 Summit Ave., St. Paul, MN 55102. (612) 291-4411.

Includes narratives and vignettes. Discussion guide. Distinguishes between sexual exploitation (sexual contact between a pastoral caregiver and the recipient of pastoral care), sexual abuse (sexual contact of a minor or legally-protected adult) and sexual harassment (inappropriate sexual behavior between coworkers). Addresses boundary violations by those in ecclesiastical roles who are not clergy. Produced by a Roman Catholic archdiocese. [Not examined; based on others' descriptions.]

Black, Napoleon, Palmer, Delano, Davidson, Barry, Peart, Hycanith, McGill, Arline, Edwards, Trevor, & Eves, Pat. (2002). Christian Leadership on Sexual Ethics. [6 sound cassettes, 1 7/8 ips] Kingston, Jamaica: Institute for Leadership Development.

Titles include: Sex and the clergy; Sex in the Bible: An overview; After adultery, what? [Not examined; based on others' descriptions.]

Byler, J. Ron. (Producer); Struchen, Shirley Whipple. (Executive Producer); & Voorhees, Jay. (Director). (1994). Healing Broken Lives and Communities: Video-conference on Sexual Misconduct by Church

Leaders. [3 videocassettes. VHS] United Methodist Teleconference Connection, 475 Riverside Dr., Room 1901, New York, NY 10115-1901.

Panel presentation on sexual abuse in the church with questions phoned in by video-teleconference participants. Topics include: abuse, power, violence, misconduct, vulnerability, and sexual abuse. Panelists include: Virginia A. Brown-Nolan, Dick Duerksen, Marie M. Fortune, and Larry Kent Graham. Recorded May 10, 1994. [Not examined; based on others' descriptions.]

Carder, David. (2005). Infidelity and Christian Leaders: High-Risk Factors and Treatment Strategies. [76 minute compact sound disc, digital, 4 ¾ in.] Forest, VA: American Association of Christian Counselors. From the WorldCat abstract: Catalogued subjects include "adultery," "clergy – sexual behavior," and "sexual misconduct by clergy." Delivered at the American Association of Christian Counselors' Take Me to the Cross Conference, Nashville, Tennessee, September 28-October 1, 2005. [Not examined.]

_____. (2006). Infidelity in Pastoral Ministry. [93 minute 2 compact sound discs, digital, 4 ¾ in.] Pasadena, CA: Fuller Theological Seminary, Office of Field Education. From the WorldCat abstract: "Ministry enrichment seminar." Catalogued subjects include "sexual misconduct by clergy." [Not examined.]

Carrier, Paul E. (2002). Crisis in the Church: A Time for Questions, Theories, and a Time to Speak. [Videocassette. VHS]. Fairfield University, Fairfield, CT. At a Jesuit university of the Roman Catholic Church, a panel of 6 participants, with Carrier as moderator, discuss: sharing of common hurt; great pain of sexual abuse; cover-ups by Roman Catholic bishops. Goal is to seek the truth and ensure that this does not ever happen again. Presented April 22, 2002. [Not examined; based on others' descriptions.]

Catholic Church, United States Conference of Catholic Bishops, C-SPAN (Television network) & C-SPAN Archives. (2002). Catholic Bishops Conference. [210 minutes, 2 videocassettes. VHS] West Lafayette, IN: C-SPAN Archives. "The U.S. Conference of Catholic Bishops met to discuss proposed guidelines for punishing clergy found to have sexually abused children. Includes testimony by survivors of childhood sexual abuse and experts in the field." Recorded in Dallas, Texas, June 13, 2002. [Based on WorldCat academic database abstract.]

Church Pension Group. (1994). Protecting God's Children: Preventing Sexual Abuse in Christian Community. [55 minute videocassette. VHS & DVD; available in Spanish]. Church Publishing Co., 445 5th Ave., New York, NY, 10016. Customer Service: (800)-242-1918 or fax (212) 779-3392. Produced by the Episcopal Church insurance section. Context is Episcopalian but resource is transferable to other denominations. Aimed at education and prevention. Numerous topics are identified: clinical impact of child sexual abuse by clergy; legal accountability; screening and supervision as prevention; who abusers are and their typical behaviors; denial in the church; reluctance of children to report; secrecy and threats as part of perpetration process; low probability of false accusations; implementing screening and training procedures; policies and procedures, e.g., child protection audits; educating kids; difficulty of rehabilitating sex abuse perpetrators; responses to reports of abuse; treatment of children who are abused; criminal consequences and civil liability; clergy confidentiality; fiduciary obligations of leadership; baptism of children as a theological basis for responsibility. Panel discussion is interspersed throughout. An anonymous Episcopal priest who was convicted criminally describes how he used his access to boys to abuse them, and how he is still at risk for offending. 10-pp. study guide. [Not examined; based on others' descriptions.]

_____. (2004). Safeguarding God's Children. [2 videocassettes. VHS & DVD; available in Spanish]. Church Publishing Incorporated, 445 5th Ave., New York, NY, 10016. Customer Service: (800) 242-1918 or fax (212) 779-3392. (\$349.; 50% discounts available for Episcopal and Evangelical Lutheran Church in America clergy and institutions; quantity discounts available.)

Produced by the Episcopal Church insurance section in association with Praesidium Religious Services in response to an Episcopal Church General Convention Resolution that mandates training on sexual abuse prevention. Context is Episcopalian but the resource is transferable to other denominations. "...an in-depth educational and training program for preventing and responding to child sexual in everyday life and in ministry." A kit that includes 2 videos: For Parents and Congregations (29 min.), and For Ministries (32 min.), which is for clergy, employees and volunteers of churches, church organizations, and youth ministries. Includes a training manual and participant workbook in notebook format. [Not examined; based on others' descriptions.]

Churches Child Protection Advisory Service (CCPAS). (? date). Facing the Unthinkable: Protecting Children from Abuse. [Videocassette. VHS]. PCCAA, P.O. Box 133, Swanley, Kent BR8 7UQ, England. <http://www.cpas.co.uk/index>

Training package. Contains a video, Facing the Unthinkable [58 min. videocassette], leader's guide, child protection manual, and handouts. [Not examined; based on others' descriptions.]

Cleland, Sylvia. (1996; 2005). Training for Sessions and Congregations in Dealing with Sexual Abuse/Harassment Issues. Toronto, Ontario, Canada: The Presbyterian Church in Canada, 32 pp. Ministry and Church Vocations, The Presbyterian Church in Canada, 50 Wynford Drive, Toronto On M3C 1J7. Book Room: (800) 619-7301. [Available in a PDF format: www.presbyterian.ca/mcv]

Developed to implement a 1996 recommendation by General Assembly of The Presbyterian Church in Canada: "That ministers of congregations arrange for training for sessions and other congregational leaders in dealing with sexual abuse/harassment by church leaders." The preparation section presents: purpose of the workshop, objectives, time frame, participants by role, goals, resources, equipment and supplies, setting, and preparation. The workshop outline section presents an outline with assigned time frames and detailed instructions for leaders. Appendices present: opening worship, discussion questions, closing worship, resources, definitions, excerpts from Church documents, and evaluation form.

Day, Jackson H., Vermilyea, Elizabeth, Wilkerson, Jennifer, & Giller, Esther. (2006). Risking Connection in Faith Communities: A Training Curriculum for Faith Leaders Supporting Trauma Survivors. Baltimore, MD: Sidran Institute Press, 136 pp.

Day is pastor, Grace United Methodist Church, Upperco, Maryland. Bermilyea is training director, Sidran Institute, Baltimore, Maryland. Wilkerson is a research assistant, University of Maryland, Baltimore, Maryland. Giller is president and founder, Sidran Institute. "This curriculum is specifically written to take one of the premier trauma curricula in the mental health field and adapt it for clergy in congregations." The theoretical framework is Constructivist Self-Development Theory. Identifies 1 form of a traumatic event as betrayal by clergy, and differentiates between *clergy abuse*, which refers to child sexual abuse, i.e., criminal misconduct, and *exploitation*, which refers to sexual misconduct with adults. 1 chapter addresses spirituality, trauma, and healing. 1 chapter addresses the role of the religious community in healing. Chapters include exercises. Uses brief vignettes. Bibliography and endnotes. Sidran Institute offers a 16-hour training program related to the book. "Sidran Institute is a nonprofit organization of international scope that helps people understand, recover from, and treat: traumatic stress (including PTSD), dissociative disorders, and co-occurring issues, such as addictions, self-injury, and suicidality."

Department of Health and Human Issues. University of Wisconsin-Madison/Extension. (1990). Sexual Ethics in Ministry. [Videocassette. VHS] Health and Human Issues, Division of University Outreach, University of Wisconsin-Madison, 310 Lowell Hall, 619 Langdon, Madison, WI 53703. (800) 442-4617. \$250.

In the 1st section, professional actors portray 11 vignettes of situations that clergy encounter. Male and female perpetrators and male and female victims are depicted. 2nd section considers prevention. Leader's guidebook/training manual included, 40 pages. [Note: Sexual abuse in a ministerial relationship is termed 'affair.'] [See this bibliography, Section I, for a workshop

format for the use of this video: Houts, Donald C. (1991).] [Not examined; based on others' descriptions.]

Educational Programmes. (? date). Keeping Trust. [29 minute videocassette.] Educational Programmes, 30 Dryden St., Grey Lynn, Auckland, New Zealand. (64) (9) 376-5217.

Commissioned by Interchurch Network for the Prevention of Abuse. Vignettes illustrate harassment and abuse situations in a church setting. [Not examined; based on others' descriptions.]

Edwards, Rex Daniel. (Producer)., & Schornstein, Randy. (Editor). (1997). Seminar in a Box. [Videocassettes. VHS]. Produced by Ministry Resources, General Conference of Seventh-day Adventists. Silver Spring, MD: Ministry Resources.

Seventh-day Adventist Church context. "Professional growth series for pastors and lay leaders." "Describes various topics... that are relevant for continuing education and professional growth of pastors and church leaders" 1 segment is: "How to Combat Sexual Temptation." Presenter is James A. Cress. [Not examined; based on FirstSearch academic database abstract.]

Ellis, Saun. (Director; Producer; Film Editor.). (2006; 2014). Talk to Me: Teens Speak Out About Sexual Violence. [33 minute videodisc. DVD] Boston, MA: Fanlight Productions.

The film "allows five brave young women to speak directly about their painful experiences of sexual violence." 1 of the 5 "was the victim of multiple rapes by adult authority figures. When she confronted one of her attackers, a Catholic priest, other church members blamed her and called her a tramp. Now in a supportive environment, she encourages rape victims to speak about their feelings." [Not examined; based on the production company's description.]

Epstein, J. David. (1996). How to Protect Your Children's Ministry from Liability. [60 min. VHS] Ventura, CA: Gospel Light Publishing.

Epstein, an attorney, hosts the video. Emphasizes situations of negligent hiring and negligent supervision, including of volunteers. Includes a syllabus, forms, and checklist. [Not examined; based on others' descriptions.]

FaithTrust Institute. (2008). Healthy Boundaries for Clergy and Spiritual Teachers: Participant's Workbook. Seattle, WA: FaithTrust Institute, 40 pp.

The Workbook is part of a training package for the revised edition of a training curriculum, A Sacred Trust: Boundary Issues for Clergy and Spiritual Teachers, which includes a DVD series, for use in a group setting with a trainer. Topics include: boundary basics; dating, friends, dual relationships, and gifts; pulpit, transference, hugging and touch, and intimacy; preserving boundaries in relation to personal and professional health; case studies designed to be explored in the context of a peer group. Includes self-administered questions and exercises. Brief resources include: "Tips for a Healthy Ministry" (Marie M. Fortune); "Particular Boundary Issues for African American Faith Communities" (Kimberly Day-Lewis); "Particular Boundary Issues for Asian and Pacific Islander Communities" (Thelma A. Burgonio-Watson); Particular Boundary Issues for Jewish Communities" (Cindy G. Enger); "Particular Boundary Issues for Latina and Latino Communities" (Luis A. Carriere); "Particular Boundary Issues for Lesbian / Gay / Bisexual / Transgendered Clergy or Spiritual Teachers" (Marie M. Fortune); "Sacred Trust: A Vital Concern for Lay Leaders" (David Parachini); "This is Not About You." (Marie M. Fortune); Suggested Readings.

Falkenhain, John Mark. (2005). Stronger, Humbler, Wise... Thinking about the Church after the Sex-Abuse Crisis. [105 minute, 29 sec. audiorecording. 2-compact sound discs] St. Meinrad Archabbey, St. Meinrad, IN.

Recorded at an alumni reunion conference. "Brother John Mark Falkenhain explains the sexual abuse crisis in detail and ways the Catholic Church is working to correct the problem." [Not examined; based on the description by FirstSearch academic database.]

Fite, Cotton. (1992). Sexual Ethics in Ministry. [33 minute sound cassette, analog, 1 7/8 ips] Care Cassettes series, Vol. 19, No. 1, Jan. Schaumburg, IL: College of Chaplains. [Note: the College of Chaplains was succeeded by the Association of Professional Chaplains.]

Fite is director, Parkside Pastoral Counseling Center, Parkside, Illinois. A thoughtful response to the emergence of concern over clergy sexual misconduct. The larger focus is how to improve the quality of pastoral care. Addresses 5 topics: 1.) the complexity of pastoral and priestly role and identity, e.g., lack of defined structures in parish counseling by pastors, psychological processes of projection and displacement, power differentials between pastoral and parishioner roles, and trust as rendering people vulnerable; 2.) the metaphors we use for the church, especially 'family,' which can create unrealistic expectations of intimacy; 3.) the need to appreciate and respect the individual pathology of persons in ministry, including competency as knowing one's vulnerabilities and limits; 4.) developing standards of professional practice of ministry, including guidelines, continuing education, and supervision/consultation, especially in cases that render clergy confused, uncertain, or overly invested; 5.) developing an ethic of professional collegiality and peer accountability in tandem with attention to personal well-being, including rest, play, friends, family, and one's spiritual self, including avoidance of emptiness, loneliness, boredom, fatigue, and isolation, collectively a context that gives rise to lack of judgment and leads to boundary violations.

Focus on the Family. (1993). Pastors and Infidelity. [1 sound cassette, analog, 1 7/8 ips] Focus on the Family, Colorado Springs, CO.

From the WorldCat abstract: catalogued subjects include "sexual misconduct by clergy."

Fortune, Marie M. (1997). Clergy Ethics and Sexual Abuse: A Betrayal of Trust. (Tape 2 of 4 in a lecture series entitled, "Violence in the Community of Faith.") [60 minute sound cassette, analog, mono. 60 minute videocassette. VHS] Louisville Presbyterian Theological Seminary, Louisville, KY. OCLC #: 36496199.

1 of the 4 Caldwell lectures, March 3-4, 1997.

_____. (2012, November 2). Wolves in Shepherd's Clothing: The Institutional Crisis of Clergy Sexual Abuse. [Digital video; 72:49] [Accessed 06/04/14 from the World Wide Web site of Vanderbilt University: <http://news.vanderbilt.edu/2012/11/carpenter-lecture-marie-fortune/>]

Her presentation is part of the Carpenter Lecture Series of Vanderbilt University Divinity School, Nashville, Tennessee. Identifies factors as essential to professional ethics for clergy: power, vulnerability, fiduciary responsibility, and just relations. Cites two passages from the Hebrew scriptures that frame the issue of clergy sexual abuse: the story in II Samuel of Nathan confronting David who, as a man of power, committed abusive and exploitive deeds; the metaphor in Ezekiel 34 regarding the abusive relationship between religious leaders and their followers, and the fiduciary dimension of the shepherd role. Provides a historical context beginning with the 1980s when survivors came forward to report abuse by clergy, and the subsequent institutional cover-ups by religious leaders. States: "...clergy privilege and entitlement have trumped religious values." Notes that judicatories were completed unprepared for complaints by survivors, e.g., lacking policies and procedures for processing complaints. Describes the institutional failure of faith communities' responses as a profound contradiction between their values and the actions, which only intensifies the trauma for survivors. Identifies 2 factors that are responsible for the institutional failure: 1.) confusion about the ethical analysis of the nature of sexual boundary violations in a faith community; 2.) confusion about the proper institutional agenda, i.e., a pattern of defensive avoidance of liability, an institutional protection agenda, rather than an ethically-centered response that is congruent with the teachings of the faith community. States: "A justice-making response is actually in the best interests of the institution and the individuals involved." States that at this point in history, what is needed is a clear ethical analysis of, and moral imperative, about clergy sexual abuse. The analysis includes: violation of the religious role; the misuse of authority and power; taking advantage of vulnerability; absence of meaningful consent; violation of the faith leader's relationship to the faith community. Regarding the moral

imperative, cites the hospitality code from Hebrew scriptures, which addresses the issue of people's vulnerability and the community's responsibility, and the New Testament story of the Good Samaritan. The ethical analysis and moral imperative lead to a justice-making agenda, which resolves the contradiction, that underlies the wrongheaded responses of institutional leaders, which are grounded in fear. The lecture ends at approximately 36:40. A question/answer format follows. Among the topics addressed are: the problem of resistance in faith institutions, which is manifested as an institutional protection agenda, and which ignores the identity and core values of the community; the need to educate lay people at the congregational level about healthy boundaries as essential to healthy faith communities.

Fortune, Marie M., & Anton, Jean. (Executive Producers); & Gargiulo, Maria. (Director). (1991). Once You Cross the Line: A Training Tape on Preventing Clergy Misconduct. [50 minute videocassette. VHS] Seattle, WA: Center for the Prevention of Sexual and Domestic Violence. Available from: FaithTrust Institute (formerly Center for the Prevention of Sexual and Domestic Violence), 2400 N. 45th St., Suite 10, Seattle, WA 98103. (206) 634-0055.

Fortune, Marie M., & Anton, Jean. (Executive Producers); Gargiulo, Maria. (Director & Writer); & Downer, Ann, & Hatchell, Billie Sargent (study guide authors). (1993). Bless Our Children: Preventing Sexual Abuse. [40 minute videocassette. VHS] Seattle, WA: FaithTrust Institute (formerly Center for the Prevention of Sexual and Domestic Violence).

Presents the "story of one congregation's efforts to include sexual abuse prevention in their children's religious education." Case study approach. Includes "strategies to address possible resistance to implementing prevention education." 24-pg. study guide, which was revised in 2004. [Based on publisher's and WorldCat academic database's descriptions.]

Fortune, Marie M., Wood, Frances E., Stellas, Elizabeth A., Voelkel, Rebecca, Lindsay, Woolley Deboarah, & Applegate, Judith K. (1992, 1997). Workshop Manual – Clergy Misconduct: Sexual Abuse in the Ministerial Relationship. Seattle, WA: Center for the Prevention of Sexual and Domestic Violence. Comprehensive curriculum intended for use in a 2-day workshop format.

Gargiulo, Maria (Director, & Writer), Downer, Ann (study guide), Fortune, Marie M. (Executive Producer), & Anton, Jean (Executive Producer). (1992; 2004). Hear Their Cries: Religious Responses to Child Abuse. [48 minute videocassette. DVD.] Seattle, WA: FaithTrust Institute (formerly Center for the Prevention of Sexual and Domestic Violence). Produced by Michi Pictures.

Addresses the role of clergy and lay leaders in preventing child abuse. Interviews with Jewish and Christian clergy, and secular professionals. Stories of adults survivors of physical and sexual abuse. Vignette demonstrates appropriate responses to disclosure. [Based on the publisher's WorldCat academic database's description.]

General Conference of Seventh-day Adventists, Ministerial Continuing Education. (1991). Sexual Ethics for Church Professionals. [90 minute videocassette. VHS] Ministerial Continuing Education, 12501 Old Columbia Pike, Silver Spring, MD 20904. (301) 680-6503. \$75.

Rex D. Edwards, executive producer and host. Moderated by W. Floyd Bresee. From the General Conference of Seventh-day Adventists Ministerial Association, Silver Spring, Maryland. 9 dramatized vignettes followed by multidisciplinary panel respondents who discuss pastoral, ethical, and legal issues. Facilitator's guide included. Includes G. Lloyd Rediger's book, Ministry and Sexuality: Cases, Counseling, and Care. [Note: Questions have been raised about the tape regarding its portrayal of women as seducers and ministers as at risk.] [Not examined; based on others' descriptions.]

Geske, Janine P. (2009). The Healing Circle: Victims of Sexual Abuse by Clergy Share their Stories. [ca. 65 minute videodisc. DVD] Milwaukee, WI: Marquette University Law School.

Geske is a law professor, Marquette University Law School, Milwaukee, Wisconsin. "In November 2006 a small group of people gathered at the Marquette University Law School in

Milwaukee, Wisconsin to participate in an extraordinary experience, called a Healing Circle. The group included 4 survivors of clergy abuse when they were children (except for one woman who describes her son committing suicide over it), Archbishop Timothy Dolan (recently installed as the Archbishop of New York), an abusing priest, a couple of other priests, lay church employees, a woman who describes both her own decision to leave the church over the issue and her 97 year old grandmother's decision to stop taking communion because of it and a parishioner whose adult children no longer attend mass. Each of the survivors told the personal impact these events have had on their lives. Everyone in the room had been deeply affected by the clergy sex abuse scandal in the Catholic Church. Over the course of several hours, the participants shared their stories of pain and broken trust." Healing Circle is a project of Marquette University Law School Restorative Justice Initiative. [Not examined; based on the WorldCat academic database abstract.]

Gibbons, Jane, & McJunkin, Merle. (2007; 2008). Child Abuse Prevention in Churches (Revised). Valley Forge, PA: National Ministries, American Baptist Churches, 22 pp. [Accessed 09/28/15 in PDF format at the World Wide Web site of American Baptist Churches USA:

http://www.abhms.org/resources/church_life_leadership/wcll-301_Child_Abuse_Prevention.pdf]

Part of the American Baptist Home Mission Societies' Workshops for Church Life and Leadership series (NM 301). The document describes a 2¼ hours workshop, the purpose of which is "to get folks on board with the *need* to develop [child protection] policies by focusing on: • how to generate the energy, enthusiasm, and commitment to develop a child protection policy • how to see that policy through with training, implementation, evaluation, and revision." States: "The assumption of this workshop is that congregations fail to provide adequate safeguards not because they are callous or indifferent, but because they are unaware of the prevalence of abuse and risks within their own church families. ...this workshop practices a sort of 'covert education' focusing at times not on the experience of children, but on the risks and costs to the church. The hope is that even those who don't take seriously the needs of children will, through a commitment to self-protection, embrace practices and policies that help reduce the risks of abuse." The workshop is conducted in 6 parts: Welcome; The Definition and Scope of Child Abuse; Abusive Actions and Signs of Abuse; The Impact of Child Sexual Abuse; Overview of a Protection Policy; The Next Steps. An optional component is based on using a video from another source. The document contains handouts entitled: Facts About Abuse [no sources are cited]; Why Are Children at Risk?; Signs of Abuse [no sources are cited]; Why Are Churches at Risk?; Johnny's Story; Practices that Protect Children, Churches, and Workers. Also includes 3 appendices entitled: American Baptist Recommended Policy for Volunteers and Staff Who Work with Children, Youth, or Other Vulnerable Populations in Regions or Local Churches; Resources; Insurance Companies Shed Light on Extent of Sex Abuse in Protestant Churches.

Graham, Larry Kent, & Nesmith, Richard (Producer). (1995). The Caring Functions of the Church. [21 minute videocassette. VHS] Nashville, TN: United Methodist Communications in cooperation with The Illiff School of Theology.

"Dr. Graham explores ways the church provides care for persons who are hurting or in crisis. He also discusses current issues in pastoral care, such as the church's response to physical and sexual abuse by clergy or congregation members." Includes a sheet of discussion questions. [Not examined; based on the WorldCat academic database abstract.]

Greater Milwaukee Synod, Evangelical Lutheran Church of America. (1990). Choosing the Light: Victims of Clergy Sexual Misconduct Share Their Stories. [28 minute videocassette. VHS] Greater Milwaukee Synod, 1212 South Layton Blvd., Milwaukee, WI 53215. (414) 671-1212. \$18.

Discusses sexual exploitation during pastoral counseling. Stories by victims of a Protestant youth minister and a Roman Catholic priest. Includes a study guide. [Not examined; based on others' descriptions.]

Hammar, Richard R., Klipowicz, Steven W., & Cobble, Jr., James. F. (1993). Reducing the Risk of Child Sexual Abuse in Your Church: A Complete and Practical Guidebook for Prevention and Risk Reduction. Matthews, NC: Church Law and Tax Report.

Hammar, an attorney and certified public accountant, specializes in legal and tax issues affecting churches and clergy, and edits *Church Law & Tax Report*. Klipowicz is associate director, Christian ministry resources, director, continuing education, for *Church Law & Tax Report*. Cobble is founder and executive director, Christen Ministry Resources, and publisher, *Church Law & Tax Report*. Kit includes a 95-page guidebook; 32-page training manual; 60-minute audiocassette, "What Every Church Leader Should Know About Child Sexual Abuse,"; 23-minute videotape, "Reducing the Risk." [See below for the updated version: Klipowicz, Steven, & Cobble, James. (2003).] The preface of the guidebook states: "This book reflects input and feedback from church executives, denominational attorneys, insurance leaders, social workers, clergy, educators, prosecutors, congregational members, and victims of abuse... The goal [of the book] is to inform church leaders of the problem of sexual abuse, and to empower them to lower the risk of sexual abuse through preventive measures." Part 1 consists of 3 chapters "to motivate key leaders to initiate and support a prevention program in your church." Part 2 consist of 5 chapters that guide development a congregation's policies and procedures "to undergird your sexual abuse prevention plan." Part 3 consists of 2 chapters to guide "develop[ing] an implementation strategy and a training program for church workers." 7 appendices. References.

Harney, Kevin. (2009). Understanding and Harnessing Our Sexual Desires... The Leader's Libido [60 minute videodisc] Mountain View, CA: Church Communication Network.

Recorded July 14, 2009. Part of the *Leadership from the Inside Out* series. "Church leaders are just as vulnerable to sexual compromise as anyone else – maybe more. Without healthy self-examination and accountability, a leader is at the mercy of one of the most prevalent and costly areas of temptation for leaders today... In Part II Kevin Harney will identify practical ways leaders can establish disciplines, boundaries and behaviors that will protect their lives, families and ministry." [Based on the WorldCat academic database abstract.]

Hopkins, Harold A., & Fowler, Sherry. (1992). Clergy Sexual Abuse Seminar. [133 minutes, 2 sound cassettes, 1 7/8 ips, 2 track, mono.] Austin, Tx: Episcopal Theological Seminary of the Southwest. Presented October 3, 1992. [Not examined; based on others' descriptions.]

Independent Abuse Review Panel. (Executive Producer); Evinger, James S., & Whitfield, Carolyn. (Directors); & Forget, Paul. (Editor). (2006). Witnesses to Truth, Witnesses to Healing: Investigating Child Abuse in Missionary Settings. [90 minute videorecording, DVD] Presbyterian Church, (U.S.A.), 100 Witherspoon St., Louisville, KY 40202.

Created by the Independent Abuse Review Panel of the Presbyterian Church (U.S.A.) as an outreach to survivors of sexual and physical abuse, and their families and friends, in Presbyterian-related missionary communities. Participants include 4 survivors and the parent of a survivor. Topics include: a parent's introduction; survivors' experiences of coming forward to report abuse to the Church; reactions of others; abuse and spirituality; changes resulting from participating in a formal inquiry; healing; thoughts for family and friends; recognizing signs of abuse; boys and physical abuse; talking to a designated inquiry panel; thoughts for witnesses; why the Church should investigate.

Klipowicz, Steven, & Cobble, James. (2003). Reducing the Risk II: Making Your Church Safe from Child Sexual Abuse. Training Manual. Matthews, NC: Christian Ministry Resources, 32 pp.

From the forward: "This training manual is part of a resource kit designed to help your congregation reduce the risk of child sexual abuse within its ministries and programs. First published in 1993, the new *Reducing the Risk II* resource kit now offers expanded resources that can be used to assist your training efforts." Expanded resources include a World Wide Web site with online, self-directed seminars. The kit includes 6 video presentations. The manual's purpose includes "implement[ing] last risk management procedures" based on education and training. Chapter 1 is introductory. Chapter 2 focuses on changes in a congregation necessary "to successfully initiate and sustain a child safety program." Chapter 3 addresses educating leaders of the congregation. Chapter 4 concerns educating the group or team involved in developing the congregation's policy regarding child sexual abuse. Chapter 5 concerns training ministry leaders.

Chapter 6 regards training youth and children's workers. Chapter 7 describes educating congregational members.

Lewis Center for Church Leadership. (2010; 2013). Keeping Our Sacred Trust. Washington, D.C., Lewis Center for Church Leadership, Wesley Theological Seminary. [Accessed 06/12/17 at the World Wide Web site of Lewis Center for Church Leadership: <https://www.keepingoursacredtrust.org/>]

The World Wide Web-based curriculum offers fee-based training "to prevent sexual misconduct." Topics in the course contents outline are: Theological Foundations; Expectations about Clergy; Images and Characteristics Related to Sacred Trust; What Violates Sacred Trust? Understanding Boundaries; Reflecting on Boundaries; Acknowledging the Potential for Misconduct; What Leads to Misconduct?; The Appearance of Misconduct; Self-Awareness, Self-Knowledge; Resources and Support; What have you Learned?; What comes next? "The primary learning approach involves reading and self-reflection exercises." Includes audio and video segments, and on-line exercises. [While stating that the course "was designed for broad ecumenical usage," the User Comments section of the Web site identifies only The United Methodist users by denomination. Wesley Theological Seminary is part of The United Methodist Church.]

London, H. B., Hayford, Jack W., Jeffress, Robert, Barner, John, Charman, Roger, & Stahnke, George. (2008). Pastor to Pastor Series: Restoration. [1 sound disc, digital, 4 ¾ in.] Colorado Springs, CO: Focus on the Family.

From the WorldCat abstract: "Host H. B. London and his guests provide guidance for church leaders faced with facilitating the healing and recovery of a minister and the church from a moral failure." Catalogued subjects include "sexual misconduct by clergy."

Maryland Department of Health and Mental Hygiene. (1999). Broken Boundaries: Sexual Exploitation in the Professional-Client Relationship. [24 minute videocassette. VHS] Maryland Department of Mental Health and Hygiene, 201 W. Preston St., Baltimore, MD 21201. (410) 767-6612.

Includes 10 individuals who were exploited; perpetrators include clergy. Depicts warning signs of boundary violations and the consequences of sexual involvement. [See also Section I. of this bibliography: Committee to Implement the Recommendations of the Maryland Task Force to Study Health Professional-Client Sexual Exploitation. (1999).] [Not examined; based on others' descriptions.]

McMillon, Lynn A. (1987). Ministering to Ministers. [90 minute sound cassette, analog, 1 7/8 ips] Abilene Christian University Tape Service, Abilene, TX.

Recorded at a ministers' renewal workshop, Abilene Christian University, July 20, 1987. 1 topic is on sexual misconduct by clergy. [Not examined; based on others' descriptions.]

McNair, Alice M. Graham. (1990). The Delusional Nature of Sexuality in the Pastoral Relationship. [Videorecording. VHS: sd., col.; ½ in.] Decatur, GA: Journal of Pastoral Care Publications, Inc.

Per the WorldCat academic database, 07/09/14, subjects include: "Pastoral counseling," "Clergy – Sexual behavior," and "Sexual ethics." [Not examined.]

Meadville/Lombard Theological School. (1993). Sexual Abuse: The Church's Role and Responsibility. [6 sound cassettes, 1 7/8 ips, mono.] Chicago, IL: Meadville/Lombard Theological School.

Winter Institute, February, 1993. Recorded at the University of Wisconsin, Madison, WI. Features Marie Fortune. [Not examined; based on others' descriptions.]

Meehan, Bridget Mary. (Producer). (2002). Clergy Sex Abuse in Roman Catholic Church: Prevention, Healing, and Transformation. [Videocassette] GodTalk Foundation, P.O. Box 8962, Falls Church, VA. (703) 379-2487. \$23.45.

"GodTalk is a non-profit TV program that airs on cable stations around the U.S." Produced for the cable program. The video "focuses on the damage victims of clergy sex abuse suffer, treatment of sex offenders and steps the church can take to prevent, heal, and transform the

tragedy.” Guests include Fred Berlin, a psychiatrist “who treats sex dysfunctions and [is] an advisor to the U.S. Catholic Conference of Bishops; Joe McDonald, a former altar boy who alleges that he was a victim of clergy sexual abuse; Dr. Patricia Dalton, a psychologist who specializes in family practice...; and Lisa Hunt, a psychotherapist, who treats sex offenders in the state of Virginia...” [Not examined; based on producer’s description.]

Melton, Joy Thornburg. (2004). Safe Sanctuaries for Children and Youth: Reducing the Risk of Abuse in the Church. [90 minute videorecording. DVD] Nashville, TN: Discipleship Resources. P.O. Box 34003, Nashville, TN, 37203-0003.

By an attorney and United Methodist clergy. Intended “to help Christian clergy and laity assess risk and implement processes to reduce the likelihood of [sexual] abuse [of minors] in their congregations.” Encourages abuse prevention and risk reduction planning and actions. Educational approach in a lecture format divided into 3 segments. The first, *Why?*, addresses subtopics including: the reality of sexual abuse; scriptural basis for responding to the sexual abuse of children and youth; the impact of incidents of abuse in the church. Segment 2, *How?*, addresses subtopics including: evaluating risk in a church, recruitment, screening, and hiring procedures; guidelines for volunteers; day-to-day procedures. Segment 3, *Reporting and Responding*, addresses subtopics including: planning for reporting known or suspected abuse of minors; responding to victims, the victim’s family, news media, insurance carrier, accused abuser, and the accused abuser’s family; supportive forms of ministry and recovery following incidents. Designed to be utilized with her books, Safe Sanctuaries: Reducing the Risk of Child Abuse in the Church, and Safe Sanctuaries for Youth: Reducing the Risk of Abuse in Youth Ministries. Most of her contextual remarks relate to the United Methodist Church and its polity. Includes optional places to pause for guided group discussion or accessing resources for her books. Menu options include: 5, very brief “real-life stories” presented by Melton on civil and criminal cases involving sexual abuse of minors in congregational and non-congregational settings; interview with Melton. A study guide is available online from the publisher.

Menninger Division of Continuing Education, Menninger Foundation. (1994). Clergy in Crisis. [6 sound cassettes, 1 7/8 ips, 2 track, mono.] Topeka, KS: Menninger Foundation, Division of Continuing Education.

Recorded August 29, 1994. Speaker and Title: 1. Healey, Bede J. Development, identity, and personality: The impact of crisis development in clergy and religious. 2. Buchele, Bonnie J., & Bartlett, Alice B. Everyone is hurting: The complicated dynamics of victims and abusers. 3. Jones, Nancy. Intervention strategies: Beginning the healing process. 4. Menninger, W. Walter. Understanding sexual misconduct in the clergy: Transference and countertransference. 5. Menninger, Roy W. Responsibility to self. [Not examined; based on others’ descriptions.]

Mennonite Board of Missions Media Ministries. (? date). Beyond the News: Sexual Abuse. [23 minute videocassette. VHS] Mennonite Media, 1251 Virginia Ave., Harrisonburg, VA, 22802-2497. (800) 999-3534. \$24.95

5 segments, 1 of which depicts sexual abuse by a minister against a congregant during a counseling session. Also includes stories by survivors of date rape, child abuse, and a perpetrator of date rape. Tape includes an interview with Carolyn Holderread Heggen. Discussion guide. [Not examined; based on others’ descriptions.]

New York State Division of Criminal Justice Services. (2010). Child Sexual Predators: The Familiar Stranger. Albany, NY: New York State Division of Criminal Justice Services. [35:26 minute video. Accessed as an 80.9 MB digital download 09/24/11:
http://criminaljustice.state.ny.us/pio/press_releases/2011-5-27_pressrelease.html]

A “video created... to provide parents with crucial information about protecting their children against sexual predators...” Initiated as a result of New York State legislation. Produced by New York Network, a service of the State University of New York. Narrated by Tina Stanford, director, New York State Office of Victims Services. Interspersed interviewees include: Edelgard Wulfert, professor of psychology, State University of New York at Albany, Albany, New York; 4

paroled male sex offenders who abused familial and non-familial minors; 3 victims/survivors, 2 female and 1 male, who were abused by familial and non-familial perpetrators; a Federal Bureau of Investigation special agent. Makes the point that rather than the risk to a child from a stranger, the greater threat statistically is from someone who knows the child, citing the role of clergy as 1 example. The victim/survivor identified as Mark was abused by his priest beginning at age 12 when he was an altar boy. Mark describes the grooming pattern of the priest, his feelings of guilt as a child related to his belief that he was responsible, and his mother's reactions when he, as an adult, told her that the priest had abused him. Topics include: About pedophilia; How pedophiles manipulate children and families; How sex offenders rationalize what they do; The role of pornography; Grooming techniques; How they keep kids quiet; Why the kids don't speak up; When parents don't believe; Loyalty to the abuser; When the abuser is a parent; The role of the internet; Healing; Warning signs of a sexually abused child.

Office of Communications, United Church of Christ. (? date). Profiles of Ministerial Misconduct. [30 minute videocassette. VHS] UCC One Live! interview series. United Church Resources: (800) 325-7061 or (216) 736-2222. Office of Communications, United Church of Christ. \$19.95.

Presented by Rev. Charlotte Still, Office for Church Life and Leadership, United Church of Christ. Describes 5 categories of clergy sexual misconduct which constitute a misuse of power. Study questions, suggested exercises, and scripture readings. [Not examined; based on others' descriptions.]

Poling, James N. (1993). Clergy Sexual Abuse: A Theological Problem. [60 minute sound cassette, analog, 1 7/8 ips.] Colgate Rochester Divinity School/Bexley Hall/Crozer Theological Seminary, Rochester, NY.

The Francis Wayland Ayer lecture, February 24, 1993. [Not examined; based on others' descriptions.]

Potter, Craig. (Producer), & Gargiulo, Maria. (Director). (1991). Not in My Church. [45 minute videocassette. VHS; available in PAL.] FaithTrust Institute (formerly Center for the Prevention of Sexual and Domestic Violence), 2400 N. 45th St., Suite 10, Seattle, WA 98103. (206) 634-0055. \$149.

Presents the story/docudrama of 1 church faced with betrayal by its minister. A 24-pp. study guide and awareness brochures are included. Not in My Congregation is an adaptation for Jewish congregations: 48 minute videocassette. VHS; available in PAL.

Ross, Scott. (20??). Abuse – The Hidden Secret. Sanford, FL: New Tribes Mission. \$75.

Ross is an attorney for New Tribes Missions, Sanford, Florida, which "helps local churches train, coordinate and send missionaries [to the 2,500 people groups that are "uneached"]." A 6-video instructional series for churches and missions that addresses child sexual abuse: "The five major areas a church or mission needs to understand to effectively combat or negotiate a child abuse allegation." Includes a leader's guide and accompanying workbook. The first 5 videos, A Preventive Guide to Dealing with Child Abuse, are approximately 30 minutes each; the 6th video, Seven Deadly Sins, is 60 minutes. [Not examined; based on others' descriptions.]

Sipe, A.W. Richard. (1993). Abuse by Priests, Why? [sound cassette, analog.] Kansas City, MO: National Catholic Reporter Publishing Co. Creedence Cassettes.

A lecture on the sexual abuse of children by Roman Catholic priests. [Based on the WorldCat academic database abstract.]

Stout, William, T., & Becker, James K. (1996). The Good Shepherd Program: Tools to Protect Your Church by Preventing Child Abuse. Fort Collins, CO: Nexus Solutions.

From the WorldCat academic database abstract: "Designed to help churches and other ministries develop programs to reduce the risk of sexual or physical abuse and accidental injury to infants, children, and youth who participate in their activities. Includes background checking for

ministers, paid workers, and volunteers.” Kit consists of a 193-page book and 3 papers in a 3-ring notebook.

Survivors of Clergy Abuse Link-up. (1992, October 16-18). Breaking the Cycle of Silence. [17 sound cassettes.] Recorded at the organization’s first national conference, Arlington Heights, IL. Available from: Audiotapes.com http://www.audiotapes.com/index_conf.asp?Topic=12 Price is \$8.00 per tape.

Titles include: “Blowing Up the Cover-Up” by Maryalyce Ebert; “Breaking the Cycle of Silence” by Jeanne M. Miller; “Clerical Culture and Pedophilia” by Andrew Greeley; “How Can I Be a Clergy Abuse Survivor and Raise a Family Too?” by Chris Schmidt; “Identification of Ritual Abuse in a Community Setting” by Beth Vargo; “Is Nothing Sacred?” by Marie Fortune; “Panel Discussions: Questions & Answers” by Panel Discussion (2 tapes); “Representing and Empowering Survivors of Clergy Abuse – Visiting the Sins of the Fathers Upon the Church” by Jeffrey Anderson; “Closing Address: Setting a Vision” by Jeanne M. Miller; “Sex Offenders: A Clinical Profile” by James Cavanaugh; “Sexual Abuse by Priests – Why?” by A. W. Richard Sipe; “The Empowerment of Victims” by Jason Berry; “The Inside-Out of Criminal Investigations” by Portia Wallace; “The Typology of Child Molesters” by Kenneth Lanning; “The Victim-Sensitive Interview” by Neil Hochstadt; “Walking Through the Fire: The Road into the Future” by Thomas P. Doyle; “Wellness Spirituality for Abused Persons” by John Pilch. [Not examined; based on others’ descriptions.]

_____. (1994, August 4). Healing Toward Prevention. [14 sound cassettes.] Recorded at the organization’s second national conference. [Available from: Audiotapes.com http://www.audiotapes.com/index_conf.asp?Topic=12] Price is \$8.00 per tape.

Titles include: “A Healing Modality for Clergy Abuse Victims – Biblio/Poetry Therapy” by Arleen M. Hynes; “Clergy Sexual Abuse: An Historical Overview” by Gary R. Schoener; “Future Directions: Commencement Address & Closing Prayer: Pastoral Comments” by Jeanne M. Miller; “Holding the Institutional Church Accountable for Moral Bankruptcy” by Thomas P. Doyle; “Keynote Address – Sexual Abuse and the Abuse of Power” by Joan Chittister; “Legal Issues in Representing Adult Survivors in Jurisdictions that Recognize Delayed Discovery” by Stephen Rubino; “Narratives: Survivors Panel – Abbey of Regina Laudis – The Camouflaged Cult” by Unknown (2 tapes); “Problems of the Prophetic: The Christian Roots of Abuse” by A. W. Richard Sipe; “Restoring Connections to Self and Others After Clergy Sexual Misconduct” by Ellen T. Luepker; “The Art of Advocacy” by Nancy Biele; “The Problem of Abuse in Europe: A Journalist’s View” by Stijn Fens; “Theological Resources: Catholic Emphasis on Human Dignity” by Susan Secker; “Transformation: From Victimhood to Heroism” by Dennis A Gaboury; “Welcome Address – Healing Toward Prevention: Opening Prayer & Welcome: Blueprint for the Future” by Jeanne Miller. [Not examined; based on others’ descriptions.]

_____. (1995, September 1). From Surviving to Thriving. [13 sound cassettes.] Recorded at the organization’s third national conference. Available from: Audiotapes.com http://www.audiotapes.com/index_conf.asp?Topic=12 Price is \$8.00 per tape.

Titles include: “Awareness – Community – Activism” by Kathy Constantinides; “Gender Issues” by Estelle Disch; “Keynote Address: Breach of Trust” by John Gonsiorek; “Keynote Address: Gains, Losses, and Lessons Learned” by Mike Lew; “Keynote Address: Take Up Your Mat and Walk: The Journey Towards Healing” by Fran Ferder; “Keynote Address: The Resilient Self” by Steven J. Wolin; “Legal Issues” by Joseph Klest; “Lying Perpetrator Syndrome” by Frank Fitzpatrick; “Reclaiming the Survivors Movement and Our Power” by Thomas H. Economus; “Spiritual Reconnection” by Patricia Liberty; “Spirituality and Healing: A Theological Perspective” by John Kooistra; “Survivors Panel” by Nancy Briggs (2 tapes); “The Art of Advocacy in Healing from Clergy Sexual Abuse” by Nancy Biele. [Not examined; based on others’ descriptions.]

_____. (1996, January 1). Surviving and Healing: Moving Ahead. [13 sound cassettes.] Recorded at the organization's fourth national conference. Available from: Audiotapes.com http://www.audiotapes.com/index_conf.asp?Topic=12 Price is \$8.00 per tape.

Titles include: "A Journey from Religion to Spirituality" by Arthur Melville; "Abuse and Secret Societies" by Neil Brick; "Closing Comments" by Thomas H. Economus; "Entertainer" by Bette Rod; "Heroes & Self-Esteem: Villains & Imperial Robes" by Frank Fitzpatrick; "If You Can't Trust Your Pastor with Your Body, How Can You Trust Him with Your Soul" by Mollie Mcleod; "Keynote Address: The Clergy Abuse Crisis Today" by Anson Shupe; "Mediation as an Alternative to Litigation" by Debra Warwick-Sabino; "Survivals Panel" by Nancy Briggs (2 tapes); "Survivors Power to Heal and Change" by Barbara Blaine; "The Future of LINKUP" by Paul and Sue Griffith; "Victim/Survivor/Priest: Funding Healing within the Church" by Gary Hayes; "Welcome Address and Update" by Thomas M. Economus. [Not examined; based on others' descriptions.]

Tchividjian, Basyle. (2015, February 12.). Offenders in the Church: Who Are They and How Do They Operate? [1 hour, 30 minute video.] Lynchburg, VA: GRACE (Godly Response to Abuse in the Christian Environment). [Accessed 02/15/16 from the World Wide Web site of GRACE: <http://www.netgrace.org/resources/2015/2/12/offenders-in-the-church-who-are-they-and-how-do-they-operate>]

Tchividjian, the executive director of GRACE (Godly Response to Abuse in the Christian Environment), is a lawyer who teaches at Liberty University, Lynchburg, Virginia; identifies himself as with the Presbyterian Church in America. Utilizes PowerPoint slides in a lecture format before an audience. Context is evangelical churches in the U.S.A. Premise is that to protect minors in a church from persons who sexually abuse, it is important to understand how those persons think and act. States: "The ability of the Christian community to prevent child abuse has been hindered by inadequate information and training." Begins by reading the story in the Hebrew Scriptures of the rape of Tamar, 2 Samuel 13, emphasizing the silence regarding the rape. Includes a brief video of an interview with a youth minister who admits to multiple minor victims. States that offenders are drawn to the church because the environment is trusting and forgiving. Presents a series of general observations about child sexual abusers, and notes implications for church communities. Examples of topics include vulnerability of faith communities, vulnerabilities of children who are more at-risk of being sexually abused, and grooming patterns of a high-risk offender, among others. Examples include those from non-faith community settings and incidents; also cites examples from non-U.S.A. missionary settings. Mentions very briefly "online" threats to minors. The last approximately 5 minutes are his response to questions from the audience. Many statistics and quotes cited are not referenced; some citations are provided, but lack complete information; date, sample size, and methodology of research data are not described.

_____. (2015, March 6.). Minimizing the Opportunities: Effective Child Protection Policies. [1 hour, 48 minutes, 40 seconds video.] Lynchburg, VA: GRACE (Godly Response to Abuse in the Christian Environment). [Accessed 10/09/15 at the World Wide Web site of GRACE: <http://www.netgrace.org/resources/2015/3/6/minimizing-the-opportunities-effective-child-protection-policies>]

Tchividjian, executive director of GRACE (Godly Response to Abuse in the Christian Environment), is a lawyer who teaches at Liberty University, Lynchburg, Virginia. A video of a lecture addressing topics related to child sexual abuse in churches and church policies. Focuses on prevention, and responding to allegations of abuse and the discovery of abuse. Includes situations involving people who have committed criminal sexual abuse against minors. Comments on the rationales for his recommendations. Accompanied by PowerPoint slides.

Trans-Tasman Union Conference of Seventh-day Adventists. (? date). Too Close to Home. [30 minute videocassette. PAL system; VHS] Adventist Media Centre South Pacific Division, 150 Fox Valley Rd., Wahroonga, N.S.W. 2076, Australia.

Contains vignettes of stories of abuse and interviews with professionals on prevention. [Not examined; based on others' descriptions.]

UMCom Productions & General Commission on the Status and Role of Women (GCSRW) with California-Pacific COSROW. (1995). Ask Before You Hug: Sexual Harassment in the Church. [31 minute videocassette. VHS]. Available from: EcuFilm, 810 12th Ave. South, Nashville, TN 37203. (800) 251-4091.

Intended for use in a local church or congregation. From the study guide: "The video presents six situations portraying a range of inappropriate behavior in church settings. Participants are offered tools to help them identify sexual harassment and take steps to stop unwanted behavior. Suggestions in the video and this study guide may assist church members to take additional steps to prevent sexual harassment in their congregations and ensure safety and hospitality in their churches." Situation 1 "involves a male senior pastor and a female student pastor." Situation 2 "involves a church business administrator and a church secretary." Other situations include: choir members, youth group, and a committee/board meeting. [Not examined.]

Urbom, Warren K. (1994). The Church at Risk: Clergy Sexual Misconduct. (Tape 3A of 4 in a seminar presented by Creighton University School of Law and the Young Lawyers Section of the Nebraska State Bar Association entitled, "Law Day for the Clergy.") [sound cassette, analog, 1 7/8 ips.] Produced for Creighton University School of Law by LTM, 124 So. 24th St., Omaha, Nebraska. Recorded March 8, 1994, at the Ahmanson Law Center, Omaha, Nebraska.

Urbom is a judge. [Not examined; based on others' descriptions.]

Voelkel-Haugen, Rebecca, & Fortune, Marie M. (1984; 1996). Sexual Abuse Prevention: A Course of Study for Teenagers (Revised and updated). Cleveland, OH: United Church Press, 34 pp.

Voelkel-Haugen is "a former staff member of the Center for the Prevention of Sexual and Domestic Violence," a seminary student at Yale Divinity School, Yale University, New Haven, Connecticut, and "a survivor of adolescent date rape." Fortune is executive director, Center for the Prevention of Sexual and Domestic Violence, Seattle, Washington, and a minister, United Church of Christ. [The Center was later renamed FaithTrust Institute.] From the purpose section: "This curriculum is designed to begin the process of talking [in a church] with teenagers about sexual abuse in the belief that effective education is a key to effective prevention of sexual abuse/violence of children and adolescents. It will also help those who have already been victimized by breaking the silence surrounding sexual abuse/violence and giving victims/survivors a place and people with whom to continue the process of healing." Voelkel-Haugen states in a preface that "being violated sexually throws a person into crisis. It causes pain and suffering and often raises theological questions about God, evil, etc.... We also need to talk about why abuse happens in the first place. When one person violates another, the church has a responsibility to teach that this is wrong. Our call is to be a community that proclaims justice and right relationship." Fortune states in a foreword:

"Our task as a church is twofold: first is to pay attention and find ways to respond to the very real experiences of incest, rape, molestation, and harassment that our young people, female and male, may well have experienced, either as children or as teens. We have a pastoral responsibility to open our ears, eyes, and hearts by making a space in which youth can learn about abuse and disclose if they do so choose. If they do disclose, we must be prepared to use all of our resources and to report to the appropriate authorities in order to protect these young persons from further harm. In addition, we have a moral responsibility to do everything we can to ensure that the adults who provide leadership in youth ministry do not violate the teens' boundaries, sexualize their relationship with them, or abuse them. When young people come to church, they should find a safe place, a place of respite from their home, school, or community in which they may be experiencing abuse or harassment."

The curriculum is structured as 6 60-to-60-minute sessions. The 1st and 6th sessions "frame the conversation with theological and ethical issues." The 2nd through 5th sessions "highlight specific issues." Pp. xv-xvi describe ways to prepare for presenting the curriculum in a

congregation. The appendix, pp. 26-30, by Fortune is entitled, "Reporting Child Abuse: An Ethical Mandate for Ministry."; includes 3 endnotes. Pp. 33-34 is a list of resources. 24 endnotes.

William Alanson White Institute of Psychiatry, Psychoanalysis and Psychology. (2011, May 22). Understanding and Treating Sexual Abuse in the Orthodox Jewish World. [digital audio files.] Recorded at the organization's conference, New York, New York. [Available from: http://www.survivorsforjustice.org/index.php?option=com_content&view=article&id=532%3Awhite-conference-audio&catid=5&Itemid=65]

The educational forum for Orthodox Jewish rabbinical scholars and clinicians was sponsored by the Institute's Sexual Abuse Program. Titles include: "The Halachic Imperative to Protect Children From Abuse" by Rabbi Daniel Eidensohn; "Comments on Chillul Hashem and Mesirah" by Rabbi Daniel Eidensohn; "Comments on Incest and Rabbinic Response" by Rabbi Daniel Eidensohn; "A Survivor's Perspective On A Community Coming To Terms" by Mark Weiss; "The Trauma of Betrayal" by Richard Gartner; "A Kingdom of Priests and a Holy Nation: The Orthodox Jewish Community Confronts Sexual Abuse" by Alison Feit; "Secrecy, Shame, Truth & Hope" by Esther Malka Reich; "Abused... So What?" by Joel Engelman; "The Silence of the Rabbis: The Religious Responsibility to Respond to the Suffering of Victims" by Rabbi Yosef Blau; "Please Get Involved" by Shloimie Zimmerman; "Because They Can" by Abby Stein; "After Abuse... Then What?" by Julie Marcuse; "Healing from Childhood Sexual Trauma: An Interpersonal & Integrative Approach" by Ernesto Mujica. "Blowing Up the Cover-Up" by Maryalyce Ebert; "Breaking the Cycle of Silence" by Jeanne M. Miller; "Clerical Culture and Pedophilia" by Andrew Greeley; "How Can I Be a Clergy Abuse Survivor and Raise a Family Too?" by Chris Schmidt; "Identification of Ritual Abuse in a Community Setting" by Beth Vargo; "Is Nothing Sacred?" by Marie Fortune; "Panel Discussions: Questions & Answers" by Panel Discussion (2 tapes); "Representing and Empowering Survivors of Clergy Abuse – Visiting the Sins of the Fathers Upon the Church" by Jeffrey Anderson; "Closing Address: Setting a Vision" by Jeanne M. Miller; "Sex Offenders: A Clinical Profile" by James Cavanaugh; "Sexual Abuse by Priests – Why?" by A. W. Richard Sipe; "The Empowerment of Victims" by Jason Berry; "The Inside-Out of Criminal Investigations" by Portia Wallace; "The Typology of Child Molesters" by Kenneth Lanning; "The Victim-Sensitive Interview" by Neil Hochstadt; "Walking Through the Fire: The Road into the Future" by Thomas P. Doyle; "Wellness Spirituality for Abused Persons" by John Pilch. [Not examined; based on others' descriptions.]

XI. NON-ENGLISH LANGUAGE BOOKS AND ARTICLES (UNANNOTATED)

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| Relevance of materials and accuracy of the listing has not been confirmed. Entries are based on citations in academic databases, footnotes, references, and bibliographies. |
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Abbate, Carmelo. (2012). *Golgota : viaggio segreto tra Chiesa e pedofilia*. Milan, Italy: Piemme, 377 pp. OCLC #: 781673118.

Italian language. Catalogued subjects include "Child sexual abuse by clergy." Catalogued named corporation is "Catholic Church – Clergy – Sexual behavior."

Academy of American Franciscan History Collection. (1592). *Processo contra Fray Grauiel Enriquez sacero, professo de la S orden de Sant Franco: residente en el obpado. De Guadalaxara*. Unpublished, 182 pp. OCLC #: 53018725.

Spanish language. Archival material; a manuscript on permanent loan to the Graduate Theological Library, Berkeley, California. From the abstract: "Proceedings against Fray Enriquez who confessed to charges of solicitation during confession. Includes testimony of witnesses regarding this charge, and description of punishment." Catalogued subjects include "Sexual misconduct by clergy – case studies."

Agüero Wagner, Luis. (2009). Secretos en la sacristía: crimens sollicitationis en el Mercosur. Asunción, Paraguay: F17, 46 pp.

Spanish language. Catalogued subjects include “Child sexual abuse by clergy – South America” and “Sex crimes – Religious aspects – Catholic Church.”

Alberro, Solange. (1980). “*El discurso inquisitorial sobre los delitos de bigamia, poligamia y de sollicitación*.” Chapter in Alberro, Solange, et al. (Eds.). Seis ensayos sobre el discurso colonial relativo a la comunidad doméstica: matrimonio, familia y sexualidad a través de los cronistas del siglo XVI, el Nuevo Testamento y el Santo Oficio de la Inquisición. México: Departamento de Investigaciones Históricas, INAH, Cuadernos de trabajo, 35, (1980), pp. 215-226.

Albus, Michael, & Brüggemann, Ludwig. (2011). Hände weg! : sexuelle Gewalt in der Kirche. Kevelaer, Germany: Butzon & Bercker, 253 pp. OCLC #: 756771448.

German language. Catalogued subjects include “Child sexual abuse by clergy” and “Catholic Church – Clergy – Sexual behavior.”

Aletti, Mario., & Gálea, Paul. (2011). Prete Pedofili? La Questione degli Abusi Sessuali nella Chiesa. Assisi, Italy: Cittadella Editrice, 128 pp.

Italian language.

Salinas, Pedro (with Ugaz, Paola). (2015). Mitad monjes, mitad soldados. Todo Lo que el Sodalicio no quiere que sepas. [Half Monks, Half Soldiers: What Sodalicio Does Not Want You to Know]. Lima, Peru: Grupo Planeta, 324 pp.

Spanish language. Based on 30 testimonies, 5 of which report sexual abuse, and 3 of which accuse the Sodalicio founder, Luis Fernando Figari, of sexually abusing minors.

Athié Gallo, Alberto, Barba, José, & González, Fernando M. (2012). La voluntad de no saber: lo que sí se conocía sobre Maciel en los archivos secretos del Vaticano desde 1944. [The Will Not to Know: What Was Known about Maciel in the Vatican Secret Archives Since 1944.] México: Grijalbo.

Spanish language. Regarding Fr. Marciel Maciel, founder of the Legion of Christ, Roman Catholic priest. Barba, a former Legionaire, was among those in 1998 who sought Maciel’s laicization for Maciel’s sexual assault of himself and others.

Berezin de Guiter, J. (2000). Psyche/traumas precoces. Abuso sexual: Dano en la constitucion del psiquismo infantil. *Revista de Psicoanalisis*, 57:405-432.

Regarding a case study of a 10-year-old boy who was sexually abused by a priest.

Borgman, Erik, & Torfs, Rik (Eds.). (2011). Grensoverschrijdingen geduid: Over seksueel misbruik in katholieke instellingen. Nijmegen, The Netherlands: Uitgeverij Valkhof Pers, 143 pp.

Dutch language. Context is the Roman Catholic Church.

Brizel, Chie. (1999). Shetikat ha-Haredim. Tel Aviv, Israel: Sifre hemed, 200 pp.

Hebrew language. Regarding the Haredi, or Ultra-Orthodox Jewish community and child sexual abuse in a yeshiva in Israel.

Brüntrup, Godehard, Herwartz, Christian, & Kügler, Hermann. (Eds.). (2013). Unheilige Macht: der Jesuitenorden und die Missbrauchskrise. Stuggart, Germany: Kohlhammer, 202 pp.

German language. Catalogued subjects include “Child sexual abuse by clergy – Germany.” Context is the Roman Catholic Church.

Camuso, Angela. (2012). *La preda: le confessioni di una vittima, storia vera del più grande scandalo della Chiesa tra fede e omertà*. Rome, Italy: Castelveccchi, 285 pp.

Italian language. Subjects include: "Child sexual abuse by clergy – Italy" and "Catholic Church – Clergy – Sexual behavior – Italy."

Carrasco, Rafel. (1986). *Inquisición y represión sexual en Valencia: historia de los sodomitas, 1565-1785*. Barcelona, Spain: Laertes, 250 pp.

Spanish language. Regarding the Roman Catholic Church's Inquisition; describes treatment of priests and religious who sexualized their role relationships with children and youth.

Conférence Episcopale Nationale du Congo. (2013). *Directives de la Conférence Episcopale Nationale du Congo (CENCO) pour le traitement des cas d'abus sexuels commis par les clercs sur les mineurs*.

Kinshasa-Gombe, Democratic Republic of the Congo: Éditions du Secrétariat Général de la CENCO, 47 pp.

French language. WorldCat-identified subjects include "Child sexual abuse by clergy – Congo (Democratic Republic) – Catholic Church."

Contrafatto, Giuseppe. (1827). *Mémoire de l'abbé J. Contrafatto, prêtre sicilien, à l'opinion publique*. Paris, France: J.G. Dentu, 96 pp. OCLC #: 363448989.

French language. A biography. Catalogued subjects include "Trials (sex crimes)," "Malicious accusation," and "Child sexual abuse by clergy."

Cruz, Juan Carlos. (2014). *El fin de la inocenci: Mi testimonio*. DEBATE, 150 pp. [e-book]

Spanish language. As an adolescent, Cruz was part of the Roman Catholic Church's upper class parish of El Bosque in Santiago, Chile, where he met Fr. Fernando Karadima. Karadima, influential in the privileged circles of Chile and well-regarded by the Church's hierarchy, sexually abused him for years. Cruz is head, Global Communications Agriculture-Crop Protection, DuPont Corporation.

Cucci, Giovanni, & Zollner, Hans. (2010). Missbrauch in der Kirche: Anmerkungen Psychologischer aus sicht. [Abuse in the Church: Comments from a psychological perspective] *Korrespondenz: Zeitschrift für Fragen des Ordenslebens*, 51:261-274.

German language. Both authors are Jesuit priests in the Roman Catholic Church.

_____. (2011). *Iglesia y pedofilia: una herida abierta: Una aproximación psicológico-pastoral*. ISBN-10 #: 8429319069.

Spanish language. Both authors are Jesuit priests in the Roman Catholic Church.

Czernin, Hubertus, & Groër, Hans Hermann. (1998). *Das Buch Groër: eine Kirchenchronik*. Klagenfurt, Austria: Wieser, 234 pp. OCLC #: 39695610.

German language. Catalogued subjects include "Sexual misconduct by clergy." Cardinal Hans Hermann Groër, former Roman Catholic archbishop of Vienna, Austria, was forced to resign by Church hierarchy following allegations of his sexual abuse of minors.

Deetman, Wim, Draijer, Nel, Kalbfleisch, Pieter, Merckelbach, Harald, Monteiro, Marit, & de Vries, Gerard. (2011). *Seksueel misbruik van minderjarigen in de Rooms-Katholieke Kerk. Uitgebreide versie. Deel 1 Het onderzoek*. Amsterdam, The Netherlands: Uitgeverij Balans. ^[L]_{SEP}

Dutch language. Report of the Commission of Inquiry established in 2010 by the Bishops' Conference of The Netherlands and the Dutch Religious Conference to conduct "an independent inquiry into the facts and circumstances surrounding sexual abuse of minors who had been entrusted to the responsibility of institutions and parishes of the Roman Catholic Church in The Netherlands in the period from 1945 to 2010." The head of the Commission was W.J. (Wim) Deetman, a former government cabinet minister; he was joined by "five prominent academics and experts."

Dessaulles, L. A., & Aubin, Georges. (2004). *Petit bréviaire des vices de notre clergé*. Notre-Dame-des-Neiges, Québec, Canada: Éditions Trois-Pistoles, 168 pp. OCLC #: 58545690.
French language. Catalogued subjects include "Sexual misconduct by clergy."

Dohmen, Joep. (2010). *Vrome zondaars: Misbruik in de Rooms-Katholieke Kerk*. Rotterdam, The Netherlands: NRC Boeken, 319 pp. OCLC #: 712141058.
Dutch language. Catalogued subjects include "Child sexual abuse by clergy – Netherlands."

Enseñt y Morell, Juan B. (1910?). *La passion de un cura* (3rd edition). Barcelona, Spain: Casa Editorial Maucci. OCLC #: 56770287.
Spanish language. Catalogued subjects include "Sexual misconduct by clergy."

Erdely, Jorge. (2002). *Pastores que abusan*. Miami, FL: Editorial Unilit, 247 pp. OCLC #: 63787843.
Spanish language. Catalogued subjects include "Child sexual abuse by clergy."

_____. (2008). *La explotación de la fe: Pastores que abusan sexual y económicamente*. Barcelona: Ediciones B, 375 pp. ISBN #: 9789707102683.
Spanish language. Catalogued subjects include "Child sexual abuse by clergy."

Erdely, Jorge, González, Fernando M., & Chiprés, Salvador Guerrero. (2004). *El círculo del poder y la espiral del silencio: la historia oculta del padre Marcial Maciel y los Legionarios de Cristo*. México, D.F.: Grijalbo, 264 pp. OCLC #: 55014285.
Spanish language. Catalogued subjects include "Child sexual abuse by clergy." Catalogued named person includes "Marcial Maciel" of the Roman Catholic Church.

Erdélyi, Gabriella. (2007). SZERETTEM EGY SZER EGY NOT"; HÁZASSÁGKÖTÉS ÉS ÁZASSÁGTÖRÉS 1500 KÖRÜL. ["Once I loved a woman": marriage and adultery in Hungary, ca. 1500.] *Tortelenmi Szemle*, 49(2):165-178. ISSN #: 00409634.
Hungarian language. From the abstract: "Examines petitions from Hungary handled between 1411 and 1559 by the Apostolic Penitentiary, the papal office that functioned as a court of appeal in marriage cases, reflecting on historiographic issues concerning late medieval marriages. ...equal treatment [i.e., capital punishment of both men and women for adultery] did not apply at all when sexual relationships of women with members of the local clergy became public and were taken to court, since the clergy enjoyed immunity from the authority of secular courts."

Fazio, Carlos. (2004). *En el nombre del Padre: depredadores sexuales en la Iglesia*. México: Océano, 479 pp. OCLC #: 60932060.
Spanish language. Catalogued named person includes "Marcial Maciel."

Fernau, Sandra, & Hellmann, Deborah F. (Eds.). (2014). *Sexueller Missbrauch Minderjähriger durch katholische Geistliche in Deutschland*. Baden-Baden, Germany: Nomos.
German language. Catalogued subjects include "Child sexual misconduct by clergy."

Flores, Aurora. (2002). *Religión XXX*. Guadalajara, México: Ediciones Plenitud. OCLC #: 53784775.
Spanish language. Fiction. Catalogued subjects include "Child sexual abuse by clergy."

Førsvoll, Reimunn. (2003). *Fra Synd, Fra Sorg, Fra Fare: Seksuelle Overgrep I Kirke og Samfunn, Fortaelse, Bearbeiding og Forebygging*. [From Sin, From Sorrow, From Danger: Sexual Abuse in Church and Society. Understanding, Treatment, Prevention.] Oslo, Norway: Verbum, 349 pp. ISBN #: 9788254309575.
Norwegian language. Førsvoll is described by the publisher as "a trained teacher and theologian and postgraduate education in family therapy. He has been a priest since 1979

and practiced as a family therapist part time. He has worked specifically with the topic of sexual abuse.”

Ganzevoort, R. Ruard, Hegger, Arthur, Groot-Kopetzky, Bärbel de, Kips, Maud, Tjindink, Desiree, De Smedt, Pierre, Fruyt, Koen De, Rector, Gust, & Beek, Ina van. (2013). Geschonden vertrouwen, Seksueel misbruik in een religieuze context. [Confused trust, Sexual abuse in a religious context.] Tilburg, The Netherlands: KSGV, 176 pp.

Dutch language. Edited lectures.

Ganzevoort, R. Ruard, & Veerman, Alexander L. (2000). Geschonden lichaam. Pastorale gids voor gemeenten die geconfronteerd worden met seksueel geweld. [Violated body Pastoral guide for municipalities confronted with sexual violence.] Zoetermeer, The Netherlands: Boekencentrum Uitgevers, 152 pp.

Dutch language. A guide for congregations.

Ghazal, Mustafá. (1991). Fadaih al-kanais wa-al-babawat wa-al-qusus wa-al-ruhban wa-al-rahibat. Jiddah, Saudi Arabia: Maktabat Dar al-Wafa lil-Nashr wa-al-Tawzi',. OCLC #: 123497092.

Arabic language. Catalogued subjects include: “Child sexual abuse by clergy” and “Clergy – sexual behaviour.”

González N., Jorge René. (1985). *Pecados virtuosos: El delito de sollicitación en la Nueva España (siglo XVIII)*. *Historias*, 11(October/December):73-84.

González N., Jorge René. (1986). “*Clérigos solicitantes, perversos de la confesión*.” Chapter in Ortega, Sergio. (Ed.). De la santidad a la perversión: o de porqué no se cumplía la ley de Dios en la sociedad novohispana. Mexico City, Mexico: Editorial Grijalbo, pp. 239-252.

Kobse, Martin. (2005). Nuestra Señora del Camino: el manto protector. Mar del Plata, Argentina: Estanislao Balder. OCLC #: 190872069.

Spanish language. Focus is the Roman Catholic Church in Argentina. Catalogued subjects include “Child sexual abuse by clergy.”

Lemm, Robert J., & El-Fers, Mohamed. (2013). De woede van Vlaanderen. Kroniek van een goedgeefse knapenschenners. Antwerp, Belgium: Aspekt B. V., Uitgeverij, 2014 pp.

Dutch language. WorldCat-identified subjects include “Child sexual abuse by clergy – Belgium – Flanders.”

Liggio, Fernando. (2009). Papi scellerati: pedofilia, omosessualità e crimini del clero cattolico. Firenze, Italy: Clinamen.

Italian language. Catalogued subjects include “Child sexual abuse by clergy.”

Liggio, Fernando. (2009). Papi scellerati: pedofilia, omosessualità e crimini del clero cattolico. Firenze, Italy: Clinamen.

Italian language. Catalogued subjects include “Child sexual abuse by clergy.”

Llistosella, Jorge. (2010). Abusos sexuales in la Iglesia Católica. Buenos Aires, Argentina: Ediciones B, 436 pp. OCLC #: 711793556.

Spanish language. Catalogued subjects include “Child sexual abuse by clergy.”

Martínez, Sanjuana. (2006). Manto púrpura: pederastia clerical en tiempos del cardenal Norberto Rivera Carrera. México, D.F.: Grijalbo, 302 pp.

Spanish language. Martínez is a Mexican journalist. Regards the actions of Cardinal Norberto Rivera in relation to Fr. Nicolas Aguilar-Rivera, a priest of the Tehuacan diocese in Mexico, who was accused of sexually abusing dozens of minors in California and Mexico.

Martínez, Sanjuana, & Vera López, Raúl. (2007). Prueba de fe: la red de cardenales y obispos en la pederastia clerical. México, D.F.: Editorial Planeta Mexicana, 273 pp. OCLC #: 190726074.

Spanish language. Martínez is a Mexican journalist. Catalogued subjects include "Child sexual abuse by clergy."

Medina, José Toribio. (? date). Historia del tribunal del santo, officio de la Inquisición en Mexico, 2nd ed.

See pp. 283, 290, 303-307, 340 regarding cases of Roman Catholic clergy and accusations of solicitation – misusing their office and power in the sacrament of confession to sexualize relationships with penitents.

Mitterer, Felix. (2004). Die Beichte: Theaterstück. Innsbruck, Austria: Haymon, 77 pp. OCLC #: 56333872.

German language. Drama. Catalogued subjects include "Child sexual abuse by clergy."

Monckeberg, María Olivia. (2005). Karadima, el señor de los infiernos. Santiago, Chile: Debate, 556 pp. OCLC #: 751831087.

Spanish language. Catalogued subjects include "Child sexual abuse by clergy – Chile," "Sexual abuse victims – Chile," and "Adult child sexual abuse victims – Chile." Catalogue named person is "Karadima, Fernando, 1930-." [In 2011, after conducting an investigation, the Vatican announced that Fr. Karadima, a Roman Catholic priest in Chile, had been found guilty of sexually abusing minors.]

Morais, Manuel. (1998). Entre dios y hombres. Santo Domingo. República Dominicana: Editorial Argps, 255 pp. ISBN #: 746722874490.

Spanish language. Novel. Catalogued subjects include "Child sexual abuse by clergy."

Müller, Wunibald. (2010). Verschwiegene Wunden: sexuellen Missbrauch in der katholischen Kirche erkennen und verhindern (2nd edition). Munich, Germany: Kösel-Verlag, 222 pp. ISBN #: 978346637009.

German language. Catalogued subjects include "Child sexual misconduct by clergy" and "Katholische Kirche."

Nam, S'o-ho. (2007). P'osūt 'ūmodōnjūm kwa mokhoejaūi sōng = Postmodernism & pastoral sexual. Seoul, Korea: Tosō Ch'ulp'an Yerusallēm, 255 pp. ISBN #: 8972102490 9788972102496.

Korean language. Catalogued subjects include "Sexual misconduct by clergy."

Nasini, Gino. (2001). Um espinho na carane: má conduta e abuso sexual por parte de clérigos da Igreja Católica do Brasil: visão geral das questões relacionadas e pertinentes. Aparecida, São Paulo, Brazil: Editora Santuário, 282 pp. OCLC #: 52887055.

Portuguese language. A translation of the author's Doctor of Ministry thesis. See this bibliography, Section IX. Catalogued subjects include "Sexual misconduct by clergy" and "Sex crimes – religious aspects – Catholic Church."

Novák, Václav. (2003). Křicí hlasem zrady!: pravda křicí hlasem zrady, k smrti je trpící. [S.l.]: Hans Dens, 199 pp. OCLC #: 56891612.

Czech language. Child sexual abuse by a Roman Catholic priest.

Núñez González, Gerardo. (2014). Abusos sexuales de menores. Consideraciones sobre el derecho de defensa y la colaboración con la autoridad civil. [Sexual abuse of minors: Considerations about the right of defense and the collaboration with the civil authority.] *Scripta Theologica*, 46(3, December):741-761. Spanish language. Context is the Roman Catholic Church. "Keywords: Canonical Procedure Abuse of Minors, Right to Defense, Collaboration with the Civil Authority."

Obirek, Stanislaw. (2015). *Polak katolik? (Pole, Catholic?)*. Warsaw, Poland: CiS Publishing, 360 pp. ISBN #: 978-83-61-71018-9.

Polish language. Memoir. Includes accounts of Roman Catholic priests who sexually abused minors. Obirek, a culture anthropologist, is a professor, University of Warsaw, Warsaw, Poland, and teaches at the American Studies Center. Until 2005, he was a priest in the Jesuit order of the Church.

Olivera, Daniel. (2003). *Pecado: negocios, escándalo y muerte en la caridad privada*. Buenos Aires, Argentina: Planeta, 286 pp. OCLC #: 53292789.

Spanish language. Catalogued subjects include "Child sexual abuse by clergy."

Overbeek, Ekke. (2013). *Łekajcie się Ofiary pedofilii w polskim kościele*. [Be Afraid: The Victims of Pedophilia in the Church Speak Polish]. Warsaw, Poland: Czarna Owca, 213 pp. ISBN #: 978-83-7554-530-2.

Polish language. Overbeek is a Dutch journalist. Context is sexual abuse of minors in the Roman Catholic Church in Poland.

Pittet, Daniel (with Repond, Micheline). (2017). *Mon Père, je vous pardonne: Survivre à une enfance brisée*. Paris, France: Philippe Rey, 220 pp.

French language. Pittet, at age 9 in 1968, meets a Capuchin friar of the Roman Catholic Church who rapes Pittet over 4 years. The preface is by Pope Francis.

Pindi, Giraud Mwanza. (2013). *La protection de l'enfance contre les délits sexuels dans l'Eglise*. Paris, France: L'Harmattan, 264 pp.

French language. WorldCat-identified subjects include "Child sexual abuse by clergy – Congo (Democratic Republic) – Prevention" and "Catholic Church – Clergy – Sexual behavior."

Prohens Perelló, Bartomeu. (2002). *Sexe i confessió: les beates del pare Suau*. Palma de Mallorca: Editorial Moll, 120 pp. OCLC #: 51666724.

Catalan language. Catalogued named subjects include "Sexual misconduct by clergy."

Ringheim, Gunnar. (2015). *Det som ikke skulle skje : fortellinger om overgrep : en dokumentar om hvordan Kirken handler seksuelle overgrep blant sine egne*. Oslo, Norway: Gyldendal, 253 pp.

Norwegian language. Catalogued subjects include "Child sexual abuse by clergy – Norway."

Rodríguez, Pepe. (1995; 2002). *La vida sexual del clero*. Madrid, Spain: Suma de Letras, 463 pp. OCLC #: 50121635.

Spanish language. By a Spanish psychologist. A study of Roman Catholic clergy in Spain.

_____. (2002). *Pederastia en la Iglesia Católica: delitos sexuales del clero contra menores, un drama silenciado y encubierto por los obispos*. Barcelona, Spain: Ediciones B, 391 pp. OCLC #: 51221656.

Spanish language. By a Spanish psychologist. Catalogued subjects include "Child sexual abuse by clergy."

Rodríguez Sánchez, Angel. (1998). *Hacerse nadie: sometimiento, sexo y silencio en la España de finales del siglo XVI*. Lledia: Editorial Milenio, 214 pp. OCLC #: 42393618.

- Spanish language. Catalogued subjects include "Sexual misconduct by clergy."
- Schwaebe, Martin. (1930s). *Die Wahrheit über die Sittlichkeitsprozesse*. Köln-Aachen: Westdeutscher Beobachter, 46 pp. OCLC #: 12763918.
German language. Catalogued subjects include "Sexual misconduct by clergy."
- Selles, Leny. (2001). *De herder was een hurling: mijn weg terug na misbruik door een pastor*. Zoetermeer: Boekencentrum, 168 pp. OCLC #: 49628507.
Dutch language. Catalogued subjects include "Sexual misconduct by clergy."
- Skartveit, Gro. (1997). *Ulvar i lammeflokkene: om predikantar, makt og overgrep mot kvinner*. Oslo, Norway: Aschehoug, 166 pp. OCLC #: 56114565.
Norwegian language. Catalogued subjects include "Sexual misconduct by clergy."
- Souza, Laura de Mello e. (1986). "O padre e as feticeiras." Chapter in Vainfas, Ronaldo. (Ed.). *História e sexualidade no Brasil*. Rio de Janeiro, Brazil: Graal, pp. 9-18.
By an historian.
- Stamatélos, Pat. (2013). *Pastoor*. Cape Town, South Africa: Tafelberg, 240 pp.
Afrikaans language. Fiction. Catalogued subjects include "Child sexual abuse by clergy – Fiction." Based on a true story.
- Tavera Castillo, José Antonio. (2008). *Jinetes de la pederastia*. Bogotá, Colombia: Intermedio Editores, 156 pp. ISBN #: 9789587097702.
Spanish language. Catalogued subjects include "Child sexual abuse by clergy – Latin America."
- Tepper, Guillermo Victor, Ahumada, Maximiliano Sebastian, & Berlanga, Juan Manuel. (2002). *Monseñor: del poder a la caída del arzobispo de Santa Fe*. Santa Fe: G. Tepper, 266 pp. OCLC #: 53473922.
Spanish language. Catalogued subjects include "Sexual misconduct by clergy."
- Tremblay, Daniel. (2008). *L'éveil des survivants: récits des abus sexuels dans les pensionnats amérindiens du Québec*. Montréal, Canada: Michel Brûlé, 355 pp. OCLC #: 302061390.
French language. Catalogued subjects include "Child sexual abuse by clergy – Québec (Province)" and "Off-reservation boarding schools – Québec (Province)."
- Tveiti, Dorte (told to Hove, Flemming). (2003). *Overgreb : Han stjal min barndom*. Hellerup, Region Hovedstaden, Denmark: Documenta, 168 pp. ISBN #: 9788791345821.
Danish language. A memoir of incest within Jehovah's Witnesses families in Denmark, and its leaders responses to the victims.
- Ulonska, Herbert, Rainer, Michael J., Enders, Ursula, et al. (2003). *Sexualisierte Gewalt im Schutz von Kirchenmauern: Anstösse zur differenzierten (Selbst-) Wahrnehmung*. Münster, Germany: Lit, 192 pp. OCLC #: 51984515.
German language. Catalogued subjects include "Child sexual abuse by clergy."
- Verschueren, Roel. (2010). *Morgen is van mij: Een antwoord op seksueel misbruik in de kerk*. Tiel, Belgium: Lannoo, 215 pp.
Verschueren is a Flemish journalist. Roman Catholic Church context.
- Violani, Emanuela (pseudonym). (2011). *Diario segreto dei miei giorni feroci*. Torino, Italy: Claudiana, 244 pp.

Italian language. Catalogued subjects include “Sexual abuse victims -- Italy” and “Sexual misconduct by clergy.” Roman Catholic Church context.

Westerloo, Gerard Van. (2010). *De pater en het misje*. Amsterdam, The Netherlands: De Bezige Bij, 156 pp.

Dutch language. van Westerloo is a journalist and columnist. Catalogued subjects include “Child sexual abuse by clergy – Biography – Netherlands.” Roman Catholic Church context.

Westpfahl Spilker Wastl Rechtsanwälte. (2010). Sexuelle und sonstige körperliche Übergriffe durch Priester, Diakone und sonstige pastorale Mitarbeiter im Verantwortungsbereich der Erzdiözese München und Freising in der Zeit von 1945 bis 2009: Bestandsaufnahme – Bewertung – Konsequenz. [Sexual and other physical assaults by priests, deacons and other pastoral staff within the area of authority of the archdiocese of Munich and Freising in the time frame 1945-2009; Inventory – rates – consequence.] [The document in German was accessed 11/12/15 at: www.erzbistum-muenchen.de/media/media14418720.PDF The document in English translation was accessed 11/12/15 at: http://www.bishop-accountability.org/reports/2010_12_02_Westpfahl_Munich_and_Freising_Key_Points.pdf]

The material is information released at a press conference concerning the main parts of the report by the law firm, which has offices in Munich, Leipzig, and Berlin, Germany.

Wohmann, Ludwig. (2007). *Kirchenväter und Kinderschänder: Papsttum: zwischen Pornokraten, Päderasten, Macht und Mammon*. Berlin, Germany: Helvetius-Verl., 304 pp. OCLC #: 244007473.

German language. Catalogued subjects include “Child sexual abuse by clergy.”

Zapién Trueba, Rosa, Garrido Torres, Esmeralda, Juárez Alzaga, Ericka A., & Rangel Contreras, Ana Paola. (Eds.). (2018). *El abuso sexual en el propio entorno escolar, social y eclesial*. Huixquilucan, México: Universidad Anáhuac México, 116 pp.

Spanish language. Catalogued subjects include “Child sexual abuse by clergy.”

□□ □□□□ / *Yeshurun*, Vol. 15 (2005).

Hebrew language. Torah journal. Theme issue regarding sexual abuse of minors within the Orthodox Jewish community. See also responses in Volume 22.

XII. ARCHIVAL MATERIALS TO LOCATE

Relevance of materials and accuracy of the listing has not been confirmed. Entries are based on citations in academic databases, footnotes, references, and bibliographies.

Anonymous. (1910). Report of Proceedings of a Meeting Called by the Minority of the Springdale Baptist Church: Held in Springdale, Arkansas on Wednesday, July 27, 1910. Springdale, Arkansas: The News, 59 pp. OCLC #: 36465014.

Archival material. Focus is clergy sexual misconduct.

Marshall, George, M’Fadden, Eleanor Jane, Swift, E. P., Presbyterian Church in the U.S.A. Presbytery of Ohio, & Bethel United Presbyterian Church (Bethel Park, Pa). (1843). Testimony in the case of Rev. George Marshall. OCLC #: 212874675.

Subjects include “sexual misconduct by clergy.” “Signed manuscript testimony from 28 witnesses, interviewed during the November 1843 proceedings to investigate the charges of Eleanor Jane McFadden against Rev. George Marshall (the civil trial was pending in the Allegheny County Court of Quarter Sessions). Dr. Swift served as chairman for the Presbytery investigation.” [WorldCat academic database catalogue.]

Samuel Gardner Drake Pamphlet Collection (Library of Congress). (183?). Questions to the Rev. R-. C. S-: Beware of a Wolf in Sheep's Clothing. Boston, MA, 12+ pp. OCLC #: 46420078.

A non-circulating copy is at the Library of Congress; imperfect condition, i.e., pages missing.

Smith, William, B., Coneline, Elizabeth, Elliott, David, Dunlap, Robert, Jeffrey, William, McIlvaine, William B., Lowrie, Matthew B., Presbyterian Church in the U.S.A. Presbytery of Ohio, & Mingo Creek Presbyterian Church (Mingo Creek, Pa). (1843). Testimony in the case of Mr. Smith. OCLC #: 212781385.

Subjects include "sexual misconduct by clergy." [WorldCat academic database catalogue.]

XIII. MATERIALS TO LOCATE

Relevance of material and accuracy of listing is unconfirmed. Identified as potentially relevant based on how the item was cited in footnotes, references, bibliographies, and other sources. These types of publications are typically not carried by public or academic libraries.

A. Self-Published or Print-on-Demand

Abel, Gene G., & Harlow, Nora. (2001). The Stop Child Molestation Book: What Ordinary People Can Do In Their Everyday Lives To Save 3 Million Children. Xlibris, 363 pp. ISBN-13#: 9781401034801

In a sample of 3,952 men who admitted to molesting children, 93% identified themselves as religious. The % matches that of men who were not child molesters. Is this *The Abel and Harlow Child Molestation Prevention Study*?

Amoia, Christine. (2004). Holy Secrets, Holy Lies: The Shocking Story of Sexual Corruption and Abuse of Power Inside the Catholic Church. Bloomington, IN: AuthorHouse, 200 pp. ISBN: 1-4184-0046-7

Atman, Sara. (2007). Soul Murder: God Priest and Me. Lulu Press.

Austin, Terri. (2006). Unfair Advantage: Sexual Abuse by Psychotherapists, Priests, and Police. Victoria, British Columbia, Canada: Trafford Publishing, 210 pp.

Baldwin, William. (2006). He Restores: God's Plan to Restore Fallen Leaders. Chula Vista, CA: Aventine Press, 216 pp.

Bates, William. (2016). The Cemetery of My Mind (2nd edition). CreateSpace Independent Publishing Platform, 420 pp. ISBN-10 #: 1530775841.

Memoir. Bates was raised in Niagra-on-the-Lake, Ontario, Canada. As a child, he was sexually abused by a Roman Catholic priest.

Beed, Cara. (1998). Cultures of Secrecy and Abuse: A Paradox for Churches. Hawthorn, Victoria, Australia: Cara Breed.

Bellamy, Shannon R. (2009). Pimps in the Pulpit: He Was My – Counselor, Friend, Confidant, and Lover, "Her" Husband, "Their" Father and Our "Pastor." West Conshohocken, PA: Shannon R. Bellamy in association with Infinity Publishing, 188 pp.

Bergeron, Gary. (Edited by Driscoll, Anne.). (2005). Don't Call Me a Victim: Faith, Hope & Sexual Abuse in the Catholic Church. Lowell, MA: Arc Angel Publishing, 327 pp. ISBN #: 0975899341. OCLC #: 57071232.

Bernardino, Sr., Marco, & Wisocki, Helen. (2011). Sins of the Abused. All Things That Matter Press. 254 pp.

Bernardino is "a survivor of clergy sexual abuse" by a Roman Catholic priest and is a senior project development officer for the state of New Jersey. Wisocki is an author in Massachusetts.

Bond, Patricia A. (2013). Imbalance of Power: Exploitation of Women by Catholic Priests. CreateSpace Independent Publishing Platform, 264 pp. ISBN-10 #: 148254377X.

Memoir. Story of Bond and Fr. Henry Willenborg, a Franciscan priest in the Roman Catholic Church, who was the former rector of Our Lady of the Angels Seminary, Quincy, Illinois.

Bowers, Mary. (2006). Dark Angels: A Novel. New York, NY: iUniverse, Inc., 190 pp. OCLC #: 74649490.

Byrne, Kathryn R., & Whitwell, Joseph W. (2010). Understanding the Abuse of Adults by Catholic Clergy and Religious. Loganville, GA: Open Heart Life Coaching, 119 pp.

Camden, Laura Beth (pseudonym). (2008). Molested – Why Me?: I Thought These Things Only Happened to Bad Girls. Blooming, IN: iUniverse, Inc., 152 pp.

Autobiography. Among those who violated her sexually was her pastor.

Clarion, Rachel. (2007). Drowned in Living Water. Colorado Springs, CO: Empowerment Press, 284 pp. [see AuthorsDen.com]

By an adult survivor. During a transition in her life, she sought counseling from her pastor and was sexually exploited.

Clarion, Rachel. (2010). Tragic Trust (2nd edition). Colorado Springs, CO: Empowerment Press. [see Lulu Press]

By an adult survivor of clergy sexual abuse. Poems and songs.

Clark, Janet. (2007). Blind Faith. Fairfield, IA: 1stWorld Publishing, 288 pp.

Novel. Roman Catholic context. Sexual abuse of a male minor.

Cole, Aaron Baker. (2005). Necessary Evil. New York, NY: iUniverse, 325 pp.

Fiction. Child sexual abuse by clergy, Roman Catholic Church, U.S.A.

Curry, John A. (2003). Bless Me Father. Bloomington, IN: 1st Books Library, 386 pp. ISBN #: 1410764508. OCLC #: 53225907.

Novel. Roman Catholic Church context.

Dunion, Paul J. (2004). Temptation in the House of the Lord. New York, NY: iUniverse, Inc., 183 pp. OCLC #: 58962277

Fiction. Roman Catholic Church context.

Fawley, Ray. (2005). The Pigeons' Secrets: A Novel. New York, NY: iUniverse, 233 pp. OCLC #: 62591087.

Set in Baltimore, Maryland. Involves child sexual abuse by Roman Catholic clergy.

Flisk, Loudon-Hans W. (2004). Father, Deliver Us from Evil: A Study of Priest Sexual Abuse. Longwood, FL: Xulon Press, 104 pp.

Child sexual abuse by clergy, Roman Catholic Church, U.S.A.

Freiburger, James. (2010). Clergy Pedophiles: A Study of Sexually Abusive Clergy and Their Victims. Bloomington, IN: AuthorHouse.

Giesen, Don. (2002). Settlement. Bloomington, IN: 1st Books Library, 333 pp.
Fiction. Child sexual abuse by clergy.

Gilbert, Jim. (2009). Breach of Faith, Breach of Trust: The Story of Lou Ann Soontiens, Father Charles Sylvestre, and Sexual Abuse within the Catholic Church. Bloomington, IN: iUniverse, 132 pp.

Gilbert, from Chatham, Ontario, Canada, is a teacher, historian, and writer. As a child, Lou Ann Soontiens was sexually abused by Fr. Charles Sylvestre, the resident Roman Catholic priest at her school. The Diocese of London, Ontario, Canada, awarded the largest cash settlement given to an individual in the history of the Catholic Church in Canada. In middle age, she discovered that at least 46 other female minors had been sexually abused by Sylvestre.

Glover, Voyle A. (1990; 2012). Fundamental Seduction: The Jack Hyles Case. Create Space, 418 pp.
Glover is a lawyer in Indiana. Regarding Jack Hyles, First Baptist Church, Hammond, Indiana.

Grant, Robert. (1994; 1995). Healing the Soul of the Church: Ministers Facing their own Childhood Abuse and Trauma (2nd edition). San Francisco, CA: Author, 218 pp.

Green, Teresa Pitt. (2010). Restoring Sanctuary. Indianapolis, IN: Dog Ear Publishing.
Memoir by a woman who was sexually abused by Roman Catholic priests.

Griffin, Misty E. (2014). Tears of the Silence: A True Crime and an American Tragedy; Severe Child Abuse and Leaving the Amish. (no place of publication): Misty E. Griffin, 456 pp. ASIN #: B00RETC8B4.

Hansen, Barbara Joy. (2003). Listen to the Cry of the Child: The Deafening Silence of Sexual Abuse. Enumclaw, WA: WinePress Publishing Co., 168 pp.

Autobiographical account by a woman who was a minister's daughter, molested as a child by a relative, and molested by a youth minister at a youth camp sponsored by a church in The Christian & Missionary Alliance denomination. As an adult, she participated in a church hearing after which the minister was expelled.

Harvey, Vivian Palmer. (2011). The Missionary Myth: Through the Eyes of a Missionary Kid. West Conshohocken, PA: Infinity Publishing.

Raised in Africa. Describes various abuses in a boarding school for children of missionaries.

Hayworth, Jenny. (2013). Inside/Outside: One Woman's Recovery from Abuse and a Religious Cult. North Charleston, SC: CreateSpace Independent Publishing Platform, 344 pp. ISBN #: 9781492994701.
Child sexual abuse in the Jehovah's Witnesses.

Holt, Velva B. (2008). We Suffered in Silence: How a Pastor's Family Lived in Shame While Hiding Dark Spots on the Clerical Collar. Longwood, FL: Xulon Press, 234 pp. OCLC #: 318075707.

Kivi, Lea Karen. (2014). Abuse in the Church: Healing the body of Christ: Workbook for Survivors, Supporters, and Church Leaders. Maitland, FL: Xulon Press, 269 pp. OCLC #: 318075707.

Klest, Joe. (2016). The Whole Truth: What Did the Spotlight Team of *The Boston Globe* Fail to Uncover about Sexual Abuse in America? CreateSpace Independent Publishing Platform.

Kuhnert, Carol A. (2014). No Longer on Pedestals. Bloomington, IN: iUniverse, 385 pp. ISBN #: 978149750674.

Child sexual abuse by Roman Catholic clergy.

Lane, David L., & Jackson, Thomas. (2009). Low Motives in High Places: A Survival Strategy for Wounded Healers. Denver, CO: Outskirts Press, 203 pp.

Sexual misconduct by clergy. Model of restoration.

Lee, John. (2007). Bless Me, Father. New York, NY: iUniverse, 331 pp.

Novel about sexual abuse of minors and the Roman Catholic Church.

Lembo, Tony, & Winans, Foster. (2007). The Hopeville Fire Department: A Boy's Story of Betrayal by One of New England's Most Notorious Priests. Epsom, NH: Anthony Lembo, 207 pp.

Lennon, J. Paul. (2008). Our Father, Who Art in Bed: A Naive and Sentimental Dubliner in the Legion of Christ. (no place of publication): BookSurge Publishing, 379 pp.

Luneau, Harold, & Kenney, Frank. (2005). Soul Survivors: Intimate Perspectives of Two Priests on the Catholic Church as the Ultimate Abuser. Philadelphia, PA: Xlibris Corporation, 173 pp.

Includes an interview with a Roman Catholic priest who confesses to child sexual abuse.

Margolick, David. (2011). A Predator Priest. Seattle, WA: Amazon Digital Services Inc., 59 pp. [Kindle edition] OCLC #: 743326613

The story of Fr. Bernard Bissonnette, a Roman Catholic priest, in Connecticut. Highlights a victim of Bissonnette, Tommy Deary, of Putnam, Connecticut.

Massi, Jeri. (2015). The Big Book of Bad Baptist Preachers. CreateSpace Independent Publishing Platform, 296 pp.

Mastrogiovanni, John L. (2009). Why Ministers Fall: In Search of the Holy Grail. CreateSpace Independent Publishing Platform, 392 pp.

Matthews, Donald Henry. (2012). Sexual Abuse of Power in the Black Church: Sexual Misconduct in the African American Churches. Bloomington, IN: WestBow Press, 90 pp. ISBN #: 1449743234.

Meyer, Elizabeth. (2017). At His Mercy: The True Story of a Victim's Journey Through Clergy Sexual Misconduct. Kikimoonkey Books, 252 pp.

Memoir by a woman who was a youth ministry leader.

Meyer, Lydia Waring. (2011). Lillie's Redemption. Grand Rapids, MI: Principia Media.

Fiction. Meyer, a minister in the United Church of Christ, is a counselor in private practice, Grand Haven, Michigan.

Monte, Jr., Larry, & Domrzalksi, Dennis. (2010). Raped: Memories of a Catholic Altar Boy. Albuquerque, NM: Logan Square Press, 243 pp.

Moore, Ruth A. (Ed.). (2004). Survivors' Lullaby: Giving Witness from Boston to the Clergy Sex Abuse Crimes. Hull, MA: R. Moore, 117 pp. OCLC #: 181079092. Self-published.

Morgan, C. M. (2014). Altar(ed) Girl: One Woman's True Story of Confronting Clergy Sexual Abuse. Bloomington, IN: Balboa Press, 96 pp.

- Nauheimer, Vincent J. (2002). Silent Screams: Poetry Born of Clergy Abuse. Philadelphia, PA: Xlibris. OCLC #: 56019167.
- Nauheimer, Vincent J. (2006). Epistles on Clergy Abuse. Philadelphia, PA: Xlibris, 372 pp.
- Nealus. (2005). An Inch from Murder: My Life as a Male Victim of Sexual Child Abuse. College Station, TX: IndyPublish.com., 315 pp.
- Nelson, Jay. (2003). The Harrowing. North Charleston, SC: Greatunpublished, 372 pp.
Novel about the Roman Catholic Church including sexual abuse of children by priests. Set in 1993 in the Southwestern U.S.A. By a New Mexico author.
- Neudorf, Bob. (2005). Journeying Mercies: Tuesday Was Gone. Self-published, 662 pp. Distributed as an e-book by Smashwords.
Autobiographical. Setting is a missionary-run boarding school in West Africa.
- Nischik, Victor. (1990). The Wizard of God: My Life with Jack Hyles. Buchanan, MI: Sychar Publishing Company, 145 pp.
Regarding Jack Hyles, First Baptist Church, Hammond, Indiana.
- Novozinsky, Bruce (with Alexander, Linda Vele). (2012). Purple Reign: Sexual Abuse and Abuse of Power in the Diocese of Trenton, New Jersey. Veleno Publications, LLC, 442 pp.
- Olsen, Monica Louise Kistle. (2008). Secrets No More: Breaking Free from Abuse. Bloomington, IN: AuthorHouse, 130 pp.
Child sexual abuse by clergy.
- Parker, Jim. (2004). Raped in the House of God: The Murder of My Soul. New York, NY: iUniverse, 142 pp. ISBN #: 0595317529.
Parker, from Tucson, Arizona, is a survivor of sexual abuse at 12-years-old by a Roman Catholic priest in Lansing, Michigan.
- Price, David. (2008). Altar Boy Altered Life: A True Story of Sexual Abuse. Indianapolis, IN: Dog Ear Publishing, 160 pp.
Roman Catholic Church context.
- Robinson Barry J. (2004). Lucifer Grows in Our Garden: An Anatomy of Clergy Abuse. Self-published, 206 pp. ISBN-10 #: 0968534600.
Robinson was a parish minister of the United Church of Canada for 28 years.
- Schoen, Gerti. (2013). Buddha Betrayed: When Spiritual Relationships Go Awry. CreateSpace Independent Publishing Platform, 146 pp.
- Schwab, Brian R. (2001). The Sacred Robe. Austin, TX: Morgan Printing, 262 pp. ISBN #: 0970731108.
Novel. Roman Catholic Church and a priest who is investigated by police for sexual abuse of children; by an Austin, Texas, author.
- Scott, Donna E. (2006). Today I Told Somebody: Meditations for Abuse Survivors. Baltimore, MD: PublishAmerica, 48 pp. ISBN #: 1424119561
- Seth, Joshua B. (2009). Offenders and Abuse: An Awareness Guide to Shielding the Community. Baltimore, MD: PublishAmerica.
Chapter 8 addresses sex offenders, religion, pedophilia in churches, and abuse by religious figures.

Shea, Diane. (2008). Effects of Clergy Sexual Abuse on Adults Victimized as Children: A Comparison with Adult Males Victimized by a Layperson. Saarbrücken, Germany: VDM Verlag Dr. Müller GmbH & Co. KG, 140 pp. [The book is published by print-on-demand.]

Shea, an assistant professor of counseling psychology, School of Arts and Sciences, Holy Family University, Philadelphia, Pennsylvania, is a certified psychologist, certified school psychologist, and a licensed professional counselor.

Sorvillo, Elizabeth Cucinotta. (2016). Controlled Burn: Exposing Child Sex Abuse and Corruption at America's Largest Private Catholic High School. Carlsbad, CA: Demand It Media, Inc., 201 pp.

Steele, Mary Isabel. (1993). All Shall Be Well: One Survivor's Story of Clergy Sexual Abuse. Self-published: Albuquerque, NM.

Stevens, Bunny. (2014). Unholy Union: A Memoir of Clergy Sexual Abuse within the Salvation Army. Depoe Bay, OR: Words @ Work Ink, 392 pp.

Stoen, Timothy Oliver, & Fernandez, Giselle. (2015). Marked for Death: My War with Jim Jones, the Devil of Jonestown. Ukiah, CA: CreateSpace Independent Publishing Platform, 386 pp.

Strum, Richard. (2007). Healing for the Violated Church: A Strategy for the Healing of the Congregation Impacted by the Moral Failure of Spiritual Leadership. Richmerle Publishers, 236 pp.

Stout, William T., Becker, James K., & Nexus Solutions. (1996). The Good Shepherd Program: Tools to Protect Your Church by Preventing Child Abuse. Fort Collins, CO: Nexus Solutions, 183 pp. Includes 3 papers in a 3-ring notebook. OCLC #: 37142151.

“Designed to help churches and other ministries develop programs to reduce the risk of sexual or physical abuse and accidental injury to infants, children, and youth who participate in their activities. Includes background checking for ministries, paid workers, and volunteers.” [From the abstract in WorldCat academic database.]

Strunsky, Burke E. (2012). “Protecting the Guilty in the Name of God.” Chapter 7 in The Humanity of Justice: Lighting Even the Darkest Path Toward Justice. BookBaby Publishing.

Strunsky is a senior deputy district attorney in California. The chapter is about the case of Gilbert Simental who was convicted of molesting Jehovah's Witnesses children.

Tranel, Virginia. (2010). Benita: Prey for Him. 1st World Publishing, 360 pp.

Tells the story of Benita Kane who was sexually abused by Fr. Henry N. Dunkel, her Roman Catholic priest in Dubuque, Iowa.

Villarrubia, Mona M. (2004). From Hurt to Healing: Childhood Sexual Abuse by a Catholic Priest: One Woman's Story. Baltimore, MD: PublishAmerica, 176 pp. OCLC #: 61719542.

Welly, Ann, & Wilhelm, Sue. (2003). Woven from the Threads of Abuse: A Process/Journal Exploring Grief Surrounding Sexual Abuse Issues in the Church. New York, NY: iUniverse, Inc., 80 pp. OCLC #: 60335761

Wihelm was a Sister of Notre Dame for 19+ years; she conducts retreats and offers and spiritual direction at Heart Wood Place, Adrian, Michigan.

Wilford, Robert W. (2015). Wear a Collar, Rape a Child: Mother Church and the Conspiracy of Indifference. Gainesville, FL: Bookends Press.

Memoir. Roman Catholic Church context.

Williams, Georgina. (2006). Beyond the Walls. Denver, CO: Outskirts Press.
Novel about sexual abuse of minors by clergy.

Wilcox, Carolyn L. (2010). Snakes in the Pulpit. Lake Mary, FL: Creation House, 49 pp. ISBN #: 9781616382209.

Wisocki, Helen J., & Szajnecki, Curt J. (2007). Innocence Betrayed: A Dad's Story of Clergy Misconduct. Frederick, MD: PublishAmerica, 403 pp. ISBN #: 1-4241-8171-2.
Fictionalized account of a true story.

B. Australia or New Zealand

Anderson, Jane. (2015). Restorative justice as redress for child sexual abuse. *New Community: Quarterly Journal for Social Justice, Sustainability, Community Development and Human Rights* [currently *New Community: A Quarterly Journal* and *New Community Quarterly*; published by New Community, Auburn, Victoria, Australia], 13(2):18-22. ISSN #: 1448-0336.

Australian Broadcasting Corporation. (2010). Compass: Conduct Unbecoming. Television program broadcast June, 1993.

Australian Catholic Bishops Conference & Australian Conference of Leaders of Religious Institutes. (1999). Towards Understanding: A Study of Factors Specific to the Catholic Church which Might Lead to Sexual Abuse by Priests and Religious. Mordialloc, Victoria, Australia: National Committee for Professional Standards.
Discussion paper.

Australian Senate Community Affairs References Committee. (2004, August 30). Forgotten Australians: A Report on Australians Who Experienced Institutional or Out-of-Home Care as Children. Canberra, Australian Capital Territory, Australia: Australian Senate Community Affairs References Committee. [Accessed 03/14/19 at the World Wide Web site of the Parliament of Australia: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/report/index]

Blyth, Bruce. (1997). In the Shadow of the Cross: The Story of VOICES: How the Christian Brothers' Victims Fought for Justice. Como, Western Australia, Australia: P&B Press, 238 pp.
Tells the story of VOICES (Victims of Institutionalised Cruelty, Exploitation, and Supporters) and the Christian Brothers order in Western Australia, and how the victims were failed by the Australian justice system. Index, references, endnotes, bibliography.

_____. (1999). Counting the Cost: Christian Brothers and Child Care in Australian Orphanages. Como, Western Australia, Australia: P&B Press, 63 pp. ISBN #: 0958641307.
Presents evidence submitted by VOICES (Victims of Institutionalised Cruelty, Exploitation and Supporters) to the Health Committee of the British House of Commons that visited Australia and New Zealand in 1998 to inquire into the welfare of former British child immigrants.

Cahill, Desmond. (2012). *Parliamentary Inquiry*, Victoria Parliament, submission, September 2012.

Cahill, Desmond, & Wilkinson, Peter. (2017, August). Child Sexual Abuse in the Catholic Church: An Interpretive Review of the Literature and Public Inquiry Reports. Melbourne, Victoria, Australia: Centre for Global Research, School of Global, Urban and Social Studies, RMIT (Royal Melbourne Institute of Technology) University, 384 pp. [Accessed 02/15/18 at the World Wide Web site of BishopAccountability.org: http://www.bishop-accountability.org/reports/2017_09_12_Cahill_and_Wilkinson_RMIT_Child_Sexual_Abuse.pdf]

Catholic Church in Victoria. (2012, September 21). Facing the Truth Learning from the Past: How the Catholic Church in Victoria has Responded to Child Abuse: A Submission by the Catholic Church in Victoria to the Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations. Catholic Church in Victoria, 147 pp. [Accessed 04/12/19: https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Submissions/Catholic_Church_in_Victoria.pdf]]

Coldrey, Barry M. (2004). A Christian Apocalypse: The Sexual Abuse Crisis in the Catholic Church, 1984-2004. Melbourne, Victoria, Australia: Tamanaraik Press, 171 pp. ISBN #: 1875258884.

Coldrey, Barry M. (No date). Submission. Canberra, Australian Capital Territory, Australia: Parliament of Australia Senate Community Affairs References Committee, 97 pp. [Accessed 04/08/17 at the World Wide Web site of the Parliament of Australia: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/completed_inquiries/1999-02/child_migrat/submissions/sublist.htm]

The document is Coldrey's submission to the Australian Senate Community Affairs Reference Committee's inquiry into child migration, 2000-2001).

[For the larger context, see the Committee's report, Lost Innocents: Righting the Record – Report on Child Migration. (2001, August 30). Accessed 04/08/17 at the World Wide web site of the Parliament of Australia: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/completed_inquiries/1999-02/child_migrat/report/index.htm]

Cook, Elizabeth, & Cook, Trevor. (1994). In the Absence of Love: To Pray or to Prey? Childhood Rejection, Religious Addiction and Sexual Abuse: A Case Study in the Development of Fundamentalist Religious Belief and Ministerial Sexual Abuse. Sydney, New South Wales, Australia: Human Factors Press, 152 pp.

Cunneen, Margaret. (2014, May 30). Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle. Sydney, New South Wales, Australia: New South Wales.

Volume 1. Part A. Introduction and Overview & Part B. Term of Reference 1. [Accessed 03/14/19: <https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/publications/Matters-relating-to-the-police-investigation-of-certain-child-sexual-abuse-allegations-listing-441/32e80c2fce/Report-Volume-1-Hunter-Special-Commission-of-Inquiry.pdf>]

Volume 2. Part C. Term of Reference 2. [Accessed 03/14/19: <https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/publications/Matters-relating-to-the-police-investigation-of-certain-child-sexual-abuse-allegations-listing-441/7737ca491a/Report-Volume-2-Hunter-Special-Commission-of-Inquiry.pdf>]

Volume 3. Part D. Appendixes. [Accessed 03/14/19: <https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/publications/Matters-relating-to-the-police-investigation-of-certain-child-sexual-abuse-allegations-listing-441/b42e150140/Report-Volume-3-Hunter-Special-Commission-of-Inquiry.pdf>]

Cunneen was appointed Commissioner of the Special Commission of Inquiry, created by the government of New South Wales Australia.

A confidential volume was published, but is not posted on the Web site.

Deans, Louise. (2001). Whistleblower: Abuse of Power in the Church, A New Zealand Story. Auckland, New Zealand: Tandem Press, 184 pp. ISBN #: 1877178780.

Description based on publisher's World Wide Web site. When Deans sought in 1982 to be ordained as an Anglican priest in New Zealand, she was sexually harassed by the mentor and spiritual advisor appointed by the bishop. When she reported her experiences to the church, her complaint was met with resistance and hostility. After she discovered women colleagues who had suffered similar abuse, they organized to try to gain recognition, compensation, and apology from the church.

Death, Jodi. (2012). "Lessons on Sin and Forgiveness: A Crisis in the Roman Catholic Church." Chapter in Ata, Abe W. (Ed.) Catholics and Catholicism in Contemporary Australia: Challenges and Achievements. Kew East, Victoria, Australia: David Lovell Publishing, 327 pp.

Family and Community Development Committee, Parliament of Victoria, Australia. (2013, November). Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, Volumes 1 and 2. East Melbourne, Victoria, Australia: Family and Community Development Committee, 677 pp. [Volume 1 accessed 11/17/13 at the World Wide Web site: https://s3-ap-southeast-2.amazonaws.com/family-and-community-development-committee/Inquiry+into+Handling+of+Abuse_Volume+1_FINAL_web.pdf] [Volume 2 accessed 11/17/13 at the World Wide Web: https://s3-ap-southeast-2.amazonaws.com/family-and-community-development-committee/Inquiry+into+Handling+of+Abuse_Volume+2_FINAL_web.pdf]

Feenan, Patricia. (2012). Holy Hell: A Catholic Family's Story of Faith, Betrayal, Pain and Courage Bringing a Paedophile Priest to Justice (2nd edition). Fremantle, Australia: Fontaine Press, 254 pp.

Fein, Yvonne. (2008). The Torn Messiah. Ormond, Victoria, Australia: Hybrid Publishers. OCLC #: 225677068.

Novel. Fein is a Melbourne, Australia, writer, and a former student of Rabbi Hershy Worch who came to Melbourne from the U.S.A. in 1995 as a chaplain to Jewish students at Victorian university campuses. After he left the position in 1997 due to his employer's inability to provide his salary, allegations surfaced internationally that he had sexualized counseling and teaching relationships with students in the position. He has also been accused sexualizing counseling relations at an Illinois teaching position.

Fernandez, Elizabeth, Lee, Jung-Sook, Blunden, Hazel, McNamara, Patricia, Kovacs, Szilivia, & Cornefert, Paul-Auguste. (2016). No Child Should Grow Up Like This: Identifying Long Term Outcomes of Forgotten Australians, Child Migrants and the Stolen Generations. Kensington, New South Wales, University of New South Wales, 268 pp. [Accessed 12/14/18: <http://www.forgottenaustralians.unsw.edu.au/research-findings>]

Fernandez is with the School of School Sciences, Faculty of Arts and Social Sciences, University of New South Wales, Sydney, New South Wales, Australia.

Garden, Mary. (2003). The Serpent Rising: A Journal of Spiritual Seduction (Revised edition). Hartwell, Victoria, Australia: Temple House, 254 pp.

Revision of her original 1988 publication, which was a fictional account of her experiences with gurus in India.

Geraghty, Christopher. (2012). Dancing with the Devil: A Journey from the Pulpit to the Bench. Richmond, Victoria, Australia: Spectrum Publications.

Biography. Geraghty, ordained in 1962, was a Roman Catholic priest in Australia for nearly 15 years. He left the priesthood, became a lawyer, and was a district judge in New South Wales. See pp. 88-92.

Goodwin, David C. (1993). Child Abuse in the Church: The Problem and Prevention of Child Abuse in Church Programmes. Hastings, New Zealand: Camp David Ministries.

Griston, Basil. (1988). The Man on Mount Wellington. Hobart, Tasmania, Australia: Co-print, 158 pp. ISBN #: 9780949089083.

Isaccs, Joan Katherine. (2016). To Prey and to Silence: One Survivor's Story of Child Sexual Abuse and Her Fight for Justice. Leichhardt, New South Wales, Australia: A&A Book Publishing.

Last, Helen, assisted by Gonzalez, Mirta, & Vadasz, Danny. (Eds.). (1994). Public Face, Private Pain: The Anglican Report about Violence Against Women and the Abuse of Power within the Church Community: The Women, Church and Domestic Violence Project Conducted for the Anglican Diocese of Melbourne, 1989-1993. Carlton, Victoria, Australia: CASA House, 118 pp.

Marr, David. (2013). The prince: Faith, abuse and George Pell. *Quarterly Essay*, 51.
Marr an author, has been a journalist, editor, and reporter in Australia. Each issue of the Australian journal contains a book-length essay.

McClelland, Heather. (1995). The Almond Tree: Child Sexual Abuse and the Church (Stories from Country Victoria). Fyshwick, Australian Capital Territory, Australia: A. R. McLean Printing, 115 pp. ISBN #: 064624518X. [Per the WorldCat academic database, 01/08/14, there is no copy in a North American library.]
McClelland was a pastoral counselor in a Victorian, Australia, town. 25 personal stories with author's commentary.

Milligan, Louise. (2017; 2019). Cardinal: The Rise and Fall of George Pell. Carlton, Victoria, Australia: Melbourne University Press, 386 pp.

Olsson, Trevor, & Chung, Donna. (2004, May 26). Report of the Board of Inquiry into the handling of claims of sexual abuse and misconduct within the Anglican Diocese of Adelaide. North Adelaide, South Australia, Australia: Anglican Diocese of Adelaide, 94 pp. + 3-pp. attachment.
[Accessed 08/12/19 at the World Wide Web site of the Anglican Diocese of Adelaide, Australia: <https://static1.squarespace.com/static/54aa0be8e4b0631d0c5623eb/t/568df616d8af10a744aa1cc9/1452144150314/14-24504finalboireportfinal.pdf>]

Parkinson, Patrick A. (1998). "The Churches' Responsibility for Dealing with Allegations of Child Sexual Abuse." Chapter in Boeckenhauer, Christina, Michael, Leah, Omerod, Neil, & Wansbrough, Ann. (Eds.). Violating Trust: Professional Sexual Abuse. Proceedings of the 1st Australian and New Zealand Conference on Sexual Exploitation by Health Professionals, Psychotherapists and Clergy. Rozelle, New South Wales, Australia: Committee Against Health Professional and Clergy Abuse (CAHPACA Inc.), pp. 209-222. [Papers from the 1st Australian and New Zealand Conference on Sexual Exploitation by Health Professionals, Psychotherapists and Clergy that was held in Sydney, New South Wales, Australia, April 12-14, 1996.]

Pauling, Yvonne, & Winston Churchill Memorial Trust (N.Z.). (1999). Churches Responding with Integrity to Clergy Sexual Misconduct: A Report to the Winston Churchill Memorial Trust. Wellington, New Zealand: Winston Churchill Memorial Trust (N.Z.), 168 pp.

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