

# Shakedown — How Catholics are getting ripped off in the name of justice

By Francis X. Maier

My wife and I were watching the news one evening last summer when the camera cut away to an attorney on the steps of Colorado's state capitol. He announced to a cluster of reporters that he was suing the Archdiocese of Denver for \$10 million for each of the various sexual abuse victims he now represented.

The attorney was Florida's Jeff Herman. Herman is one of several high-profile litigators — along with Minnesota's Jeffrey Anderson — who has made a business of suing the Catholic Church over the past decade. Under Colorado law, plaintiffs' attorneys may not name the damages they seek to recover in civil suits. That's a matter reserved for courts and juries.

Herman may or may not have known this. In either case, he couldn't resist a photo op and sound bite. Ten million dollars has a nice ring to it. In Colorado, as elsewhere, the guerrilla theater of sex-abuse litigation has some very practical goals: shocking the public, frightening Catholics, polluting jury pools, and influencing judges and lawmakers.

In this case, though, as we sat in front of the TV, my wife — a teacher for 30 years — asked a simple question: "\$10 million? I wonder how much we'd get if Danny were abused."

In our house, the suffering of sexual abuse victims carries a special force. Our 15-year-old son, Dan, has Down syndrome. Two of our granddaughters also have serious genetic problems. Because of their disabilities, all three of them are up to ten times more likely to be sexually abused as a minor than the general population. For our family, worrying about the sexual abuse of children is not a theoretical problem. We're alert to it every day, in every one of our son's relationships — especially when he climbs on the bus to his school.

Dan attends a public high school. We don't actually want him there; we'd prefer to have him in a Catholic school, where he'd be safer. But the law makes this option cost-prohibitive by denying us the opportunity to apply his educational financing in a manner we judge best for our son. We can live with that. But what we won't live with is the hypocrisy of the news media and lawmakers blaming the Catholic Church for a culture of secrecy and sexual abuse when the same problems — and worse — pervade our public schools. In fact, if Dan ever does experience sexual abuse as a minor, the data suggest that he's more likely to face it in a public school than anywhere else outside the home.

The evidence is alarming: Dan is safer serving Mass at our local parish than he'll ever be in America's public schools. And yet the Church has been the sole focus of attack since the clerical sex-abuse scandal came to light four years ago. And now, thanks to new legislation cropping up in states around the country, she may pay a heavy price for our nation's selective blindness.

## Dirty Secrets

A 2005 Associated Press report noted that in some states, sexual abuse is now the main reason public school teachers lose their licenses. A 1999 probe by the Pittsburgh Post-Gazette, appropriately titled "Dirty Secrets," found that during the 1990s, "by far the most common reason for teacher discipline" in Pennsylvania "was sex-related offenses, according to state documents."

In January 2006, New York City's special-schools investigator Richard Condon reported that 250 public school teacher misconduct cases had been substantiated in his jurisdiction alone during 2005. Of these, 92 confirmed cases involved sexual misconduct complaints against public school educators, ranging from rape and educator-student relationships to sexual harassment and public exposure.

And this isn't a new development. More than a decade ago, Dr. Sherry

## *Part one of three; thirty-fourth in a series.*

Bithell, author of "Educator Sexual Abuse," estimated that one in 20 teachers engages in sexual misconduct with students, from obscene comments to outright sexual abuse. Professor Charol Shakeshaft of Hofstra University, the leading national expert on sexual abuse by public school educators and staff, effectively confirmed this in her February 2006 testimony to the Colorado General Assembly, noting that 6.7 percent of all students in the United States report being sexually abused in a physical manner by an educator in public schools.

In Shakeshaft's words, "Of the approximately 45 million students attending public and private K-12 schools, more than 3 million will have been the target of physical sexual exploitation by an employee of the school by eleventh grade."

Shakeshaft went on to stress: "These 3 million [victims] include only students who have been the target of sexual abuse that includes touching. This number does not include adults who show students pornography, who expose themselves, or who direct other forms of visual and verbal sexual abuse at children. I'm only talking about sexual abuse actions that include forced touch. If those [other abusive] actions are added, the number of students nationwide is 4.5 million."

Even on the wild chance that these data are off by half, the scope of public school sexual abuse involves many hundreds of thousands of students and eclipses anything in the Catholic clergy. The evidence also suggests that from 1 percent to 5 percent of the teaching profession and up to 25 percent of all public school districts have problems of sexual abuse.

All of this should sound familiar — from stories about sex abuse in decades past, right down to an alleged pattern of what one angry public school parent called "passing the trash" (moving abusive public school teachers from job to job). In fact, Craig Emmanuel, an investigator with the Arizona Department of Education, told the Pittsburgh Post-Gazette that, on average, teachers who molest children work in at least two to three school districts before they're stopped.

But don't expect to read about it in your local newspaper. According to Shakeshaft, most incidents of public school educator sexual misconduct with children "are not entered into criminal justice information systems, and abusers are generally subject only to informal personnel actions within the relative privacy of the [public school] administration." As just one example, she cited "a study of 225 cases of educator sexual abuse" in a major metropolitan area where "only 1 percent [of offending teachers] lost their teaching credentials."

Terri Miller, a single mother and president of SESAME — Stop Educator Sexual Abuse, Misconduct and Exploitation, a national, public school equivalent of the clergy-abuse victims' group SNAP — offered similar testimony to the Colorado General Assembly this spring. Quoting data that suggest a much higher incidence of sexual abuse in public schools when compared with the Catholic priesthood, Miller pointed to one of the teachers in her daughter's public school in Nevada who had been dismissed only when authorities belatedly discovered his long history of sexual misconduct at schools in Minnesota, Colorado and elsewhere in Nevada. The teacher was never reported or punished, but rather allowed to move freely from one job to the next.

"This last point is not an isolated case," Miller told Colorado lawmakers. "There are many [public school] teachers like this one in classrooms across the country, paid by our tax dollars, who are changing the lives of our children forever."

*Francis X. Maier, the father of four, writes from Colorado. This article is reprinted with permission from the May 2006 issue of Crisis Magazine, www.crisismagazine.com.*