

Shakedown: Ripped off in the name of justice

By Francis X. Maier

Whatever the merit of these claims of clergy sexual abuse against a minor, the plaintiff's attorneys' goal is always the same: to overturn existing statutes of limitations for private (but not public) institutions. Once these safeguards go, the "legalized looting" — to quote one angry Catholic parent — can begin.

How can a church community defend itself when an alleged perpetrating priest is dead, and so is every other witness except the accuser? But this has happened again and again.

More than 1,000 new plaintiffs came forward in California during a 2003 suspension of the statute of limitations. So far, California Catholic dioceses and religious orders have paid out roughly \$250 million to plaintiffs, and the bleeding continues.

The attack on statutes of limitations by plaintiffs' attorneys has now touched 14 or more states. It's a classic display of entrepreneurial skill — the fruit of years of carefully cultivating victims' anger, media gloating, the hostility of some lawmakers toward the Church, confusion and guilt by Church leaders, and resentment among the faithful.

The effect on American Catholic life is catastrophic. There's no "Catholic Superfund" to pay for these massive, retroactive sex-abuse settlements, no secret pile of ecclesial wealth; and insurance, even in the best circumstances, covers only a modest portion of the total damages. In some dioceses, insurance companies are suing the Church to avoid payment.

In the end, the people who will pay the most for this crippling attorneys' scam are our families — and our children. "Retroactive liability" has nothing to do with real healing for sexual abuse victims. It involves the financial and legal mugging of innocent Catholic families today, for alleged events that happened decades ago and in which they played no part. It amounts to punishing the innocent in the name of lost innocence. But no matter how piously an attorney frames the scam, two wrongs simply don't make a right.

Waking the Sleepwalkers

The priests I knew growing up were good men — men I wanted to emulate without exception. But I also have two friends, and probably a third, whose sons were sexually abused by priests in decades past. They've struggled with that traumatic experience ever since.

Like all Catholic parents in the last four years, my wife and I have listened to stories of clergy sexual abuse

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with a mixture of pain, disgust, and frustration. We look at our own four children — especially Dan, who has Down syndrome — and we try to imagine what our attitude toward God, or the Church, might be today if they'd been hurt. More importantly, we've tried to pray ourselves into a deeper understanding of the wounds in the lives of young people damaged by sexual abuse.

Of course, we'll never fully understand that pain, any more than an outsider can fully understand the experience of raising a disabled child. But as a parent, I also know that real justice is not served by creating a new class of victims — innocent Catholic families and communities today — in the name of helping other victims. Changing the civil liability rules after the fact is not justice; nor is bankrupting Catholic parishes and dioceses. It's a form of financial and legal violence that will continue until the money's gone — or we force it to stop.

As a Catholic, I believe I have a duty to help sexual abuse victims heal. And I have an equal obligation to the Catholics who came before me, and the ones who will come after me, to pass along the Faith and the resources with which I was entrusted. They're not mine to throw away.

It's revealing that, in Colorado and elsewhere, some of the biggest supporters of "retroactive liability" are disaffected, angry, self-described Catholics who resent the Church for her teaching on abortion, "emergency" contraception, embryonic stem-cell research, the death penalty, immigration, Iraq — the list of complaints is endless. Too often, Catholics of my generation seem to be diving headlong into an assimilation gone perverse, moved by a spirit of revenge against the Church for simply daring to be herself and not a theater prop for their own egos. And nothing serves her enemies — including the sex-abuse litigation machine — better than when the Church's own children join in tearing her down.

American Catholics today are like sleepwalkers who dream they're awake — who think they're engaged with and accepted by their surrounding secular culture. In reality, we're getting robbed of our identity and resources while we slumber.

It's time to wake up.

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