

The New York Times and Pope Benedict XVI: *how it looks to an American in the Vatican*

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In our melting pot of peoples, languages and backgrounds, Americans are not noted as examples of “high” culture. But we can take pride as a rule in our passion for fairness. In the Vatican where I currently work, my colleagues – whether fellow cardinals at meetings or officials in my office – come from many different countries, continents and cultures. As I write this response today (March 26, 2010) I have had to admit to them that I am not proud of America’s newspaper of record, the New York Times, as a paragon of fairness.

I say this because today’s Times presents both a lengthy article by Laurie Goodstein, a senior columnist, headlined “[Warned About Abuse, Vatican Failed to Defrock Priest](#),” and an accompanying editorial entitled “[The Pope and the Pedophilia Scandal](#),” in which the editors call the Goodstein article a disturbing report (emphasis in original) as a basis for their own charges against the Pope. Both the article and the editorial are deficient by any reasonable standards of fairness that Americans have every right and expectation to find in their major media reporting. In her lead paragraph, Goodstein relies on what she describes as “newly unearthed files” to point out what the Vatican (i.e. then Cardinal Ratzinger and his Congregation for the Doctrine of the Faith) did not do – “defrock Fr. Murphy.” Breaking news, apparently. Only after eight paragraphs of purple prose does Goodstein reveal that Fr. Murphy, who criminally abused as many as 200 deaf children while working at a school in the Milwaukee Archdiocese from 1950 to 1974, “not only was never tried or disciplined by the church’s own justice system, but also got a pass from the police and prosecutors who ignored reports from his victims, according to the documents and interviews with victims.”

But in paragraph 13, commenting on a statement of Fr. Lombardi (the Vatican spokesman) that Church law does not prohibit anyone from reporting cases of abuse to civil authorities, Goodstein writes, “He did not address why that had never happened in this case.” Did she forget, or did her editors not read, what she wrote in paragraph nine about Murphy getting “a pass from the police and prosecutors”? By her own account it seems clear that criminal authorities had been notified, most probably by the victims and their families.

Goodstein’s account bounces back and forth as if there were not some 20 plus years intervening between reports in the 1960 and 70’s to the Archdiocese of Milwaukee and local police, and Archbishop Weakland’s appeal for help to the Vatican in 1996. Why? Because the point of the article is not about failures on the part of church and civil authorities to act properly at the time. I, for one, looking back at this report agree that Fr. Murphy deserved to be dismissed from the clerical state for his egregious criminal behavior, which would normally have resulted from a canonical trial.

The point of Goodstein’s article, however, is to attribute the failure to accomplish this dismissal to Pope Benedict, instead of to diocesan decisions at the time. She uses the technique of repeating the many escalating charges and accusations from various sources (not least from her own newspaper), and tries to use these “newly unearthed files” as the basis for accusing the pope of leniency and inaction in this case and presumably in others.

It seems to me, on the other hand, that we owe Pope Benedict a great debt of gratitude for introducing the procedures that have helped the Church to take action in the face of the scandal of priestly sexual abuse of minors. These efforts began when the Pope served as Cardinal Prefect of the Congregation for the Doctrine of the Faith and continued after he was elected Pope. That the Times has published a series of articles in which the important contribution he has made – especially in the development and implementation of [Sacramentorum Sanctitatis](#)

Tutela, the Motu proprio issued by Pope John Paul II in 2001 – is ignored, seems to me to warrant the charge of lack of fairness which should be the hallmark of any reputable newspaper.

Let me tell you what I think a fair reading of the Milwaukee case would seem to indicate. The reasons why church and civil authorities took no action in the 1960's and 70's is apparently not contained in these "newly emerged files." Nor does the Times seem interested in finding out why. But what does emerge is this: after almost 20 years as Archbishop, Weakland wrote to the Congregation asking for help in dealing with this terrible case of serial abuse. The Congregation approved his decision to undertake a canonical trial, since the case involved solicitation in confession – one of the *graviora delicta* (most grave crimes) for which the Congregation had responsibility to investigate and take appropriate action.

Only when it learned that Murphy was dying did the Congregation suggest to Weakland that the canonical trial be suspended, since it would involve a lengthy process of taking testimony from a number of deaf victims from prior decades, as well as from the accused priest. Instead it proposed measures to ensure that appropriate restrictions on his ministry be taken. Goodstein infers that this action implies "leniency" toward a priest guilty of heinous crimes. My interpretation would be that the Congregation realized that the complex canonical process would be useless if the priest were dying. Indeed, I have recently received an unsolicited letter from the **judicial vicar who was presiding judge** in the canonical trial telling me that he never received any communication about suspending the trial, and would not have agreed to it. But Fr. Murphy had died in the meantime. As a believer, I have no doubt that Murphy will face the One who judges both the living and the dead.

Goodstein also refers to what she calls "other accusations" about the reassignment of a priest who had previously abused a child/children in another diocese by the Archdiocese of Munich. But the Archdiocese has repeatedly explained that the responsible Vicar General, Mons. Gruber, admitted his mistake in making that assignment. It is anachronistic for Goodstein and the Times to imply that the knowledge about sexual abuse that we have in 2010 should have somehow been intuited by those in authority in 1980. It is not difficult for me to think that Professor Ratzinger, appointed as Archbishop of Munich in 1977, would have done as most new bishops do: allow those already in place in an administration of 400 or 500 people to do the jobs assigned to them.

As I look back on my own personal history as a priest and bishop, I can say that in 1980 I had never heard of any accusation of such sexual abuse by a priest. It was only in 1985, as an Auxiliary Bishop attending a meeting of our U.S. Bishops' Conference where data on this matter was presented, that I became aware of some of the issues. In 1986, when I was appointed Archbishop in Portland, I began to deal personally with accusations of the crime of sexual abuse, and although my "learning curve" was rapid, it was also limited by the particular cases called to my attention.

Here are a few things I have learned since that time: many child victims are reluctant to report incidents of sexual abuse by clergy. When they come forward as adults, the most frequent reason they give is not to ask for punishment of the priest, but to make the bishop and personnel director aware so that other children can be spared the trauma that they have experienced.

In dealing with priests, I learned that many priests, when confronted with accusations from the past, spontaneously admitted their guilt. On the other hand, I also learned that denial is not uncommon. I have found that even programs of residential therapy have not succeeded in breaking through such denial in some cases. Even professional therapists did not arrive at a clear diagnosis in some of these cases; often their recommendations were too vague to be helpful. On the other hand, therapists have been very helpful to victims in dealing with the long-range effects of their childhood abuse. In both Portland and San Francisco where I dealt with issues of sexual abuse, the dioceses always made funds available (often through diocesan insurance coverage) for therapy to victims of sexual abuse.

From the point of view of ecclesiastical procedures, the explosion of the sexual abuse question in the United States led to the adoption, at a meeting of the Bishops' Conference in Dallas in 2002, of a "Charter for the Protection of Minors from Sexual Abuse." This Charter provides for uniform guidelines on reporting sexual abuse, on structures of accountability (Boards involving clergy, religious and laity, including experts), reports to a national Board, and education programs for parishes and schools in raising awareness and prevention of sexual abuse of children. In a number of other countries similar programs have been adopted by Church authorities: one of the first was adopted by the Bishops' Conference of England and Wales in response to the Nolan Report made by a high-level commission of independent experts in 2001.

It was only in 2001, with the publication of Pope John Paul II's *Motu proprio Sacramentorum Sanctitatis Tutela* (SST), that responsibility for guiding the Catholic Church's response to the problem of sexual abuse of minors by clerics was assigned to the Congregation for the Doctrine of the Faith. This papal document was prepared for Pope John Paul II under the guidance of Cardinal Ratzinger as Prefect of the Congregation for the Doctrine of the Faith.

Contrary to some media reports, SST did not remove the local bishop's responsibility for acting in cases of reported sexual abuse of minors by clerics. Nor was it, as some have theorized, part of a plot from on high to interfere with civil jurisdiction in such cases. Instead, SST directs bishops to report credible allegations of abuse to the Congregation for the Doctrine of the Faith, which is able to provide a service to the bishops to ensure that cases are handled properly, in accord with applicable ecclesiastical law.

Here are some of the advances made by this new Church legislation (SST). It has allowed for a streamlined administrative process in arriving at a judgment, thus reserving the more formal process of a canonical trial to more complex cases. This has been of particular advantage in missionary and small dioceses that do not have a strong complement of well-trained canon lawyers. It provides for erecting inter-diocesan tribunals to assist small dioceses. The Congregation has faculties allowing it derogate from the prescription of a crime (statute of limitations) in order to permit justice to be done even for "historical" cases. Moreover, SST has amended canon law in cases of sexual abuse to adjust the age of a minor to 18 to correspond with the civil law in many countries today. It provides a point of reference for bishops and religious superiors to obtain uniform advice about handling priests' cases. Perhaps most of all, it has designated cases of sexual abuse of minors by clerics as *graviora delicta*: most grave crimes, like the crimes against the sacraments of Eucharist and Penance perennially assigned to the Congregation for the Doctrine of the Faith. This in itself has shown the seriousness with which today's Church undertakes its responsibility to assist bishops and religious superiors to prevent these crimes from happening in the future, and to punish them when they happen. Here is a legacy of Pope Benedict that greatly facilitates the work of the Congregation which I now have the privilege to lead, to the benefit of the entire Church.

After the Dallas Charter in 2002, I was appointed (at the time as Archbishop of San Francisco) to a team of four bishops to seek approval of the Holy See for the "Essential Norms" that the American Bishops developed to allow us to deal with abuse questions. Because these norms intersected with existing canon law, they required approval before being implemented as particular law for our country. Under the chairmanship of Cardinal Francis George, Archbishop of Chicago and currently President of the United States Conference of Catholic Bishops, our team worked with Vatican canonical experts at several meetings. We found in Cardinal Ratzinger, and in the experts he assigned to meet with us, a sympathetic understanding of the problems we faced as American bishops. Largely through his guidance we were able to bring our work to a successful conclusion.

The Times editorial wonders "how Vatican officials did not draw the lessons of the grueling scandal in the United States, where more than 700 priests were dismissed over a three-year period." I can assure the Times that the Vatican in reality did not then and does not now

ignore those lessons. But the Times editorial goes on to show the usual bias: “But then we read Laurie Goodstein’s disturbing report . . . about how the pope, while he was still a cardinal, was personally warned about a priest ... But church leaders chose to protect the church instead of children. The report illuminated the kind of behavior the church was willing to excuse to avoid scandal.” Excuse me, editors. Even the Goodstein article, based on “newly unearthed files,” places the words about protecting the Church from scandal on the lips of Archbishop Weakland, not the pope. It is just this kind of anachronistic conflation that I think warrants my accusation that the Times, in rushing to a guilty verdict, lacks fairness in its coverage of Pope Benedict.

As a full-time member of the Roman Curia, the governing structure that carries out the Holy See’s tasks, I do not have time to deal with the Times’s subsequent almost daily articles by Rachel Donadio and others, much less with Maureen Dowd’s silly parroting of Goodstein’s “disturbing report.” But about a man with and for whom I have the privilege of working, as his “successor” Prefect, a pope whose encyclicals on love and hope and economic virtue have both surprised us and made us think, whose weekly catecheses and Holy Week homilies inspire us, and yes, whose pro-active work to help the Church deal effectively with the sexual abuse of minors continues to enable us today, I ask the Times to reconsider its attack mode about Pope Benedict XVI and give the world a more balanced view of a leader it can and should count on.