

**Telephone interview with Cardinal Roger Mahony of Los Angeles
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By Jason Berry

(Editor's Note: Jason Berry's story, [Mahony, in legal battle, insists church has right to secrecy](#), appears in the March 18, 2005 issue of National Catholic Reporter. The report referred to in the interview, Report to the People of God: Clergy Sexual Abuse in the Los Angeles Archdiocese 1930-2003, is available on the archdiocese's Web site, www.la-archdiocese.org.)

NCR: Voice of the Faithful has called on Pope John Paul II to meet with a group of abuse survivors. Would you support that idea?

Cardinal Roger Mahony: Well, I hadn't actually given it any thought. I really don't know whether that would be useful or not. I really don't have a final answer. It never occurred to me and I never heard of it. I just hadn't thought of it.

The National Review Board report criticized the hierarchy for obsessive secrecy about clergy sexual behavior. Is there an unwritten code of secrecy in the priesthood about sexual behavior of clerics?

I don't think so. I think if you look back through the history of the evolution of this terrible sin and crime we've dealt with, there was a fairly common understanding that no one wanted this type of information made public, especially the victims and families, law enforcement and others; it was dealt with in a very private way. But I am not aware of any coordinated effort to be silent. I do know that working with victims in the 1980s, they didn't want publicity, their names in the paper or in parishes. There's been an evolution in how these matters were handled privately and publicly; even today there are victims who don't want their names known.

What about the priesthood itself? There has been so much attention paid to keeping secrets. Isn't this a problem within the clerical culture, that sexual secrecy seems bound up in how this scandal evolved?

I wouldn't put it that way. I would say the problem with sexual abuse, in and of itself, is such a private secret undertaking. For priests or anyone involved in grooming a young person involving themselves with sexual abuse, the whole thing is shrouded in total secrecy, and no one, no priest is going to tell another priest what he's doing. And so even victims are caught up this secret thing with the perpetrator; I think the biggest shock for most of the priests, myself included, is to discover that a priest that we knew well had been involved in this secretive lifestyle. I don't think there's any effort to cover it up. By its nature it's such a terrible, secretive, manipulative, and deceptive engagement in someone's life.

Do you sense that bishops and the Vatican view this culture of secrecy as a burden to the church?

[Long pause.] Actually, no I don't see that as a problem. One thing is clear in talking with some of the people in the Vatican and that is, they do not understand our system of law and our judicial system here because it's so different from that of Europe. Vatican and European laws are built on the Roman system; our jurisprudence is built on the British system, there are two different views of how to deal with legal issues.

I've never encountered anyone in the Vatican who is concerned about secrecy or hiding, rather trying to urge us to deal with it.

Opinion polls find that 80 percent of Catholics want to remove a bishop who grossly betrays the trust, with respect to children and child abuse. Canon law has no mechanism giving lay people an oversight role. How do the bishops think they can restore trust?

The bishops have been doing that since 2002. I think this has been really unprecedented; no other institution in this country has taken an issue, such a moral issue like this, and devoted such focus and attention on reaching out to victims and the spiritual and pastoral care of victims, the prevention, programs to safeguard children, all of the things that need to be done to make the church as safe as possible for children and young people. I think trust is going to be restored by evidence that, in fact, appropriate steps have been taken. I look at our own archdiocese. I'm amazed that 15,000 of our people have been trained in *Safeguard the Children*, all priests have been through the *Virtus* training program including myself and other bishops. These steps are extremely helpful in the church's overall response. And what I also find very encouraging is the strong leadership and involvement of the laity on our own Sexual Abuse Advisory Board back in 1994, which changed to the Clergy Misconduct Board in 2002. That lay board has been extraordinarily useful and helpful in shaping the direction of dealing with these problems and coordinating lay people for the *Safeguard the Children* program. This is all lay leadership; they have really taken hold in a wonderful way. I think all of that is useful.

How has the clergy abuse crisis affected you, on a personal and spiritual level?

Oh it's been a terrible journey. First of all, not realizing the extent of this problem over many decades; it's so easy to look back through lenses of today to 15, 20, 30 years ago; I just wish I had known then what I know now. Things would have been treated differently. It's the same thing with the helping professions. We thought we were getting the best advice from therapists, and we were; that was their advice at the time. But as it turned out, priests with this problem simply cannot be cured and placed [back] in [ministry]. Those have been a heavy burden. Also, meeting with victims, to hear their stories, and although I haven't met with all of them, I've met with a large number. I've also looked at the taped interviews; the plaintiffs' attorneys here have developed dozens of interviews on DVD I've listened to those, every single one of them. They just cause you to cry. You simply are in disbelief at what has happened to the lives of these people. It has been a very humbling experience. Certainly, ritually, I was absolutely at the bottom, which means total vulnerability to God's grace. And I began to realize this is the ministry Jesus Christ is asking of me and others at this time, to repair this damage, to make sure it won't happen again and to continue the ongoing care of victims.

The Report to the People of God discusses several priests. Michael Wempe, in 1988, went to the Paracletes for treatment. After that, the report says, "based upon the treating psychotherapist's report [he] was assigned to limited ministry as a hospital chaplain." I haven't read the therapist's report; but I think many people would say that common sense dictates against letting a pederast go work in a hospital. How do you explain that decision?

Well, again, you just go back to that period of time, where there were assurances given that his situation was one where re-offending was very unlikely. That was the

prognosis. And that if he continued his spiritual direction and counseling he was getting, that he would not re-offend. And they recommended that he serve in a limited capacity such as a chaplain to a hospital or prison facility; at the time I believed their prognosis was accurate. And, by the way, to the best of my knowledge I have no evidence that he actually did re-offend, even though there's been an allegation of that in court. We certainly have no reports. And it wasn't until after he was taken out of the ministry that someone made a report and that has been subject to criminal prosecution and is going to trial in the near future. That was the best advice we had at the time. Prognosis was he was highly unlikely to ever re-offend. But had we had zero tolerance in effect, he wouldn't have been assigned anywhere.

Again, reading from Report to the People of God, p. 12: “The Archdiocese does not seek to protect the conduct of priests from criminal or civil liability; it only seeks to protect these confidential communications.” Isn't that a contradiction if the confidential documents discuss criminal behavior?

Well the confidential documents are not ones in which there is a discussion of criminal behavior. They are really discussions between bishop and priest and vicar and priest of the nature and status of the soul and what he's dealing with. The confidential communications are such that if a priest doesn't have the opportunity to meet with his bishop and discuss his personal problems, then the relationship between bishop and priest is gone. No priest will ever talk to a bishop.

But if a priest tells you he's molested a child, that's a confidential communication.

Well if he tells me he abused a child I have to report to police. That's the way that's handled. Any priest coming in, knows that if he confesses to a reportable crime I have to report it ...

I'm curious about Fr. Sutphin. You shared living quarters with him after he was accused of abuse, until 2002. Why did you do that?

Well, Fr. Sutphin was another example of someone whose prognosis was favorable; so he at first was the chaplain in one of our rest homes. However, since there were a large number of retired priests living there, they could take care of its pastoral needs. One of Fr. Sutphin's ministries had been dealing with men in jail, so the old cathedral rectory which is right downtown near the jail seemed to be a good place for him to be in residence, and certainly under supervision. Keep in mind too the cathedral closed; so he lived there. Certainly no one ever registered any problems or difficulties. He ministered at the men's county jail for a few years. But it was clear that he was going to retire and go live in Ventura before the new cathedral opened. That was understood. We have absolutely no report of any re-offense on his part the whole time. We moved in here about a year and half before the Cathedral was dedicated.

With all due respect, Cardinal, I think many parents would wonder what it like is to live in a rectory with a man who has had sex with young boys. Did you feel squeamish?

Well, again, he was undergoing counseling and spiritual direction and he was trying to turn his life around and seemed to be doing a good job at the jail. He was very much liked over there by the officials. Obviously there was always that concern, but he was really under good supervision here and he knew that everyone here knew his

background and would be watching in case anything happened. But there was never any indication of that; he seemed to be living out his ministry.

I realize that you've apologized for mistakes; I'm trying to understand the politics of all this. Wempe, Sutphin, any number of these men could have suffered drastic penalties under canon law before 2002. Why weren't they applied?

Well, really because the whole canonical notion of fitness for ministry was in play. That is, is this person able to assume some kind of limited ministry? And because in many cases the decisions made were that they could not, the recommendation was they could not. There were only a few. In fact in 2002 there were only six priests who were in limited ministry and of that number two retired and the others were in extremely limited ministry. All the rest had been taken out of ministry; the reason this handful was in limited ministry is because of their faithfulness to their counseling and spiritual direction and they gave every indication of not re-offending. That is the only reason they were there. Had we applied zero tolerance literally back in the early '90s they would not have been in those ministries and of course they would not be today.

Many people, though, wonder why canon law did not cause the widespread removal of so many of these men who went on to create great scandals in the media?

Well, of course, in many cases canon law procedures were brought to bear. As I say, we have many cases where men were removed from ministry. It's just that a very small group whose treatment protocol indicated that there would not be danger in them being involved in some limited ministry. All the rest of them were removed and removed canonically.

You were quite a supporter of Bishop Ziemann. He resigned from Santa Rose amidst a huge scandal, as you know. Don't you think he should be laicized?

Excuse me, I'm not sure I know what you mean by 'a great supporter.'

Well, didn't you sponsor him to become an auxiliary?

Well, he was one of the three auxiliaries appointed here in 1987, but his was no different than the relationship I had with all the other priests in the archdiocese. There was no special relationship with him. But he was one of the three auxiliary bishops appointed in 1987.

Didn't you support him to become bishop of Santa Rosa?

His name was entered along with several other names as a possible candidate for Santa Rosa, yes. But when he was here during the years I was here; he was only here a few years, we had no reports of any misconduct. In fact he was well liked by the priests and the people. He served in Santa Barbara very well; we never had any report of any difficulties ever.

Given everything that has transpired, do you think he should be laicized?

That's really beyond my call. That's really not my judgment. I honestly did not follow that closely everything up in Santa Rosa. The media down here — the farther away you are geographically — they just cover it less. I was really never totally informed of everything up there. I think the only one who can make that judgment is the Holy See,

to have an investigation themselves to determine what should happen. It's really not my call.

In a related sense, when a bishop is sued as he is by a priest alleging extortion for sexual favors and then resigns after a scandal like that, shouldn't he at least be reduced from the status of bishop to a priest? In any given case, if his name wasn't Ziemann but Smith, don't you think someone like that should suffer some penalty?

Well, first of all there's no process to reduce someone from a bishop to a priest. To the best of my knowledge, he was taken out of ministry and the Holy See asked him to live in a monastery somewhere. So, losing the diocese, losing his ability to function as a bishop, and minister as a bishop, that is a penalty in itself. The Holy See has apparently decided in this case that that is the best course to take.

Monsignor Loomis was at one time vicar of clergy, a job that included investigating abuse accusations. He has been removed because of accusations against him, as was Monsignor Curry — two vicars of clergy.

Excuse me, no. Monsignor Curry was not removed and has had no accusations. He's now Bishop Curry.

I'm sorry. I may have the wrong name. Wasn't there a second vicar of clergy removed?

No.

I'm sorry. I stand corrected.

Loomis, that case proves that our procedures are working. That's a good example. It doesn't make any difference who the priest is. If there's sufficient credible evidence and the board decides to recommend that he be taken out of active ministry, and they did in his case, and I obviously concurred in their recommendation. So that case proves that the system is working the way it's supposed to be.

It's my understanding that the SNAP chapter was leafleting the church while he was still in ministry, that there was a pending civil case against him, and after the leafleting, someone else came forward with a charge, and on the basis of the second person making the accusation, that he was then removed. Is that not correct?

You know, I can't remember the exact sequences. A lot of these problems with civil suits filed in 2002-2003, we did not have the names of victims or any way to talk to them. They were simply listed as John Doe. So until our investigators had a chance to talk to someone and get a statement from them, they did not have sufficient information to present to the board. And that eventually happened. That's what led to the report to the board. But it also turned up that all of these allegations occurred before he was ordained a priest; they went back years before that.

Sutphin, Ziemann, Loomis, these are three men you had close dealings with. How do you explain your judgment of their character? How could you miss what was going on?

Well, first of all, these are all different situations. Take Michael Baker. Baker is the epitome of the deception of manipulation of a person who commits these sins and crimes. He was a superb con artist. He conned everybody, including the psychologist,

psychiatrist and everyone else. Everyone thought that was being reported to us about his effective treatment, turned out he was manipulating the system. And he did it well. There was no way to know that at the time. With Bishop Ziemann, all these problems arose not here, not before he was ordained here, but up north. We had no problem with it here in my years. Sutphin, same situation. He's in effective treatment and is in limited ministry without any real sense. All these are different scenarios. Baker was reduced to lay state. There's the nine o'clock bell. [Half hour is up]

Can I ask just one more question?

Well if I get to say something else. You've gone back to some of these older cases. You haven't touched on what we've done since.

You've approved the hiring of three former FBI agents to investigate any new charges. Each parish has a *Safeguard the Children* committee. These are genuine reforms. On the other hand, the archdiocese is waging quite a legal battle to preserve secret files. Isn't this a contradiction?

No, not at all. In fact, this whole thing about files is now down to 20 documents. In California the evidence code has strong privacy privileges. One of them is clergy-penitent communications. The same one the doctors and psychiatrists have, as well as the media, it's the same kind of privilege; priests have a right to that privilege. The courts have upheld all of our privilege demands except for 20 documents, and that's in the hands of the court of appeals. So, it's two or three priests maximum. All the rest of it — see, you've also gotta keep in mind, the document itself is not being given over. The factual data that is necessary for law enforcement or legal proceedings has all been given over; it's just the actual communication itself.

You mean the actual communication between the bishop and priests?

Yes, but any factual information that's relevant to law enforcement or civil proceedings has been given. So there's nothing in there factually that anyone has found new.

Why is there such a big fight about it?

Well, because it's the principle, the privilege. You've got to keep in mind, the priests involved, it's their files. The priests have protection in California law. The constitution has a very strict privacy provision in Article One and the Evidence Code has very strict procedures for protecting this kind of information; specifically the priests appropriately exercise their rights and have asked these documents not be given over.

Suppose the archdiocese does not prevail in the legal arguments, are you saying nothing of consequence is in them?

The files are not going to be released. That's not going to happen. No matter what happens. What would happen is the courts would allow the DA or someone else to review documents and that would be it. These aren't going to be released publicly. But we've already assured the District Attorney that there's nothing in there they don't already have and we didn't give them to them.

Are the proffers then...

You just said there was this one question. You told me that's the way it's going to work. And you keep going with questions.

I do apologize, cardinal. I appreciate your time.