

Religious Practices that Have Contributed to a Culture of Secrecy Regarding Child Sex Abuse in Five Religious Organizations

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Abstract

Organizations in every field and across the United States have policies that permit widespread, institutional child sex abuse. While it occurs under a diverse range of conditions, the phenomenon of covering up child sex abuse has a set of consistent characteristics: the protection of adult offenders through internal processes, the prioritization of the organization’s reputation at all costs, and the ignorance of red flags and conditions that endanger children. This chapter highlights five religious organizations with practices contributing to cultures that cover-up ongoing child sex abuse—the Roman Catholic Church, Southern Baptist Convention, Jehovah’s Witnesses, Ultra-Orthodox Judaism, and Church of Jesus Christ of Latter-Day Saints.

Key words: Child sex abuse, cover-up, statute of limitations, Roman Catholic Church, Southern Baptist Convention, Jehovah’s Witnesses, Ultra-Orthodox Judaism, Church of Jesus Christ of Latter-Day Saints

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Introduction

Numerous institutions in the United States have had systems that permitted widespread child sexual abuse. The institutions have spanned wide swaths of the country including universities, public and private schools, youth-serving organizations, sports organizations, and many religious entities. This phenomenon of covering up child sex abuse has featured common factors including those in positions of power protecting offending adults at the expense of numerous children, treating harm to children as collateral damage to the organization's standing and reputation, and ignoring clear warning signs of ongoing endangerment. These organizations need to be studied to determine the harm done and the pathways to prevention.

As we learn more about the common embedded practices that put children at risk, we are also increasingly able to identify the differences that promote abuse in specific organizations. This chapter surveys the practices of five religious organizations that have contributed to cultures of secrecy endangering children, to highlight their similarities and differences—the Roman Catholic Church, Southern Baptist Convention, Jehovah's Witnesses, Ultra-Orthodox Judaism, and Church of Jesus Christ of Latter-Day Saints. This list is not exhaustive, but it highlights five major religious groups in the United States with practices that facilitate ongoing, institutional child sex abuse. This chapter will document how these practices have evolved in the face of media and legal exposure.

Each organization faces pressure to change as three factors contribute to a push for accountability. First, child sex abuse victims are being encouraged to come forward by the #MeToo culture, and the media is covering their stories and investing in investigative reports; that, in turn, forces organizations to publicly respond. Second, victims' access to justice is

improving through civil and criminal statute of limitations reform.² Third, prosecutors are investigating and reporting on systemic sex abuse in religious organizations.³ The following sections exhibit practices that contributed to the facilitation and cover-up of child sex abuse in each of these five organizations as well as some of the legal, journalistic, and public responses.

While there are distinctions in practices that have led to seriatim abuse, there are undoubted similarities across these organizations. Internal and secret investigation processes, pressure to not report outside the organization, and cultures that silence victims all empower predators and endanger children. With increasing media attention and legal liability, there is pressure on these religious groups to change. However, institutional reform will be necessary to break the status quo and truly protect children from abuse.

I. The Roman Catholic Church in the United States

The Roman Catholic Church in the United States was the first mainstream religious organization shown to exhibit a system of child sex abuse cover-up. The Boston Globe's 2002 *Spotlight* investigative series revealed the Boston Archdiocese, under the leadership of Cardinal Bernard Law, shielded serial child predators and priests, including John Geoghan, among

² Marci A. Hamilton, *Justice Denied: What America Must Do to Protect Its Children* (2012). See generally www.childusa.org/law and CHILD USA's 2019 Statute of Limitations Report at <https://www.childusa.org/sol-report-2019>

³ E.g., federal trial of Fr. Robert L. Brennan (slated for March 2020 after 2019 arrest: <https://www.baltimoresun.com/news/crime/bs-md-cr-brennan-us-investigation-of-priest-sex-abuse-0906-20190906-xvwu2mq5zjd45nutasaw6ibnga-story.html>); 2019 Colorado Attorney General Investigation Report, available at: https://wp-cpr.s3.amazonaws.com/uploads/2019/10/Special-Masters-Report_102219-correx_FINAL.pdf; 2019 Michigan Attorney General Investigation, resulting in six priests charged with sexual offenses: <https://www.clickondetroit.com/news/2019/07/09/6-michigan-priests-charged-in-clergy-abuse-probe-what-we-know/>; 2018 PA Grand Jury Report, available at: <https://www.attorneygeneral.gov/report/>; 2011 PA Grand Jury Report, available at: http://www.bishop-accountability.org/reports/2011_01_21_Philadelphia_Grand_Jury_Final_Report_Clergy_Abuse_2.pdf; 2005 PA Grand Jury Report, available at: https://www.bishop-accountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf

others.⁴ While stories of serial abuse of children by a priest had been revealed before 2002,⁵ this was the first time that the public apprehended that the hierarchy was involved in facilitating the sexual abuse of children by clergy and, therefore, it was a systemic problem.

A. Canon Law vs. Secular Law, or the Legal Attempts to Obtain Immunity from the Law

The Catholic Church refers to its internal governing rules as “canon law,” which long required secrecy regarding sex abuse.⁶ Pope John Paul II described the code as “the principal legislative document of the Church...to be regarded as an indispensable instrument to ensure order... [B]esides containing the fundamental elements of the hierarchical and organic structure of the Church...the Code must also lay down certain rules and norms of behavior.”⁷ The system has supported suppression of allegations and silencing of victims by requiring that claims be kept within the Church. The hierarchy has argued that canon law requires internal handling of allegations,⁸ and high-ranking Vatican officials have defended this based on the “privilege of the forum” concept, stated in the 1917 code that clerics cannot be summoned to secular courts without permission from Church authorities.⁹

⁴ See, Matt Carroll, Sacha Pfeiffer, and Michael Rezendes, Church allowed abuse by priest for years, BOSTON GLOBE (Jan. 6, 2002), <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTTrAT25qKGvBuDNM/story.html>

⁵ For example, journalist Jason Berry reported on the serial pedophile Gilbert Gauthé in 1985. https://www.bishop-accountability.org/news/1985_05_23_Berry_TheTragedy.htm Berry was the first journalist to see in the individual cases a more systemic problem.

⁶ Thomas P. Doyle, *Catholicism: Fundamentalism in the Canon Law Tradition*, in FUNDAMENTALISM, POLITICS, AND THE LAW 193, 203 (Marci A. Hamilton & Mark J. Rozell ed., 2011). While canon law dates as far back as the fourth century, the first “Code of Canon Law” was published in 1917.

⁷ Pope John Paul II, *Sacrae Disciplinae Leges*, APOSTOLIC CONSTITUTIONS (Jan. 25, 1983), http://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_25011983_sacrae-disciplinae-leges.html.

⁸ Doyle, *supra* note 6, at 213.

⁹ *Ibid.*

In defense of their actions in court, the bishops have routinely argued that the First Amendment protects a “right” to internally handle personnel issues. With few exceptions, however, courts have rejected this argument.¹⁰ In *Nutt v. Norwich Roman Catholic Diocese*, the defendant diocese argued that, because the First Amendment prohibits state entanglement with religion, clergy personnel issues must be determined by Catholic laws rather than “nonecclesiastical law.”¹¹ The court disagreed, citing Supreme Court precedent: “[T]he court has ‘never held that an individual’s religious beliefs excuse him from compliance with an

¹⁰ Compare, *Gibson v. Brewer*, 952 S.W.2d 239 (Mo. 1997); with *Pycsa Panama, S.A. v. Tensar Earth Technologies, Inc.*, 625 F.Supp.2d (S.D. Fla., Apr. 16, 2008); *Young v. Gelineau*, No. PC/03-1302, 2007 R.I. Super. LEXIS 130 (Super. Ct. Sep. 20, 2007); *C.B. ex rel. L.B. v. Evangelical Lutheran Church in Am.*, 726 N.W.2d 127, 137 (Minn. Ct. App. 2007); *Muegge v. Heritage Oaks Golf and Country Club, Inc.*, 209 F. Appx. 936 (11th Cir. 2006); *Lowe v. Entcom, Inc.*, No. 2:04-CV-610, 2005 U.S. Dist. LEXIS 36763 (M.D. Fla., July 14, 2005); *Roman Catholic Diocese of Jackson v. Morrison*, 905 So. 2d 1213 (Miss. 2005); *Berry v. Watchtower Bible and Tract Soc. of New York, Inc.*, 879 A.2d 1124, 1135 (N.H. 2005); *Fortin v. Roman Catholic Bishop of Portland*, 871 A.2d 1208 (Me. 2005); *Wal-Mart Stores, Inc. v. Caruso*, 884 So. 2d 102, 105 (Fla. Dist. Ct. App. 2004); *Olson v. First Church of Nazarene*, 661 N.W.2d 254 (Minn. Ct. App. 2003); *Doe v. Norwich Roman Catholic Diocesan Corp.*, 268 F. Supp. 2d 139 (D.Conn. 2003); *Odenthal v. Minnesota Conference of Seventh-Day Adventists*, 649 N.W.2d 426 (Minn. 2002); *Doe v. Evans*, 814 So.2d 370, 371 (Fla. 2002); *Carnesi v. Ferry Pass United Methodist Church*, 826 So.2d 954 (Fla. 2002); *Rashedi v. General Bd. of Church of Nazarene*, 54 P.3d 349 (Ariz. Ct. App. 2002); *Malicki v. Doe*, 814 So.2d 347 (Fla. 2002); *Christopher B. v. Schoeneck*, 1999 WL 1102901, 232 Wis.2d 557, *8 (Wis. Ct. App. 1999); (*C.J.C. v. Corp. of the Catholic Bishop of Yakima*, 985 P.2d 262 (Wash. 1999); *Martinelli v. Bridgeport Roman Catholic Diocesan Corp.*, 196 F.3d 409, 431 (2d Cir. 1999); *Rosado v. Bridgeport Roman Catholic Diocesan Corp.*, 716 A.2d 967 (Conn. Super. Ct. 1998); *Smith v. Privette*, 495 S.E.2d 395 (N.C. Ct. App. 1998); *Martinez v. Primera Asemblea de Dios, Inc.*, No. 05-96-01458, 1998 WL 242412 (Tex. Ct. App., May 15, 1998); *Doe v. Hartz*, 970 F. Supp. 1375 (N.D. Iowa 1997), *rev'd on other grounds*, 134 F.3d 1339 (8th Cir.1998); *Smith v. O'Connell*, 986 F. Supp. 73, 80 (D.R.I. 1997); *Amato v. Greenquist*, 679 N.E.2d 446 (Ill. App. Ct. 1997); *F.G. v. MacDonell*, 696 A.2d 697 (N.J. 1997); *Kenneth R. v. Roman Catholic Diocese*, 654 N.Y.S.2d 791 (N.Y. App. Div. 1997); *Bear Valley Church of Christ v. DeBose*, 928 P.2d 1315 (Colo. 1996) (First Amendment provides no shield to Church or priest from tort liability); *Winkler v. Rocky Mountain Conference of the United Methodist Church*, 923 P.2d 152 (Colo. Ct. App. 1996) (First Amendment does not bar claims of breach of fiduciary duty or negligent hiring or supervising); *Konkle v. Henson*, 672 N.E.2d 450 (Ind. Ct. App. 1996) (First Amendment permits application of “secular standards to secular conduct” and is no bar for negligence claims against the church for negligent hiring and supervision of minister); *Roman Catholic Bishop of San Diego v. Superior Court of San Diego County*, 50 Cal. Rptr.2d 399 (Cal. Ct. App. 1996); *Bivin v. Wright*, 656 N.E.2d 1121 (Ill. App. Ct. 1995) (First Amendment no bar to tort claims against church or minister when applying “neutral principles of law” and without relying on interpretation of religious doctrine); *Nutt v. Norwich Roman Catholic Diocese*, 921 F.Supp. 66 (D. Conn. 1995) (First Amendment does not bar negligent employment action); *Mirick v. McClellan*, App. No. C-930099, 1994 WL 156303 (Ohio Ct. App., Apr. 27, 1994); *Moses v. Diocese of Colorado*, 863 P.2d 310 (Colo. 1993) (holding that claims against bishop and diocese for breach of fiduciary duty, negligent hiring, and negligent supervision of priest not barred by First Amendment); *Mrozka v. Archdiocese of St. Paul and Minneapolis*, 482 N.W.2d 806 (Minn. Ct. App. 1992) (child alleged sexual abuse by priest; held: First Amendment no bar to punitive damages claim against church); *Jones by Jones v. Trane*, 591 N.Y.S.2d 927 (N.Y. Sup. Ct. 1992) (no First Amendment protection for the church from negligent hiring claim); *Byrd v. Faber*, 565 N.E.2d 584 (Ohio 1991); *Erickson v. Christenson*, 781 P.2d 383 (Or. Ct. App. 1989); *Destefano v. Grabrian*, 763 P.2d 275 (Colo. 1988).

¹¹ *Nutt v. Norwich Roman Catholic Diocese*, 921 F.Supp. 66, 73 (D. Conn., 1995).

otherwise valid law prohibiting conduct that the State is free to regulate.”¹² The court held that “[t]he court’s determination of an action...based upon [the defendants’] alleged negligent supervision of [an accused priest] would not prejudice or impose upon any of the religious tenets or practices of Catholicism. Rather, such a determination would involve an examination of the defendants’ possible role in allowing employees to engage in conduct which they, as employers, as well as society in general expressly prohibit.”¹³

A 2011 case speaks directly against constitutional protection arguments, stating “[t]o invoke the protection of the first amendment, the Diocese must assert...the conduct at issue was ‘rooted in religious belief.’ The Diocese does not and cannot contend [] its silence about the abuse committed...was a part of Catholic...beliefs and practices. [T]he evidence at the trial established that the Diocese considered [the] abuse...‘dirty laundry’ that it did not want to hang out in public.”¹⁴ More recently, the Tennessee Supreme Court stated: “[R]eligious institutions...may be amenable to suits involving...torts, and criminal conduct... [T]he ecclesiastical abstention doctrine is implicated only when the alleged improper conduct...is ‘rooted in religious belief.’ Adjudication of disputes by state courts is appropriate in matters involving religious institutions, as long as the court can resolve the dispute by applying neutral legal principles and is not required to employ or rely on religious doctrine to adjudicate the matter.”¹⁵ This has become the dominant First Amendment analysis.

¹² *Ibid.*

¹³ *Id.* at 74.

¹⁴ *Wisniewski v. Diocese of Baltimore*, 943 N.E.2d 43, 77 (Ill. App. Ct., 2011).

¹⁵ *Redwing v. Catholic Bishop for the Diocese of Memphis*, 363 S.W.3d 436, 450 (Tenn. 2012) (internal quotes and citations omitted).

B. The Tradition Against Scandal, or the Practice of Keeping Secrets Internal

Another practice fostering secrecy is the prohibition against “scandal,” which forbids Catholics from “embarrassing” the Church and requires bad behavior within the Church to stay within the Church.¹⁶ The practice is implied in the oath cardinals take, and it has a very powerful cultural tradition sustained and imposed by the clerics of the church. Such tradition has been instrumental in keeping abuse out of the public eye.¹⁷

The 1962 incarnation of the policy, *Crimen Sollicitationis*, states that those directly involved in the case must “observe the strictest secret...under the penalty of [automatic] excommunication,”¹⁸ regarding child sex abuse. This included perpetrators, clerics, witnesses, and experts, but the penalty of excommunication is only applied to lay people if imposed by a presiding judge. *Crimen* also instructs a secret archive be kept with probative information on clergy abuse¹⁹ and the evidence be burned upon the priest’s death or after ten years, with retention of only a brief factual summary and the final decree presented.²⁰ The implementation of *Crimen Sollicitationis* created a de facto, internal prohibition on telling anyone, including those within the Church and outsiders. While *Crimen* was repealed in 1983, *Secreta Continere* (the pontifical secret) continued.²¹ The pontifical secret is the rule requiring confidentiality regarding diplomatic and penal processes. Until recently, it covered files involving clergy sex abuse in the Church.

¹⁶ Marci A. Hamilton, *Secrecy and the Underpinnings of Cycles of Child Sex Abuse in Religious Organizations*, in FUNDAMENTALISM, POLITICS, AND THE LAW 223, 224 (Marci A. Hamilton & Mark J. Rozzel ed., 2011).

¹⁷ *Ibid.*

¹⁸ Cardinal Alfredo Ottaviani on behalf of Pope John XXIII, *Crimen Sollicitationis*, (March 16, 1962) available at: http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html

¹⁹ Hamilton, *supra* note 16, at 225.

²⁰ Kieran Tapsell, *Canon law and child sexual abuse through the ages*, JOURNAL OF THE AUSTRALIAN CATHOLIC HISTORICAL SOCIETY, No. 36, 113-136, 119 (2015).

²¹ Some canonists believe that *Crimen* was repealed in 2001 when it was explicitly repealed by the pope in his 2001 set of rules, but, under ordinary rule of law, it should have been gone in 1983 when the new Code took effect. Both are valid arguments.

The hierarchy deployed other legal defense tactics to keep secrets internal, including theories of legal “autonomy.”²² In *Roman Catholic Diocese of Jackson v. Morrison*, the diocese asserted courts “may not inquire into these matters because to do so would require the court to evaluate the relationship between a bishop and his priest; the theological doctrines informing and defining that relationship; and the pronouncements that a bishop made or failed to make about that relationship. And the civil jury would either have to immerse itself in theological criteria to determine the duties of a ‘reasonable bishop,’ or...define a bishop’s duties without regard to whether those duties ran afoul of Church teachings, solemn vows, religious tradition, or canon law.”²³ The court held that the concept of church autonomy does not prevent churches from being brought into civil court, stating: “We find no credibility in the argument that immunity from liability for damages caused by pedophiles should be grounded in religious faith, doctrine, practice or belief, regardless of any theory under which that argument is advanced.”²⁴ This is consistent with Supreme Court First Amendment doctrine; a majority of the Court has never endorsed ‘autonomy’ of religious believers or entities from the requirements of neutral, generally applicable laws.

C. Transferring Accused Clergy

In 2002, the Boston Globe published its *Spotlight* investigation, revealing patterns of abuse and policies causing cover-ups, implicating at least 70 priests at the Archdiocese of Boston

²² Marci A. Hamilton, *The Rules Against Scandal and What They Mean for the First Amendment’s Religion Clauses*, 69 MD L R 115, 128 (2009).

²³ *Roman Catholic Diocese of Jackson v. Morrison*, 905 So.2d 1213, 1223 (Miss. 2005).

²⁴ *Id.* at 1248; see also, *Redwing*, *supra* note 15 (church autonomy only applies when alleged conduct is rooted in religious belief, citing to *Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648, 657 (10th Cir. 2002) and *McKelvey v. Pierce*, 800 A.2d 840, 851 (N.J. 2002))

alone.²⁵ Cardinal Law and his subordinates had disregarded warnings, repeatedly placed priests subject to allegations in positions with access to children, and moved priests between locations, rather than reporting the incidents to authorities. One instance revealed Law knew of priest John Geoghan's alleged conduct in 1984, and still approved a transfer in the same year.²⁶ More than 130 victims of that priest came forward since the mid-1990s. He was not 'defrocked' until 1998, despite three decades of abuse.²⁷ Between 1997 and the *Spotlight* publication, the archdiocese had settled about 50 lawsuits against this priest, totaling over \$10 million.²⁸ Another priest was moved between parishes by Cardinal-Archbishop Medeiros as parents learned of his abuse.²⁹ Abusive priests are also sent to be chaplains at hospitals or prisons rather than defrocked, with others sent out of the country; one priest was sent to Jamaica and Haiti.³⁰ As one insider explained: "It was this whole secrecy thing of trying to solve our problems quietly. That was the decision of the people in charge."³¹ After the *Spotlight* investigation, priests were still being transferred.³² The practice of covering up known abuse and transferring the accused priest without notifying the next parish soon surfaced across dioceses in the United States and the globe.

²⁵ Walter V. Robinson, *Scores of priests involved in sex abuse cases*, BOSTON GLOBE (Jan. 31, 2002), <https://www.bostonglobe.com/news/special-reports/2002/01/31/scores-priests-involved-sex-abuse-cases/kmRm7JtqBdEZ8UF0ucR16L/story.html>

²⁶ Michael Rezendes, *Church allowed abuse by priest for years*, BOSTON GLOBE (Jan. 6, 2002), <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTlrAT25qKGvBuDNM/story.html>

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Robinson, *supra* note 21.

³¹ Thomas Farragher, *Church cloaked in culture of silence*, BOSTON GLOBE (May 20, 2012), <https://www.bostonglobe.com/news/special-reports/2002/02/24/church-cloaked-culture-silence/88cLKuodvSiHjvg0dfz24L/story.html>

³² *Ibid.*

In 2003, California opened a window where previously time-barred claims of sexual abuse could be brought to court.³³ The Los Angeles Archdiocese settlement agreement provided compensation to the victims for the harm done to them but also required the Los Angeles diocese to release tens of thousands of pages of confidential church documents detailing abuse and cover-ups in Orange County.³⁴

Once released, the documentation disclosed a routine practice of moving accused priests, with one former auxiliary bishop, Michael Drischoll, being named a bishop in Boise, Idaho.³⁵ Cases in Orange County alone showed allegations from 1936 to 1996, against 31 priests, 10 lay personnel, two nuns, and one religious brother; two bishops and a former auxiliary bishop were involved in cover-ups.³⁶ 10,000 pages of documents confirmed concealment and transferring priests, and church officials seeking lesser punishments for those in criminal proceedings.³⁷ For example, a Milwaukee priest, Siegfried Widera, moved to work in Orange Country following a conviction for child molestation and prohibition of appointments in Wisconsin, after the then-Archbishop of Milwaukee, William E. Cousins, indicated “no great risk” existed in permitting his service; Widera immediately began abusing boys, continuing another decade before removal.³⁸ A 2002 statement from the U.S. Conference of Catholic Bishops (USCCB) referenced in many lawsuits³⁹ confirmed this practice: “We are the ones, whether through

³³ Marci A. Hamilton, *Justice Denied: What America Must Do to Protect Its Children* 31 (2008).

³⁴ Madigan, *California Diocese's Documents Show Abuse Cover-Up*, NEW YORK TIMES (May 19, 2005), <https://www.nytimes.com/2005/05/19/us/california-dioceses-documents-show-abuse-coverup.html>; *see also*, William Lobdell and Jean Guccione, *Orange Diocese Gives Details on Sex Abuse*, LA TIMES (May 18, 2005), available at: http://www.bishop-accountability.org/news/2005_05_18_Lobdell_OrangeDiocese.htm (provides links to documents).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ See e.g., *Doe v. Catholic Bishop for Diocese of Memphis*, 306 S.W.3d 712, 723 (Tenn. Ct. App. 2008); *Zumpano v. Quinn*, 849 N.E.2d 926, 937 (N.Y. Ct. App. 2006).

ignorance or lack of vigilance or, God forbid, with knowledge, who allowed priest abusers to remain in ministry and reassigned them to communities where they continued to abuse.”⁴⁰

Catholic officials also use tangential tactics along with transfers. Priests have been removed, reintroduced, and reintegrated into churches, and assigned different roles. One priest, Jay Mullin, removed from his parish in 1992, was returned in 1997 as an organist; three months later he wore his priestly vestments, celebrating Mass as Father Mullin.⁴¹ Aides to Cardinal Law proposed statements deliberately misleading the public when risk of public disclosure arose.⁴² Officials avoid defrocking, claiming “wisdom...emerges from difficult experience[s].”⁴³ Documents from the California window also showed families of victims being ignored or told lies.⁴⁴

D. The Institutional Responses: The 2002 Dallas Charter and Other Developments

After the *Spotlight* investigation, the bishops of the USCCB met in Texas, to draft and approve the 2002 *Charter for the Protection of Children and Young People (Dallas Charter)*.⁴⁵ The Charter mandated permanent removal from ministry for priests who committed even one act of child sex abuse, established safe environment programs and abuse review boards, and encouraged law enforcement cooperation. It also established a National Review Board (NRB) to monitor norm compliance. However, the *Charter* was purposefully worded to not apply to

⁴⁰ The Associated Press, *Statement by President of the U.S. Catholic Bishops on Sexual Abuse*, NEW YORK TIMES (June 14, 2002), <https://www.nytimes.com/2002/06/14/national/statement-by-president-of-the-us-catholic-bishops-on-sexual-abuse.html>

⁴¹ Farragher, *supra* note 27.

⁴² Thomas Farragher & Sacha Pfeiffer, *More clergy abuse, secrecy cases*, BOSTON GLOBE (May 1, 2012), <https://www.bostonglobe.com/news/special-reports/2002/12/04/more-clergy-abuse-secrecy-cases/O5QkXOZG73XodD0X5hcPzJ/story.html>

⁴³ *Ibid.*

⁴⁴ Madigan, *supra* note 34.

⁴⁵ United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People: Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, (2002, rev. 2018), available at: <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-2018-final.pdf>

bishops; the drafters claimed bishop discipline was “beyond the purview of this document.”⁴⁶ Pope John Paul II approved the norms as law for the U.S. Church in 2003.

After the Dallas meeting, the NRB commissioned a study into the nature and scope of clergy child sex abuse in the United States by the John Jay College. Bishops were permitted to choose whether to participate or not and how much information they would provide. Based on mandated compliance of all 202 diocese and eparchies in the U.S. and the voluntary compliance of 140 religious institutes of men, researchers found 10,667 individuals had made allegations of child sexual abuse between 1950 and 2002.⁴⁷ Many dioceses directed only psychological treatment and did not report offenders.⁴⁸ Only 27% of accused priests had ministry restricted in any way.⁴⁹ Within the participating dioceses, 4,392 priests had allegations, 149 priests were responsible for 2,960 victims, and only 100 priests served prison time.⁵⁰

Since the 1980s, allegations of sexual abuse arose against Cardinal McCarrick of the Washington, D.C. Archdiocese. In 2018, he was finally forced to resign from his cardinalship. One month later, the Pennsylvania Attorney General’s office released its 2018 grand jury report on six Pennsylvania dioceses.⁵¹ When this report was added into the previous Philadelphia and Johnstown grand jury investigations, it meant that Pennsylvania became the first state to investigate every diocese. The Attorney General’s investigation found 300 priests accused of

⁴⁶ J.D., Flynn, *McCarrick, the bishops, and unanswered questions*, CATHOLIC NEWS AGENCY (July 24, 2018), <https://www.catholicnewsagency.com/news/mccarrick-the-bishops-and-unanswered-questions-87927>

⁴⁷ John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950-2002*, retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf>; *Bishops Accused of Sexual Abuse and Misconduct: A Global Accounting* (http://www.bishop-accountability.org/bishops/accused/global_list_of_accused_bishops.htm) and *Database of Publicly Accused Roman Catholic Priests, Nuns, Brothers, Deacons, and Seminarians in the United States* (<http://bishop-accountability.org/member/>), BISHOPACCOUNTABILITY.ORG (last updated Feb. 4, 2020).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Office of the Attorney General of Pennsylvania, *40th Statewide Investing Grand Jury Report 1*, retrieved from: <https://www.courthousenews.com/wp-content/uploads/2018/08/pa-abuse-report.pdf>

abusing at least 1,000 children and revealed a large-scale operation within the Church to avoid public scandal.⁵² It also confirmed the existence of secret archives holding abuse allegations. In November 2018, the *Boston Globe* and *Philadelphia Inquirer* published a joint investigation showing nearly one-third of living bishops in the U.S. had been accused of inadequate response to sexual misconduct, with more than 50 involved in incidents after the adoption of the *Charter*.⁵³

Pope Francis and the U.S. bishops instituted more measures to remove offending clergy from the Church in 2019. In May 2019, Francis mandated every diocese have a system in place for abuse claims, requiring civil authorities be notified where required by law, and stating that bishops would also be subject to the *Charter*.⁵⁴ This took effect June 2019, and in the same month, the U.S. bishops approved a document pledging to implement the May 2019 *Motu Proprio*.⁵⁵

Pope Francis abolished the pontifical secret in reference to sexual abuse in December 2019, stating “the person who files the report, the person who alleges to have been harmed and the witnesses shall not be bound by any obligation of silence.”⁵⁶ He continued, “the well-being of children and young people must always come before any protection of a secret, even the

⁵² *Id.*

⁵³ Jenn Abelson & Thomas Farragher, *In abuse scandal, spotlight falls squarely on bishops*, BOSTON GLOBE (Nov. 4, 2018), http://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?artguid=65192960-a035-4a8b-8a0e-8eb8cfad2cb0&appid=1165

⁵⁴ Pope Francis, *Motu Proprio Vos Estis Lux Mundi*, Apostolic Letter Issued Motu Proprio (May 7, 2019), http://w2.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

⁵⁵ USCCB, *Affirming Our Episcopal Commitments*, (June 2019), <http://www.usccb.org/about/leadership/usccb-general-assembly/2019-june-meeting/upload/usccb-affirming-our-episcopal-commitments-2019-06.pdf>

⁵⁶ Bill Chappell, *Pope Francis Ends ‘Top Secret’ Status for Sex Abuse Cases, Promising Transparency*, NPR (Dec. 17, 2019), <https://www.npr.org/2019/12/17/788854769/pope-francis-abolishes-pontifical-secrecy-in-sex-abuse-cases-promising-transpare>; see also Pope Francis, *Rescriptum Ex Audientia SS.MI: Rescriptum of the Holy Father Francis to promulgate the Instruction on the confidentiality of legal proceedings* (Dec. 17, 2019), <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/12/17/191217b.html>

‘pontifical’ secret.”⁵⁷ The new decree promised more transparency and cooperation with civil authorities.⁵⁸ Past Popes have also promised zero tolerance for child sexual abuse. Pope Francis, in a May 2014 interview, stated that Pope Benedict had followed a “zero-tolerance policy,” and he planned to continue in that direction.⁵⁹ Dismissal of priests accused of child sex abuse has not kept pace with accusations, as figures in 2014 estimated that less than one-third of credibly accused priests have been dismissed.⁶⁰

Since California’s window legislation in 2003, 15 more states have opened window legislation that permits victims from the past to obtain civil justice even if their claims have expired, including California enacting a second window in effect in 2020.⁶¹ With this increased access to justice, thousands more sex abuse claims have become public and patterns of concealment and secrecy within the Church have been confirmed. That has led to the pushback against the arguments to avoid legal accountability, to keep scandals internal, and to be able to place abusing priests in positions with access to children. This dynamic will continue into the future.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ Pope Francis, *Interview of Pope Francis with Journalists During the Return Flight from the Holy Land, Pilgrimage to the Holy Land on the Occasion of the 50th Anniversary of the Meeting Between Pope Paul VI and Patriarch Athenagoras in Jerusalem* (May 26, 2014), https://w2.vatican.va/content/francesco/en/speeches/2014/may/documents/papa-francesco_20140526_terra-santa-conferenza-stampa.html

⁶⁰ Tapsell, *supra* note 16, at 124; *see also*, Abby Ohlheiser, *The Vatican Defrocked 848 Priests For Child Abuse in the Past 10 Years*, THE ATLANTIC (May 6, 2014), <https://www.theatlantic.com/international/archive/2014/05/the-vatican-defrocked-848-priests-for-child-abuse-in-the-past-10-years/361821/>.

⁶¹ *See generally*, <https://www.childusa.org/sol>; *see also*, 2019 Statute of Limitations Report, CHILD USA, available at <https://www.childusa.org/sol-report-2019>

II. The Southern Baptist Convention

The Southern Baptist Convention (SBC) is the largest Protestant denomination in the United States. Unlike the Catholic Church, it does not employ a hierarchical structure.⁶² Regardless, this flatter organizational structure has also enabled predators to evade detection and for church officials to conceal abuse.

A. Independent Church Governance, or Prioritizing Church Autonomy Over Abuse Prevention

The SBC places a heavy emphasis on self-governance, or “church autonomy,” for each individual church. The isolation of churches from others creates an opportunity for child abusers.⁶³ The SBC principle of “church autonomy” is articulated in Article VI of the SBC’s confession of faith, stating: “A New Testament church of the Lord Jesus Christ is an autonomous local congregation of baptized believers, associated by covenant in the faith and fellowship of the Gospel.”⁶⁴ As a result of this organizational independence, there are few institutional barriers stopping predators with a history of abuse from acquiring positions within a church. The SBC imposes low barriers to entry for its pastors. To become an ordained pastor in an SBC church, individuals need only “convince[] a small group of church elders that they’ve been called to service by God,”⁶⁵ and, at the same time, the SBC does not maintain a centralized database tracking ordinations, sexual abuse allegations, or convictions. A victim of an SBC pastor told

⁶² Bailey, *infra* note 79.

⁶³ Robert Downen, Lise Olsen, & John Tedesco, *Abuse of Faith*, HOUSTON CHRONICLE (first article published Feb. 10, 2019; final article published June 6, 2019), first article in series of six available at: <https://www.houstonchronicle.com/news/investigations/article/Southern-Baptist-sexual-abuse-spreads-as-leaders-13588038.php>

⁶⁴ The Baptist Faith and Message, available at: <http://www.sbc.net/bfm2000/bfm2000.asp>; see also The Southern Baptist Convention: A Closer Look pamphlet, available at: <http://www.sbc.net/pdf/acloserlook.pdf>

⁶⁵ *Ibid.*

the *Houston Chronicle* during its investigation that the pastoral profession is “perfect” for a con-artist, because those seeking ordination need only “talk a good talk” to convince a small group of people he has been “called by God” and then he is able to “infiltrate the entirety of the SBC, move from church to church, from state to state, go to bigger churches and more prominent churches where he has more influence and power, and it all starts in some small church.”⁶⁶ Without the oversight provided by other organizations and stricter ordination requirements, predators are empowered to prey on vulnerable individuals within the church.

While there have been calls for the SBC to take institutional steps to combat child abuse, SBC leaders have argued that “church autonomy” prevents such action. In 2008, Debbie Vasquez, a victim of abuse, asked SBC leaders to track sexual predators, take actions against congregations that harbored and concealed abusers, and begin implementing prevention policies in its 47,000 churches across the country.⁶⁷ The leaders rejected her proposed reforms, stating that “the committee doesn’t have the authority to force churches to report sexual abuse to a central registry.”⁶⁸ While the SBC system is different from the Catholic Church’s hierarchy, Catholic canon lawyer and sex abuse expert, Thomas Doyle, described SBC’s failure to take responsibility for child sex abuse within the church as “hauntingly familiar.”⁶⁹ Rather than approach serial child sex abuse as an institutional problem, the SBC has shifted the blame to local congregations. In a 2007 email, SBC general counsel Augie Boto emphasized this, stating “[t]here is no question that some Southern Baptist ministers have done criminal things, including sexual abuse of children... Hopefully, the harm emanating from such occurrences will cause the

⁶⁶ Downen, *supra* note 53.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

local churches to be more aggressively vigilant.”⁷⁰ However, while “church autonomy” is touted as the reason that the SBC’s hands are tied and local churches must take sole responsibility for what happens in that church, the SBC has ended affiliation with at least four churches in the past decade for allowing homosexual pastors to work in their churches.⁷¹

B. Transferring Accused Pastors

In 2019, the *Houston Chronicle* and *San Antonio Express-News* released a joint investigation into child sex abuse in the SBC.⁷² The investigation showed that SBC officials were aware of the issue, permitted accused pastors to move between parishes, and permitted accused pastors to begin their own churches and hire individuals with known sexual abuse histories. For example, after being convicted for child sex abuse in 1998, pastor Michael Lee Jobs opened his own church. One pastor, Leslie Mason, was allowed to return to the pulpit after sexual assault convictions in 2003. Mason had admitted to relationships with four girls and received a seven-year prison sentence, and still, after his release, he was allowed to return to a different SBC church.⁷³ A culture of denial has been quite strong: When Michael Leathers, former editor of an Illinois Baptist newspaper, reported on Mason, he was forced to resign following outrage from SBC believers.⁷⁴

The SBC’s heretofore unregulated pastoral assignment process has been described as “the Wild West.”⁷⁵ Especially in smaller congregations, the main vetting practice is simply “whether

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² Downen, *supra* note 62.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ John Tedesco, Robert Downen, and Lise Olsen, *Abuse of Faith, Part 2: Offend, then repeat*, *Houston Chronicle* (Feb. 12, 2019), <https://www.houstonchronicle.com/news/investigations/article/Southern-Baptist-churches-hired-ministers-accused-13588233.php>

he's a 'good speaker.'"⁷⁶ Ultimately, investigation by the *Houston Chronicle* and *San Antonio Express-News* revealed that more than 250 people working or volunteering for the SBC had been charged with sex crimes since 2008, roughly 380 church leaders faced allegations of sexual misconduct since 1998 with over 700 known victims; only 220 offenders have been convicted as of publication in 2019.⁷⁷ As the crisis gains media attention, more lawsuits will likely be filed; at the time of publication of the *Houston Chronicle* investigation, dozens of lawsuits were pending. Based on the experience of other denominations, the lawsuits will be the primary means to further educate the public about the sex abuse issues in the SBC and to force internal rule changes to better protect children.

C. The Institutional Responses: Proposed Changes and the 2019 Sexual Abuse Advisory Group Report

In 2007, the SBC renounced child predators and encouraged churches to prevent abuse,⁷⁸ but the statement did not spur meaningful reforms to better protect children. In July 2018, SBC President J.D. Greear formed the Southern Baptist Sexual Abuse Advisory Group.⁷⁹ The next year, in response to the investigative reporting disclosures and increasing litigation, Greear addressed the issue of sex abuse directly in the annual Southern Baptist Convention meeting in 2019. "This is not a distraction from the mission. This is the mission," President Greear stated as two actions were considered: an amendment to the Southern Baptist constitution that would allow the SBC to remove churches that mishandle abuse allegations and the creation of a

⁷⁶ *Ibid.*

⁷⁷ Downen, *supra* note 53.

⁷⁸ On Protecting Children From Abuse (2007), <http://www.sbc.net/resolutions/1173/on-protecting-children-from-abuse>

⁷⁹ SBC Sexual Abuse Advisory Group, *Caring Well* (2019), available at: https://caringwell.com/wp-content/uploads/2019/06/Caring-Well-Report.pdf?mod=article_inline

“Credentials Committee” to review complaints about how allegations are handled.⁸⁰ The Credentials Committee passed and appointments to the Committee were announced in April 2019.⁸¹ However, the constitutional amendment will need to be passed a second time at the annual Southern Baptist Convention meeting in 2020 to become official.⁸²

While the constitutional amendment push and the Credentials Committee creation were steps forward in 2019, there were other reforms that failed. For example, a proposal by the International Mission Board to make public an internal report on predatory missionaries was not permitted to move forward,⁸³ despite a *Houston Chronicle* investigation finding a pattern of covering up abuse by mission board officials.⁸⁴ Former Baptist General Convention of Oklahoma President and former Mission Board trustee, Wade Burleson, called the decision “stunning” and “tone-deaf.”⁸⁵

More recently, the SBC Sexual Abuse Advisory Group commissioned by President Greear released a report on abuse inside the church in June 2019.⁸⁶ The report included data from credible sources including the Center for Disease Control, RAINN, Darkness to Light, and the American Medical Association.⁸⁷ It recommended that, when abuse occurs, the response

⁸⁰ Sarah Pulliam Bailey, *Southern Baptists have been immersed in their own sex abuse scandals. Now, they're debating their response*, THE WASHINGTON POST (June 11, 2019),

<https://www.washingtonpost.com/religion/2019/06/11/sexual-abuse-expected-dominate-southern-baptist-debate/>

⁸¹ BP Staff, *Credentials committee for 2019 announced*, BAPTIST PRESS (April 15, 2019),

<http://www.bpnews.net/52737/credentials-committee-for-2019-announced>

⁸² John Tedesco & Robert Downen, *SBC passes sex abuse reforms, acknowledges more work is needed*, HOUSTON CHRONICLE (June 11, 2019), <https://www.houstonchronicle.com/news/houston-texas/houston/article/SBC-passes-sex-abuse-reforms-acknowledges-more-13969968.php>

⁸³ *Ibid.*

⁸⁴ Lise Olsen and Sarah Smith, *Abused by Missionaries*, HOUSTON CHRONICLE (May 31, 2019), fourth article in series of six available at: <https://www.houstonchronicle.com/news/investigations/article/Abuse-of-Faith-Missionaries-left-trail-of-abuse-13904418.php>

⁸⁵ *Ibid.*

⁸⁶ Tom Strode, *SBC advisory panel issues sexual abuse report*, BAPTIST PRESS (June 8, 2019),

<http://www.bpnews.net/53059/sbc-advisory-panel-issues-sexual-abuse-report>

⁸⁷ SBC Sexual Abuse Advisory Group, *Caring Well* (2019), available at: https://caringwell.com/wp-content/uploads/2019/06/Caring-Well-Report.pdf?mod=article_inline

should include developing “a team of caregivers [including both men and women] to walk alongside a survivor of abuse,” and consider the needs of the survivor.⁸⁸ The report also recommends familiarity with local agencies working with survivors, implementing policies to deal with accused perpetrators, and developing after-care ministry processes for survivors.⁸⁹ Finally, it encouraged education for all staff, volunteers, and youth members as well as the implementation of protective policies like written applications and background checks for church positions.⁹⁰ The open question is how these norms will or can be enforced.

III. The Jehovah’s Witnesses

The Jehovah’s Witnesses have various policies that maintain the strict internal handling of child sex abuse issues and restrict the willingness of the church to recognize abuse claims. While there are pushes for reform, abuse reporting is left to the discretion of church elders.

A. The Disciplinary Boards, or the Internal Handling of Abuse Claims

There is a requirement in the Jehovah’s Witness faith that claims of child sex abuse must only be handled by church elders through disciplinary boards. As with other religious traditions, this practice of keeping sex abuse internal has facilitated its cover-up. In a July 1989 letter addressed to all church elders in the United States, the mandate to deal with disciplinary issues through internal boards is articulated as follows: Elders “must be careful not to divulge information about personal matters to unauthorized persons... Improper use of the tongue by an elder can result in serious legal problems for the individual, the congregation, and even the society... Worldly persons are quick to resort to lawsuits if they feel their ‘rights’ have been

⁸⁸ *Id.* at 32-33.

⁸⁹ *Id.* at 34-35.

⁹⁰ *Id.* at 41-47.

violated... Where such a threat exists, our position as elders should be in line with David's words: 'I will set a muzzle as a guard to my own mouth, as long as anyone wicked is in front of me.'"⁹¹

The instruction to deal with issues internally is specifically discussed in relation to child abuse cases. The letter states "[m]any states have child abuse reporting laws. When elders receive reports of physical or sexual abuse of a child, they should contact the Society's Legal Department immediately."⁹² Rather than report the crime to police, elders are told to form judicial committees and "avoid entanglement with the secular authorities,"⁹³ as elders "are not legally required to make immediate responses to secular authorities about matters that could involve the disclosure of confidential information... [and] no statements should be made until [elders] have an understanding of [their] legal position from the Society's Legal Department."⁹⁴ To maintain confidentiality, all materials relating to judicial matters are made accessible only to elders.⁹⁵

Courts have generally forced the Jehovah's Witnesses to produce documents in lawsuits relating to child abuse allegations and rejected the notion that the church is shielded from disclosing information about child sex abuse. In a 2003 lawsuit, the church defendants appealed after the court granted a motion to compel, asserting the court abused its discretion and the requested documents were protected by First Amendment doctrine and the penitent-clergy privilege. The court denied the appeal, and the church was required to provide the documents.⁹⁶

⁹¹ See Letter from Watchtower Society, "To All Bodies of Elders in the United States" (July 1, 1989), at 1, available at: <https://www.documentcloud.org/documents/1659655-jehovahs-memo-3.html>

⁹² *Id.* at 3.

⁹³ *Ibid.*

⁹⁴ *Id.* at 5.

⁹⁵ *Id.* at 6.

⁹⁶ Charssa W. v. Watchtower N.Y., et. al., No. 26-22191 (Cal. App. Dep't Super. Ct. June 28, 2006) (Petition for Writ of Mandate), available at <http://silentlambs.org/assistance/documents/slPetitionforWritofMandate.pdf>

Another motion to compel discovery was granted against church defendants in a 2006 case after they attempted to claim that the clergy-penitent privilege prevented questioning.⁹⁷ Recently, however, the Montana Supreme Court ruled in favor of the religious organization by reversing a \$35 million jury verdict in an abuse case.⁹⁸ Plaintiffs alleged that the church was liable for damages for failing to report sexual abuse as mandated reporters. On appeal, the court explained that while clergy are required to report under the state’s mandatory reporting statute, the Defendants were entitled to the exception, stating, “A member of the clergy or a priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.”⁹⁹

B. The Two-Witness Rule, or the Rule Preventing Church Recognition of Abuse Crimes

The Jehovah’s Witnesses’ strict following of the ‘two-witness rule’ in child sex abuse cases further facilitates the cover-up of abuse within the church. The rule requires two eyewitnesses to an alleged crime for it to be recognized by the church, meaning that, in the case of child sexual abuse, the victim’s account is not enough on its own. Barring a confession or a second adult witness, accused predators effectively prove their innocence. A 2010 letter from the Watchtower of Pennsylvania says: “If the accused still denies the charges and there are no others who can substantiate them, the elders cannot take action within the congregation at that

⁹⁷ *Id.* (Ruling on submitted discovery motions), available at <http://silentlambs.org/assistance/documents/CARulingonDiscoveryMotions.pdf>; see also *Charissa W. v. Watchtower Bible and Tract Soc’y of N.Y., et. al.*, No. 26-22191 (Cal. App. Dep’t Super. Ct. Sept. 29, 2005) (ruling on submitted motion to compel production of documents).

⁹⁸ *Nunez v. Watchtower Bible and Tract Society of New York, Inc.*, 2020 WL 90744 (Mo. 2020).

⁹⁹ *Id.* at 3.

time.”¹⁰⁰ While elders can investigate allegations, “the elders are not authorized by the Scriptures to take congregational action unless there is a confession or two credible witnesses.”¹⁰¹ As a result, no congregational action is taken in a vast majority child sex abuse cases.

C. Institutional Responses and Legal Opportunities

Despite the persisting practices that facilitate child abuse and the cover-up of allegations, the Jehovah’s Witness journals *The Watchtower* and *Awake!* have published articles addressing child sex abuse within the religion since 1985.¹⁰² In 2015, the Royal Commission into Institutional Responses to Child Sex Abuse published a report on responses to the issue in Australia, stating its “commit[ment] to doing all we can to prevent child sexual abuse,” and outlining a Child Protection Policy stating “elders are given a clear, unambiguous definition of what constitutes child sex abuse... in any circumstances where elders learn that the victim remains in danger of further abuse... the child—and other children too—must be protected from any further abuse... [and] never to suggest to anyone that they should not report an allegation of child abuse to the police or other authorities.”¹⁰³ However, these policies still instruct elders to contact the Jehovah’s Witness Legal Department for advice when an allegation comes to their

¹⁰⁰ *Our Families*, Jehovah’s Witnesses and Child Protection, available at: https://jwleaks.files.wordpress.com/2012/06/jehovahs-witnesses-official-media-web-site_-protecting-children-from-abuse.pdf

¹⁰¹ To All Bodies, supra note 99.

¹⁰² See, *Child Molesting—Every Mother’s Nightmare*, *Awake!* (January 22, 1985); *Your Child Is in Danger, How Can We Protect Our Children, and Prevention in the Home*, *Awake!* (October 8, 1993); *Let Us Abhor What Is Wicked*, THE WATCHTOWER (January 1, 1997), *A Danger That Concerns Every Parent, How to Protect Your Children, and Make Your Family A Safe Haven*, *AWAKE!* (October 2007); *Jehovah’s Witnesses Educate Parents and Children to Protect Against Sexual Predators*, JW.ORG (September, 2014).

¹⁰³ Watchtower Bible And Tract Society of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, (February, 2015), at <https://www.childabuseroyalcommission.gov.au/sites/default/files/WAT.0001.001.0001.pdf>

attention, not secular authorities.¹⁰⁴ While such policies implore that best practices are taken by church elders, it does not mandate external action.

In the legal arena, many Jehovah's Witness abuse cases that did make their way to secular authorities have prevailed in court.¹⁰⁵ Moreover, recent statute of limitation reform has opened the door for adult survivors to bring previously expired claims forward. Adult victims Heather Steele and John Michael Ewing filed claims in 2019 after the Child Victims Act went into effect in New York.¹⁰⁶ Increasing statute of limitation reform across the country will open the door for more adult victims like these to bring their claims to court, but "because of what critics have described as the [Jehovah's] Witnesses' unique penchant for burying allegations of sexual misconduct, and their insular culture, many survivors may decline to pursue justice."¹⁰⁷ While legal opportunities to pursue claims continue to emerge, the Jehovah's Witness practices that prevent the reporting of abuse allegations remain a barrier to justice.

¹⁰⁴ *Ibid.*

¹⁰⁵ See e.g., Michael Buchanan, Jehovah's Witnesses let sex offender interrogate victims, BBC News (July 26, 2017), <https://www.bbc.com/news/uk-40719773> (New Mostom Kingdom Hall failed to report allegations against elder Jonathan Rose, who was convicted of sexual abuse in 2013); Original complaint for damages of A.B., G.G., S.H., and N.H. by and through their Guardian Ad Litem, Mother S.A.H., Oct. 6, 2007, available at: <http://silentlambs.org/assistance/documents/mcCleanLawsuit10-20-06.pdf> (alleging common law negligence; negligent appointment, retention, and supervision; gross negligence; willful misconduct; and breach of fiduciary duty against Watchtower Bible and Tract Society of NY and a 'ministerial servant' of the church; also asserted Watchtower knew of servant's pedophilic behavior prior to appointment); Lopez v. Watchtower Bible & Tract Society of New York, Inc., 246 Cal.App.4th 566 (2016) (minister accused of abuse in 1986 had previous allegations to which he admitted guilt; elders held him out as safe for children and recommended him for position in which plaintiff was abused); Meyer v. Lindala, 675 N.W.2d 635, 638 (Minn. Ct. App. 2004) (multiple depositions explained process of bringing allegations to elders and any allegations to anyone else would be viewed as gossip or slander, punishable offenses within the organization).

¹⁰⁶ Daniel Avery, *Groundbreaking Lawsuits Claim Jehovah's Witnesses Covered Up Years of Child Sexual Abuse*, NEWSWEEK (August 13, 2019), at <https://www.newsweek.com/jehovahs-witnesses-child-sex-abuse-lawsuit-1454001>

¹⁰⁷ Summer Lin, *Calling Out Sexual Abuse in the Jehovah's Witnesses Is a Horrific Struggle*, VICE (November 8, 2019), at https://www.vice.com/en_us/article/ywaj87/calling-out-sexual-abuse-in-the-jehovahs-witnesses-is-a-horrific-struggle

IV. Ultra-Orthodox Judaism

A variety of beliefs contribute to a culture of silence in Ultra-Orthodox Jewish communities that prevents victims of child sex abuse from coming forward and allegations of abuse from reaching external authorities and secular courts.

A. *Lashon ha ra*, or The Rule Against Derogatory Speech

Lashon ha ra is an Ultra-Orthodox Jewish value prohibiting ‘derogatory speech’ from one person against another, and it acts as a significant barrier preventing the reporting of child sex abuse allegations.¹⁰⁸ Ultra-Orthodox Jews live by the exhortation to “not go about spreading slander among your people,”¹⁰⁹ but the value of *to-elet* (speaking out) is a slim exception to the rule.¹¹⁰ The requirements needed to speak about abuse as an Ultra-Orthodox Jewish victim include firsthand knowledge of the wrongdoing and an awareness that the action is prohibited in Jewish communities. Victims must also demonstrate good intentions, as opposed to a desire for revenge.¹¹¹ Finally, a victim must first approach a transgressor in private before they report a wrong to a member of the Jewish community.¹¹² Anyone who hears a report of abuse and needs to repeat it elsewhere is bound by these same requirements.¹¹³

While *to-elet* offers a narrow opportunity for the reporting of child sex abuse under the rule prohibiting derogatory speech, the limits on it undercut its usefulness. As a result, victims in the Ultra-Orthodox community continuously believe they must remain silent, fearing that they may break the cultural rule. Thus, the church’s use of *lashon ha ra* as a defense against a victim

¹⁰⁸ Rabbi Mark Dratch, *Why are Jews Ignoring Traditional Jewish Law by Protecting the Abuser?*, TEMPEST IN THE TEMPLE 110-111 (Amy Neustein ed., 2009)

¹⁰⁹ Leviticus 19:16 (New International Version)

¹¹⁰ *Id.* at 112.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ *Ibid.*

who wants to report sex abuse unjustly twists the victim into an offender, layering shame on top of shame.¹¹⁴ This functions to prevent victims from coming forward at all.

B. *Mesirah*, or The Rule Preventing Victims’ Use of Secular Courts

Another rule in Ultra-Orthodox Jewish communities that stifles the reporting of child sex abuse is *Mesirah*, a value meaning “informing or traducing.”¹¹⁵ Exodus 21:1 states “[t]hese are the laws you are to set before them.”¹¹⁶ This scripture is interpreted to require that cases are brought to Jewish courts instead of being processed in a ‘gentile’ or non-Jewish court system.¹¹⁷ *Mesirah* was historically employed as a tactic to protect the Jewish state in an anti-Semitic world.¹¹⁸ By keeping problems insulated, the institution was never seen as vulnerable to outsiders. As stated by a former member of the community, “the stringency and the rules and all these things—that is why we are still here.”¹¹⁹

The transgression of *mesirah* is extremely serious. A blessing in daily Jewish prayers reads: “[m]ay there be no hope for the informers,”¹²⁰ and Ultra-Orthodox Jews have an “obligation to use force, even deadly force if necessary” to keep an individual from informing on another Jew to someone outside of the community. *Hillul Hashem* means “desecration of God’s name,”¹²¹ and the deep aversion to *hillul hashem* fosters the understanding that an individual should sacrifice themselves for the sake of the community’s good.¹²² It is another example of

¹¹⁴ Shira M. Berkovits, *Institutional Abuse in the Jewish Community*, TRADITION 50:2, 43-44 (2017); See Yudel & Larry Yudel, *Outcry over hosting a sex offender*, JEWISH STANDARD (Jul. 12, 2013), at <https://jewishstandard.timesofisrael.com/outcry-over-hosting-a-sex-offender-3/>

¹¹⁵ Dratch, *supra* note 112, at 114.

¹¹⁶ New International Version.

¹¹⁷ Steven H. Resnicoff, *Jewish Law and the Tragedy of Sexual Abuse of Children—The Dilemma within the Orthodox Jewish Community* 13 RUTGERS J. OF L. & REL. 281, 295 (2012).

¹¹⁸ Dratch, *supra* note 112, at 114.

¹¹⁹ One of Us (2017) (1:08:06-1:08:23).

¹²⁰ Dratch, *supra* note 112, at 114 (quoting *Hil. Hovel u-Mazik* 8:9, *Hoshen Mishpat* 488:9).

¹²¹ Dratch, *supra* note 112, at 111.

¹²² Berkovtis, *supra* note 118, at 26.

religious tradition prioritizing the reputation of the church over securing justice for victims of abuse.

Rabbis have the power to grant an exception to the *mesirah* rule when a trespasser is identified as a danger to society,¹²³ but “internal investigations, conducted under the auspices of a rabbinic leader or other untrained lay leader, often interfere with the pursuit of justice.”¹²⁴ Moreover, certain cities support groups like Shorim, an Orthodox Jewish patrol, which function under the motivation of “keep[ing] their community’s crimes out of the public eye.”¹²⁵ Finally, even if an individual overcomes the hurdles of *mesirah* and brings a claim in secular court, any compensation a victim receives that is more than the amount prescribed in Jewish law is considered theft.¹²⁶ In this environment, many victims will fail to ever report the crimes committed against them.

C. Public Attention in the Media and the Courtroom, and Reform

Major stories of child sex abuse in Ultra-Orthodox communities started coming out after 2000, but there is still only slow progress for victims. In 2000, reports of severe sex abuse perpetrated by Rabbi Baruch Lanner surfaced in Jewish news outlets.¹²⁷ An Orthodox Union investigation revealed that Rabbi Lanner was allowed to stay in his leadership role at the Union of Orthodox Jewish Congregations despite the testimony of 175 witnesses against him.¹²⁸ Rabbi Lanner was privately pardoned by a panel of Orthodox rabbis in 1989 who heard testimony of

¹²³ Rachel Aviv, *The Outcast*, THE NEW YORKER (Nov. 10, 2014).

¹²⁴ Berkovits, *supra* note 118, at 46.

¹²⁵ Michael Leshner, *Orthodox cops: Separate and unequal*, NEW YORK POST (Jul. 31, 2011), at <https://nypost.com/2011/07/31/orthodox-cops-separate-and-unequal/>.

¹²⁶ Resnicoff, *supra* note 121, at 296

¹²⁷ See Yudel; MICHAEL LESHER, SEXUAL ABUSE, SHONDA AND CONCEALMENT IN ORTHODOX JEWISH COMMUNITIES 16 (McFarland & Comp., Inc. Pub.) (2014)

¹²⁸ Andrew Jacobs, *Orthodox Group Details Accusations That New Jersey Rabbi Abused Teenagers*, NEW YORK TIMES (Dec. 27, 2000), at <https://www.nytimes.com/2000/12/27/nyregion/orthodox-group-details-accusations-that-new-jersey-rabbi-abused-teenagers.html>.

his abuse.¹²⁹ The rabbis forced one of Rabbi Lanner’s victims, Elie Hiller, to apologize to him, while keeping all evidence against him confidential.¹³⁰

Many stories of sex abuse in the Ultra-Orthodox and Orthodox communities surfaced after 2000.¹³¹ On August 7, 2011, Michael Lesher received a scathing email written by a rabbi responding to his writings documenting sexual abuse in the Jewish community.¹³² He was not concerned with the validity of Lesher’s accusations that named members of who “systematically derail[ed] one serious case of alleged child abuse by lobbying the Brooklyn District Attorney’s Office.”¹³³ Instead, the rabbi criticized Lesher’s decision to report his observations in the *New York Post*.¹³⁴

While few cases of sex abuse in the Ultra-Orthodox community enter the public courtroom, one rabbi’s testimony on behalf of a sex offender is instructive.¹³⁵ In *People v. Weitz*, the rabbi testified on the petitioner’s behalf, asking for a shortened probation sentence, claiming that “[d]efendant should no longer be subject to probation . . . because defendant now leads a religious life.”¹³⁶ After chronicling his multiple sexual assault allegations and convictions, the court in *Weitz* concluded that defendant “cannot use the practice of religion as the basis for premature termination of mental health treatment or supervision.”¹³⁷ The court held that

¹²⁹ Lesher, *supra* note 129, at 17

¹³⁰ *Ibid.*

¹³¹ Lesher, *supra* note 129, at 6; see also *Reports of ‘80s Sexual Abuse Rattles Yeshiva Campus*, NEW YORK TIMES (Dec. 13, 2012), at <https://www.nytimes.com/2012/12/14/nyregion/report-of-sexual-abuse-rattles-manhattan-yeshiva-campus.html>; Christopher Ketcham, *The Child-Rape Assembly Line*, VICE.COM (Nov. 12, 2013), at https://www.vice.com/en_us/article/qbe8bp/the-child-rape-assembly-line-0000141-v20n11.

¹³² Lesher, *supra* note 129, at 5.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ See *Twersky v. Yeshiva Univ.*, 579 Fed.Appx. 7 (2nd. Cir. 2014); *Doe v. Nat’l Ramah Comm’n.*, 2018 WL 4284324 (S.D.N.Y. Sept., 2018) (unreported).

¹³⁶ 952 N.Y.S.2d 380, 386 (N.Y. App. Term, Aug. 3, 2012).

¹³⁷ *Id.* at 390.

observing religion was not enough to pardon the defendant, considering his past behavior and lack of remorse.¹³⁸

While progress has been slow, reform efforts are mounting. In 2016, Kol v'Oz, an organization committed to ending child sex abuse in Jewish communities, released a “Rabbinic proclamation regarding child safety in the Orthodox community.”¹³⁹ In it, 300 rabbis united and declared that reporting reasonable suspicion of child sex abuse is a “requirement of Jewish law” for which there is “no need to seek rabbinic approval prior to reporting,” and they pointed to the moral obligation of the Jewish community to take more steps to prevent abuse.¹⁴⁰ These steps include background screenings in hiring practices, educating individuals about recognizing and reporting child sex abuse, and teaching children about appropriate adult behavior and contact.¹⁴¹ In the legal arena, statute of limitation reform in New York under the Child Victims Act has offered individuals abused in the Ultra-Orthodox and Orthodox communities in New York a renewed opportunity to come forward with claims.¹⁴²

V. The Church of Jesus Christ of Latter-Day Saints

The Church of Jesus Christ of Latter-day Saints (LDS) has structures in place to formally and informally shield the church from costly lawsuits due to child sex abuse claims. While reforms have been made to prevent child sex abuse, the persistence of dangerous practices like ‘worthiness interviews’ demonstrate an unwillingness to put the safety of children first.

¹³⁸ *Ibid.*

¹³⁹ *Rabbinic proclamation regarding child safety in the Orthodox community*, KOLVOZ.ORG (Jan. 17, 2020), at <http://www.kolvoz.org/rabbinic-proclamation-regarding-child-safety-in-the-orthodox-community.html>.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

¹⁴² *See 38 sexual abuse victims to sue Yeshiva University*, JERUSALEM POST (Jan. 17, 2019), at <https://www.jpost.com/Diaspora/38-sexual-abuse-victims-to-sue-Yeshiva-University-599399>.

A. Internal Investigations and The LDS Abuse Helpline, or Policies Suppressing External Reporting

The pressure to deal with sex abuse claims internally is a characteristic present in LDS tradition. Timothy Kosnoff, an attorney who represented plaintiffs in more than a hundred LDS cases, described this pressure, stating that “the pattern in the Mormon Church is to keep this secret, deal with it internally as a matter of sin not as an issue of public safety but as a moral failing to be dealt with through repentance and prayer.”¹⁴³ However, dealing with allegations of abuse internally protects the institution, not the victims. In many cases, victims and their families believed church leaders were taking action when, in reality, they were not. James Schoppmann, chief deputy of the Mohave County attorney’s office in Arizona described the pattern in practice in one of his cases: “Religion was used against this young person for years... What I mean by that is, [the teen] believed people knew and were doing something about it.”¹⁴⁴

Countless court cases have accused the LDS Church of covering up claims of child sex abuse and failing to report to external authorities. In August 2017, MormonLeaks published a 316-page document containing confirmed instances of child sex abuse and church cover-ups between 1959 and 2017. Notable cases include: a \$3 million settlement in 2001, stating: “Mormon officials had known well in advance of that abuse that the accused man had also caused child molesting allegations before”; and a 2013 lawsuit finding Michael Jensen liable for child abuse which “alleges that the Church and church leaders covered up the sexual abuse of 12 children occurring over a period of five years by Christopher Michael Jensen... The suit states

¹⁴³ VICE News, *The Mormon Church Is Accused of Using a Victims’ Hotline to Hide Sexual Abuse Claims* (HBO), YOUTUBE (May 3, 2019), https://www.youtube.com/watch?v=P3OqvQw_-ko&feature=emb_title

¹⁴⁴ Nate Carlisle, *Arizona case shows why Mormon bishops are not reporting sex abuse to police every time. That has a prosecutor complaining about the church’s lawyers*, THE SALT LAKE TRIBUNE (June 1, 2019), at <https://www.sltrib.com/religion/local/2018/05/31/arizona-case-shows-why-mormon-bishops-are-not-reporting-sex-abuse-to-police-every-time-that-has-a-prosecutor-complaining-about-the-churchs-lawyers/>

that the church was repeatedly put on notice or had knowledge about allegations that Jensen had sexually abused children of church families.”¹⁴⁵

The LDS Church also operates a 24-hour abuse helpline that serves as a formalized structure to keep abuse reports internal and shield the church from potentially costly lawsuits. Since 1995, the helpline has been available to the church’s “approximately 30,000 bishops and 3,000 stake presidents... [who] are instructed to call the hotline promptly about every situation they believe includes abuse or neglect or risk for either.”¹⁴⁶ While the hotline’s stated goal is to prevent abuse and advise bishops about compliance with local reporting laws, VICE News reported that a lawyer from the Church’s law firm “said during a pretrial deposition that the firm uses the information from helpline calls to identify cases that might pose a financial risk to the church if they resulted in lawsuits.”¹⁴⁷ According to court records, all calls are received by staffers at the offices for LDS Family Services and “bishops are never told to report sexual abuse allegations to the police, though they are legally required to in many states.”¹⁴⁸ Instead, “staffers are instructed to transfer all calls to [the Church’s law firm],” giving its lawyers the time and opportunity to “quickly send lawyers out there. Talk to victims. Silence them if they can.”¹⁴⁹ While it is touted as a proactive effort by the church to limit abuse, the helpline functions as a tool to intimidate victims and give LDS lawyers an opportunity to intervene in abuse cases.

¹⁴⁵ Deborah J. Diener, *Instances of Child Sexual Abuse Allegedly Perpetrated By Members of The Church of Jesus Christ of Latter-Day Saints*, MORMONLEAKS (August 2017), https://mormonleaks.io/wiki/documents/6/60/INSTANCES_OF_CHILD_SEXUAL_ABUSE_ALLEGEDLY_PERPETRATED_BY_MEMBERS_OF_THE_CHURCH_OF_JESUS_CHRIST_OF_LATTER-DAY_SAINTS-2017-06.pdf

¹⁴⁶ Tad Walch, *Latter-day Saint spokesman denounces news story about church’s sexual abuse response*, DESERET NEWS (May 3, 2019), <https://www.deseret.com/2019/5/3/20672467/latter-day-saint-spokesman-denounces-news-story-about-church-s-sexual-abuse-response>

¹⁴⁷ Ashley Collman, *The Mormon Church has been accused of using their sexual abuse hotline to quiet victims and stave off potential lawsuits*, INSIDER (May 3, 2019), <https://www.insider.com/mormon-church-accused-of-silencing-sexual-assault-claims-2019-5>

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

B. Worthiness Interviews, or The Practice Facilitating Abuse and Grooming

The ‘worthiness interview’ is an LDS practice that fosters abusive environments and grooms children to perceive abusive behavior as acceptable. ‘Worthiness interviews’ are one-on-one interviews between bishop and worshiper starting at age twelve and spanning into adulthood. They occur in the windowless bishop’s office with the door closed, and have an often intrusive and harmful emphasis on sexual purity.¹⁵⁰ The sexual focus of these interviews derives from the law of chastity, described in Church manuals in terms as general as: “Do not do anything else that arouses sexual feelings. Do not arouse those emotions in your own body.”¹⁵¹ This language opens the door for bishop interviews to cover an array of sexual topics and become abusive.

During conversations about sexual purity in interviews, “more than 3,000 people... have said their bishops probed for the explicit details of their sexual conduct as children.”¹⁵² There have been reports of “LDS bishops seem[ing] to take an almost voyeuristic pleasure...in asking teenage girls details of their sexual experiences.”¹⁵³ As part of a recent effort to end the practice, “more than 800 people have spoken about the trauma, pain, abuse or discomfort they felt during these interviews,” on the Protect LDS Children website and “more than 21,000 people have signed a petition, often leaving their own stories in the comments, demanding an end to ‘sexually explicit interviews of Mormon youth.’”¹⁵⁴

¹⁵⁰ Telephone Interview with Former LDS Member whose identity is being protected (Dec. 19, 2019).

¹⁵¹ *For the Strength of Youth*, Church of Jesus Christ of Latter-day Saints (2001), p.35-36.

¹⁵² Lauren Jackson, *Why a former Mormon bishop was excommunicated for criticizing sexually explicit youth interviews*, CNN (Sept. 24, 2018), <https://www.cnn.com/2018/09/24/us/mormon-young-excommunicated/index.html>

¹⁵³ Peggy Fletcher Stack, *Some parents and therapists say Mormon bishops’ interviews with children about sexual matters are ‘intrusive, inappropriate’*, THE SALT LAKE TRIBUNE (Dec. 11, 2017),

<https://www.sltrib.com/religion/local/2017/12/12/all-the-buzz-about-sexual-harassment-has-some-mormons-wondering-if-bishops-interviews-go-too-far-and-need-reform/>

¹⁵⁴ Lauren Jackson, *Why a former Mormon bishop was excommunicated for criticizing sexually explicit youth interviews*, CNN (Sept. 24, 2018), <https://www.cnn.com/2018/09/24/us/mormon-young-excommunicated/index.html>

The practice fosters a culture which grooms children not to report abusive situations, teaching children that one-on-one contact and explicit sexual conversations with adults are permissible. As explained by an ex-LDS member, “perpetrators of abuse groom children by desensitizing them to inappropriate touch and conversations about sex. If someone in authority that the child looks up to and respects has these conversations with the child, it makes the perpetrator’s job so much easier.”¹⁵⁵ These interactions normalize the red flags of abusive behavior.

C. The Institutional Responses: The 2018 Guidelines for Youth Interviews and Other Developments

Responding to backlash against ‘worthiness interviews,’ their traumatic impact on children, and reports of abuse within the church, the LDS Church’s First Presidency published new guidelines for youth interviews in June of 2018.¹⁵⁶ This includes the guideline that “if a youth desires, he or she may invite a parent or another adult to be present when meeting with the bishop,” although it is not mandated.¹⁵⁷ Sam Young, the leader of a grassroots movement against the practice, described the change as “a huge step in the right direction but [it] does not go far enough... What we are calling for is that it is required to have two adults.”¹⁵⁸ Moreover, Young and other advocates like him highlight the fact that this still leaves the most marginalized children, those without active parents willing to step in, vulnerable to abusive situations.

¹⁵⁵ Telephone Interview with Former LDS Member whose identity is being protected (Dec. 19, 2019).

¹⁵⁶ See, First Presidency Letter (June 20, 2018), available at <https://canada.lds.org/first-presidency-releases-new-guidelines-for-interviewing-youth>

¹⁵⁷ *Ibid.*

¹⁵⁸ Peggy Fletcher Stack & Benjamin Wood, *Mormon leaders unveil new rules allowing another adult in room for interviews*, THE SALT LAKE TRIBUNE (March 26, 2018), <https://www.sltrib.com/religion/2018/03/26/mormon-leaders-update-rules-to-allow-adults-in-the-room-for-interviews-with-children-women/>

Many also critiqued the First Presidency’s delivery method. The updated guidelines “were sent to church general authorities, stake presidents, mission presidents, district presidents, ward bishops and branch presidents,” which activists, like Tresa Brown Edmunds, noted as problematic.¹⁵⁹ According to Edmunds, “the only way women, teens or children would know their right to have another person in the interview... is if they have a bishop ‘who makes it clear... and who cares and is sensitive.’”¹⁶⁰ By distributing the reformed guidelines in this way, the LDS church fails to ensure that the populations most vulnerable to abuse, children and women, are protected.

Despite recent changes made to protect children from abuse during ‘worthiness interviews,’ the LDS Church is now considering lowering the age of interviewees from twelve years of age to eight. Activist Jody England Hansen, an LDS suicide prevention trainer in Utah, spoke out against the idea, describing it as “disturbing... it horrifies me that children would be subjected to this type of questioning, and grooming to idolize leaders at a younger age, rather than lessening the damage of this practice.”¹⁶¹ The dangers associated with normalizing abusive behavior and directly putting children in abusive situations will now touch an even larger, and more vulnerable, population of children.¹⁶²

CONCLUSION

There are obvious similarities that run across religious organizations including internal secret investigations of abuse claims, rules against reporting outside the organization, and policies that create a culture in which it is difficult to break those rules. These practices have

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ Peggy Fletcher Stack, *The LDS Church is considering lowering the age of controversial ‘worthiness’ interviews*, THE SALT LAKE TRIBUNE (July 12, 2019), <https://www.sltrib.com/religion/2019/07/12/should-lds-bishops/>

¹⁶² *Ibid.*

empowered perpetrators and undermined the organizations that failed to stop them. In the wake of widespread publicity and legal liability, all of these organizations are under pressure to change their practices, but we are still in the era of development on child protection policies. Thus, there is much that each of these religious organizations must do before children will be truly safe.