

Sex abuse settlement, the pope's visit and ecumenism: Cardinal Mahony speaks with NCR

John L. Allen Jr. | Nov. 30, 2007 All Things Catholic

Note: John Allen posted two stories this morning to the NCR web site about Pope Benedict XVI newest encyclical: *Spe Salvi*, or "Saved in Hope." The stories are:

[Benedict XVI offers the second in a possible triptych of encyclicals: 'Saved by Hope'](#) [1]

[Spe Salvi a 'Greatest Hits' collection of core Ratzinger ideas](#) [2]

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Los Angeles is the capital of the world's entertainment industry, and since 1985 the Catholic church there has been led by a figure seemingly made for Tinseltown: Cardinal Roger Mahony, 71, perhaps the most media-savvy American bishop (among other things, Mahony is an Internet adept) and something of a cultural celebrity in his own right. The latest confirmation came earlier this month with the publication of a novel, billed as "reality fiction," by American Catholic writer Robert Blair Kaiser titled *Cardinal Mahony*. In the novel, the Los Angeles prelate is kidnapped by a group of liberation theologians from Latin America, put on trial in Mexico (after being spirited away in his own helicopter), and converted to the need for sweeping reform. The fictional Mahony apparently ends up leading American Catholics in demanding what the book's publisher describes as "citizenship in their church."

I bumped into Mahony in the Vatican's Synod Hall on Nov. 23, waiting for a meeting of the College of Cardinals with the pope. He said he had read most of the novel during his flight to Rome; asked for a reaction, he simply laughed.

As is often the case with celebrities these days, Mahony is also dogged by his share of controversy. Recently, the Archdiocese of Los Angeles concluded what will almost certainly be the largest single settlement related to the American sexual abuse crisis -- a \$660 million payout, shared by the archdiocese, most religious orders sued in California (with the exception of the Salesians), and insurance carriers. That amount reflects not only the size and wealth of the archdiocese, but also a 2002 California law temporarily suspending the statute of limitations on civil lawsuits against private organizations whose personnel abused children. The settlement closes some 500 claims at roughly \$1 million each. The process of collecting more than 700 signatures to finalize the settlement was completed in mid-November.

On Monday, Nov. 26, Mahony sat down in Rome for an interview with *NCR* to discuss the settlement, the

legacy of the sexual abuse crisis, Pope Benedict XVI's trip to the United States in April 2008, and the consistory itself. The full text of that interview is available in the Special Documents section of [NCRonline.org](http://ncronline.org) [3]. The following are excerpts. I also filed daily reports during the consistory, which can be found here: <http://ncrcafe.org/blog/2682>[4]

NCR: You've just concluded a \$660 million settlement in Los Angeles designed to end your litigation related to the sexual abuse crisis. Do you feel a sense of relief?

Mahony: I don't look at it that way. Having met with dozens and dozens of victims, over 70 so far, I believe the closure of this is important for them. I didn't realize how much more they'd been through, even by filing lawsuits. They had to fill out claimant questionnaires and say all kinds of things about their personal lives. Their attorneys asked them to do videos of their experience. They've had to bare their souls, which for many of them reopened the past. Most of them see the settlement as the last time they'll have to go through all this.

Secondly, they see the settlement, as I do, as a ratification that they were harmed. This is a public acknowledgment that they were harmed. Even though the language of the settlement may not use the terms "fault" and "no fault," it is a ratification, an acknowledgement by the church, that you were harmed. While money doesn't resolve the past, it is an acknowledgement, and I think that's very important for them.

There are those who charge that you spent \$660 million to save yourself the personal embarrassment of sitting in the witness box during a jury trial. How do you respond to that?

First of all, I respond with a very big smile. Part of our strategy, and our settlement judge knew this all along, is that the only way to get insurance companies to settle is if it would cost them more not to settle. The only way that can happen is to get a verdict from a jury. Therefore, we purposefully chose cases with huge coverage amounts and went to the court, more than a year ago, and got them set for trial. People say we're afraid of a trial? We're the ones who got the cases set for trial. We wanted them set for trial. It was that date approaching that broke things loose.

In fact, the day we had the formal presentation of the settlement in court -- Monday, July 16 -- was the date the first trial was to start. A week before that, the insurance guys wanted no part of this [settlement]. The judge met with them all and said, 'Well, if you don't want to participate and you want to go to trial next Monday, I would suggest you go home and get ready for trial. There's no sense sitting around here.'

The judge dismissed them and left the courtroom. They didn't leave. The bailiff came back later and told the judge, 'You know those guys you sent home? They're all still here.' He let them sit for an hour or two. In the end, they blinked.

Secondly, with respect to me testifying, 95 percent of the cases occurred before I came, and I would have very little to say. In fact, the first case concerned a fellow who was ill when I arrived and died within my first year. I wouldn't be able to tell them anything about it. Actually, I was looking forward to it, because I was going to use the opportunity to explain what we've done to make sure this doesn't happen again. I had no problem with testifying.

As matter of church law, alienation of property requires approval of the Holy See. Specifically, it goes to the Congregation for Clergy, and, for settlements related to sexual abuse, also Secretariat of State. What has your experience been in dealing with the Vatican?

They've been extremely supportive. Of our total settlement, we've only needed to get permission to alienate \$200 million. [The rest of the \$660 million will come from insurance companies, religious orders, and internal borrowing.] I've just come from a meeting in the Congregation for Clergy to discuss it.

Would you say the Vatican has been on a learning curve?

Some [in the Vatican] get it, and some don't. I would say that the Congregation for the Doctrine of the Faith and the Congregation for Clergy people get it.

Perhaps it's because those two offices have been on the front lines of the crisis -- the CDF for the doctrinal and disciplinary issues, and Clergy for the money?

That's right. Cardinal Hummes particularly has been extremely helpful. [Brazilian Cardinal Claudio Hummes is Prefect of the Congregation for Clergy.] Cardinal Rodé also has been very helpful. [Slovenian Cardinal Franc Rodé is Prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, popularly known as the Congregation for Religious.] He gave us the key principle this past May. He said the religious institutes must bear full responsibility for their members, and the dioceses for their members. He said that's the only formula that's going to work, and that's the formula we've been following.

Some of the other folks, in some of the other offices, the ones from whom we had the most skepticism, are now happily retired!

Shifting gears, what do you think the importance of Pope Benedict XVI's visit to the United States next April will be?

It will be the first time the American people see him a bit more up-close. Of course, it will depend in part on what he has to say.

What message will you be looking for?

I would hope that he would recognize the vitality of the church in the United States, particularly the vitality of parish life. I hope he'll talk about lay involvement, lay leadership, and lay ministry -- as a plus, a real plus ? (laughs) as opposed to that document from the eight dicasteries! [The reference is to a 1997 Vatican document issued by eight Vatican offices raising concerns about lay ministry.] I hope he acknowledges that this is where the church is growing, and that we're going in the right direction. I maintain that this is why we're not Italy or France or someplace else, because we've been able to do that. John Paul II acknowledged that all the time, so I

hope Benedict will emphasize that.

I think it's also important to acknowledge the faith of our people, especially during the six or seven years of this crisis. Our people have remained so faith-filled. They realize that the church is not about perpetrators of sexual abuse, it's about Jesus Christ and his abiding presence with the church. That's the core. It's not about us people along the way or various segments of history, it's the presence of Christ. I've been in awe of the faith of our people, the way that they've rallied around their priests and been so supportive of their priests in the parishes. ? I think the Holy Spirit does that for us.

Do you think Benedict XVI will have to address the sexual abuse crisis?

Oh, absolutely. I think it's a unique opportunity for him to do that. He's got to. He cannot avoid that. Where he does it, I'm not sure. I would hope he says something in both his homilies to large gatherings of the Catholic faithful, not just the meeting of the bishops. That isn't going to be helpful. I think he needs to say something in the public arena to our people. I think he needs to make it clear that he understands.

I must say, I think he does [understand]. He was most helpful at the CDF in getting things changed that we needed changed. So, I'm hoping that in those two arenas, he'll say something. [Benedict XVI is expected to celebrate public Masses in Nationals Stadium in Washington, D.C., and Yankee Stadium in New York.]

You took part in the business meeting of the College of Cardinals with the pope, devoted largely to the issue of Christian unity. Did you hear anything new?

I thought that Cardinal Kasper's report was a good overview of where we are. ? He pointed out where the obstacles and challenges remain. What I found fascinating was that the cardinals were all into this topic. I think at first some thought that Kasper would give his report, then there'd be a comment or two, and then there would be other issues. Actually, basically the whole day, even the evening, was all on this.

As I listen to both ecumenical experts and bishops, it seems that a gradual shift has been taking shape away from focusing primarily on theological dialogue, toward more practical cooperation on socio-cultural concerns. Does that seem right?

Absolutely. Just to give you one vivid example in the archdiocese, in the inner city we have a large Central American parish, St. Thomas the Apostle. Right next to it is Santa Sophia, the Los Angeles cathedral for the Greek Orthodox. Recently we had an arson fire at St. Thomas the Apostle, and it was closed for almost a year. The fire was on Friday night, and the next Sunday I went to celebrate Mass in the parking lot with the parishioners. You know who was there? The [Orthodox] pastor from next door, along with the Greek Orthodox Archbishop from San Francisco, who came down for the Mass. They loaned their facilities to the parish. It was just phenomenal.

I joked with the archbishop, saying, 'If you and I wanted, we could just declare unity and let the folks in Istanbul and Rome figure it out. We could deal with them later!' The fact is, we do so much together on so many fronts.

How did you find the pope?

I found him very alert. As usual, the way he can sum up everything at the end of a session is just incredible. He listens, he's obviously taking notes. At the end of the morning and evening sessions, he gave a few points that captured the discussion well.

He didn't announce any new ecumenical initiative?

No. There were some suggestions from cardinals that perhaps we need another summit.

You mean like the inter-religious summits in Assisi under John Paul II, this time for other Christian bodies?

Yes, but nobody really thought we're ready for that at this point.

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[3] <http://www.ncronline.org/mainpage/specialdocuments/mahony112607.pdf>

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[5] <mailto:jallen@ncronline.org>