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Experts wary of accuser's youthful memories

Recalled events not always reliable **BY MARK CURNUTTE** The Cincinnati Enquirer

It is highly unusual for abuse victims in their late teens to repress memories of trauma. Most adults who say they have forgotten traumatic childhood experiences claim they were abused before age 10, a national expert said Friday.

Steven J. Cook, who filed suit Friday against Cardinal Joseph Bernardin, claims he was 16 and 17 at the time he was sexually abused by the then-Cincinnati archbishop and another priest.

"Besides, all of this repressed memory theory is speculation to begin with," said Elizabeth F. Loftus, a psychology professor at the University of Washington in Seattle. "It defies everything we know about the function of memory."

Repressed memory is when a

person remembers as an adult being sexually abused in childhood, usually by a trusted adult.

Cook's lawsuit says he didn't remember until last year that he had been sexually abused 16 years ago by a priest at a preseminary program in Mount Washington. The lawsuit says Cook remembered last month that he also was abused by Bernardin, who was the archbishop of Cincinnati until 1982.

Despite the lack of scientific evidence in support of repressedmemory theories, some psychologists believe in the phenomenon.

"Children do this because an experience is overwhelming," said Maria Blake, a clinical psychologist in Clifton. "They fear being annihilated. Locking a memory away puts them someplace like it didn't happen."

These memories can be psychologically destructive, theory supporters say. If a patient can re-

member the experience through therapy, then healing and moving on with life would become possible. Submerged childhood memories of sexual abuse often can account for eating disorders, difficulty in forming relationships, low self-esteem and sexual dysfunction later in life, Blake said.

Therapists may be source

Nay-sayers, such as Loftus, argue that therapists might be the source of what become false memories, events that didn't happen.

"Some researchers in the field of psychology have criticized the resulting lawsuits on the ground that no experiments have conclusively demonstrated that memories can be repressed and then reliably recovered," Loftus wrote in the November, issue of the ABA Journal. 'Instead, they say, therapists inadvertently may plant false memories through suggestive questioning and drug therapy."

Lawsuits based on repressed memory have become increasingly common in the past decade, legal experts say.

Since 1988, 23 states have responded to public outrage about child sexual abuse to create laws that allow for both criminal and civil actions based on recovered memories.

Some civil suits have been won on the argument of recovered memories. Most have not.

That was the case a year ago in Hamilton County Common Pleas Court when Judge Thomas Crush ruled that a 29-year-old Cincinnati woman waited too long to sue her stepfather and an uncle for allegedly sexually abusing her as a child.

Crush cited Ohio law that requires charges of sexual battery to be brought within one year after a minor turns 18 and charges of emotional distress within four years.

Statute of limitations Cook's case against Bernardin hinges on whether U.S. District Court Judge S. Arthur Spiegel rules in Cook's favor that the statute of limitations has not expired, Cincinnati lawyer Gary Frank of Lindhorst & Dreidame said.

In the kinds of offenses cited in the lawsuit, Ohio law allows actions to be filed within one to four years of the incident. A House bill that would extend the statute of limita tions is in committee.

If Spiegel uses what's known as the "discovery rule," the statutes of limitation would not have run out on Cook. Spiegel could rule the clock started at the time Cook remembered the alleged abuse.

However, Cook has to prove first that the statute of limitations has not run out, Frank said.

"I suggest that this is going to be a legal battle over the statute of limitations. It will be decided by

motion by the judge. If the statute have expired, there is no case."

Quickly to court

Even some of the supporters of repressed-memory theory question "the rush to the courthouse" with childhood memories.

"This is a relatively new area of controversy," said John Myers, a professor of law at the McGeorge School of Law at the University of the Pacific in Sacramento, Calif. and a specialist in evidence issues that relate to child abuse cases.

"The discovery rule is the way lawyers get around the statute of limitations," Myers said. "It's all up to the individual judge. Memory recovery is not like a malpractice suit brought against a doctor 10 vears later because he left a scalpel in you. You've got physical evidence in that case. There's nothing physical in cases that claim recovered memories."

Cardinal now subject of own review process

BY ADAM WEINTRAUB The Cincinnati Enquirer

Accusations of sexual abuse against Cardinal Joseph Bernardin of Chicago plunge the church leader into an investigative process he helped create.

Fourteen months ago, Bernardin announced a plan for handling allegations about sexual abuse by priests. It inspired church leaders across the nation to address the festering problem.

Now, Bernardin finds himself looking at that plan from the inside after a federal lawsuit accused him of sexually abusing a teen-age boy while Bernardin was archbishop of Cincinnati. Bernardin has denied the accusations.

"Certainly, there's no priest in the archdiocese or elsewhere who can say, 'Cardinal, you don't understand,'" Bernardin said Friday in Chicago when asked whether the accusations had changed his perspective about other priests who have been accused. "I do understand."

Plan came in 1992

Bernardin designed the investigative procedure in September, 1992, because of a slew of sexual-abuse allegations against Chicago-area priests. His plan bucked the Catholic tendency to keep investigations in-house by adding lay members to a review board. The cardinal, head of the second-largest Roman Catholic diocese in the United States, found himself facing a crisis in 1991 after the Rev. Robert E. Mayer was removed as pastor of a suburban Chicago parish amid allegations of sexual misconduct with a minor. Mayer had been accused of sexual improprieties and was convicted in December, 1992, of sexual abuse of a 13-year-old girl. The cardinal appointed a three-member panel in October, 1991, to review the allegations of sexual abuse. Five Roman Catholic priests were removed from Chicago parishes the next month. In the two years starting in July, 1991, Bernardin removed 23 priests from parishes after allegations of sexual misconduct with children. In June, 1992, Bernardin released the report by "The Cardinal's Commission on

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the best policy in the country, in favor of treating victims, that I have seen. . . . There has been a definite change of attitude.

> - Barbara Blaine, founder of abusesurvivors group SNAP

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other clients. The review had previously been conducted by a priest.

Appointment of a "victim assistance minister" backed by mental health specialists.

Improved screening of seminarians and record-keeping on priests.

▶ Informing state officials of the allegations.

The cardinal normally would review the findings of the nine-member board and decide the appropriate action, but because the accusations are against Bernardin, the case will fall to the Chicago Archdiocese chancellor, the Rev. Thomas Paprocki.

Some critics say any church-run investigation will be biased.

"I'm inherently skeptical of any selfpolicing body," said David Clohessy, national director of the Survivors Network of Those Abused by Priests (SNAP), an advocacy group based in Chicago.

"My fear is that some of the cardinal's colleagues will say, 'The cardinal tried to do the right thing and look what happened,'" Clohessy said. "My hope is that this will remind victims that the church

- David Clohessy, national director of SNAP

Clerical Sexual Misconduct with Minors." included details of the archdiocese's investigations and laid out a plan to bring the laity into investigations. Bernardin adopted the plan three months later.

It included:

► A 24-hour toll-free number to report misconduct in the Chicago archdiocese.

Creation of a nine-member review board to investigate allegations of sexual misconduct toward minors by a priest and make recommendations to the cardinal. Three of the members are priests; six are lay people. The program is administered by Stephen Sidlowski, formerly an attorney with the Cook County Public Guardian's office, which provided legal assistance to the poor, disabled, elderly and

shouldn't investigate itself."

SNAP has urged abuse victims to take their allegations to the police, not the church.

Praise not universal

Bernardin's plan did not draw universal praise when it was announced last year. Jeanne Miller, president of the national group Victims of Clergy Abuse Linkup (VOCAL) told the Chicago Tribune at the time that Bernardin's initiative was "a prettier version of the same thing."

Others, such as priest, novelist and church critic Andrew Greeley, praised it as "a historic and indeed revolutionary reform."

Barbara Blaine, founder of SNAP, said Friday that Bernardin's plan was "the best policy in the country, in favor of treating victims, that I have seen. ...

Procedure questioned

The execution of the plan has been



The Associated Press/Mark Elias

Cardinal Joseph Bernardin answers questions Friday about an allegation of sexual abuse.

poor in Chicago, she said. Callers to the toll-free complaint line who make it through screening to speak to the review panel often feel as though they've been interrogated, she said.

Author/journalist Jason Berry of New Orleans, who first began writing about clerical sexual abuse in 1985 in the weekly National Catholic Reporter, also questioned whether the Chicago archdio-

cese's actions matched its plans.

Berry said Bernardin also pays attorney fees for priests who bring defamation suits against people accusing them of sexual abuse, and this has a chilling effect on the effort to exorcise priest-abusers and to care for their victims.

Late Friday, Bernardin spokeswoman Maria Salemi said she did not know whether Berry was correct.

Peers back cardinal as innocent victim

BY BEN L. KAUFMAN The Cincinnati Enquirer

When he arrived in Chicago in 1982 after the 17-year autocratic rule of Cardinal John Cody, many Catholics said they would not be surprised if Archbishop Joseph Bernardin could walk on Lake Michigan. Bernardin was the very model of a modern churchman: young, modest, close to the pope on a personal as well as a political level, and a leader among peers. He also was known as something of a liberal after 10 years in Cincinnati, a doubly curious judgment, since he came to the Queen City after four years as head bureaucrat for the National Conference of Catholic Bishops. In Cincinnati, Bernardin succeeded popular Archbishop Paul Leibold, felled by a fatal stroke. Bernardin built on Leibold's break with the reactionary past, skillfully pursuing consensus until even allies despaired that decisions might never get made. That wasn't surprising, he once joked, because he was by nature a cautious person — a trait he attributed to growing up the child of Italian immigrants in staunchly Protestant Charleston, S.C. When he was promoted from Washington to Cincinnati, he became the first Italian-American

archbishop in the U.S. Catholic church. There was even talk of his becoming the first U.S.-born pope. Had his humility faltered, his widowed mother reminded him not to look too proud at his ordination in Cincinnati's St. Peter in Chains Cathedral. In 1974, he was elected president of the National Conference of Catholic Bishops and had to dispel suspicions of political ambition. Pope John Paul II, with whom Bernardin had worked on Vatican projects while the future pontiff was archbishop of Krakow, Poland, moved him to Chicago, then the nation's most populous Catholic archdiocese and the largest Polish community after Warsaw. There, he succeeded Cody, an arbitrary, reactionary cardinal, who died before a federal grand jury finished probing his financial misdealings.



Cardinal facing expert in abuse suits

BY STEVE BENNISH The Cincinnati Enquirer

Stephen C. Rubino, the New Jersey lawyer who filed the lawsuit against Cardinal Joseph Bernardin, has made a career out of lawsuits alleging sexual misconduct by church officials.

The 44-year-old from Ventnor, N.J., estimates that he has concluded 30 such cases since 1987, all in out-of-court financial settlements. None has been tried before a jury, and six are pending, Rubino said Friday. "We think we have an excellent case," he said. "We feel confident of how this will come out."

Rubino would not discuss settlement terms or say how much money changed hands in previous cases, but all involved monetary settlements, he said.

He also dodged questions about the strength of the case against Bernardin but hinted at more evidence than just his client Steven Cook's word. "We have done a very thorough investigation. There is evidence over and above Cook's statements."

Providence, R.I., and Camden, N.J.

The federal suit, filed by three men who said they were abused by priests as children, alleged that bishops destroyed incriminating evidence against priests.

Rubino is chairman of the American Trial Lawyers Child Sex Abuse Litigation Group. His cocounsel, Cincinnati lawyer Andrew Lipton, is a former chairman of the group.

All but the most conservative Catholics rejoiced.

Two months later, John Paul promoted Bernardin to cardinal, one of the handful of Catholics who can vote for the pope.

In recent years, problems have overtaken Bernardin. Now, at 65, he is coping with mishandled sex abuse complaints and an estimated \$12 million annual budget deficit despite unprecedented closings of schools and parishes.

The Associated Press/Mark Elias

Cardinal Bernardin arrives for a news conference Friday in Chicago.

Even so, he holds loyal support, even from such testy colleagues as Andrew Greeley, novelist and priest of the Chicago archdiocese. "I don't believe the charges against Joseph Cardinal Bernardin," Greeley said Friday from Ireland, where he was traveling. "We have protected the guilty for so long that we find it very difficult to protect the innocent, even when attacked with the wildest and most bizarre charges."

Similar affirmations came from brother bishops.

Denver Archbishop J. Francis Stafford said the accusations of sexual abuse were "not credible," adding, "This is not the first time a good priest has been wrongly accused."

Rubino's last case, recently settled for an undisclosed sum cloaked in a confidentiality agreement with the church, was filed in June against the Catholic dioceses of

Lipton said that when he was first contacted by Rubino, the allegations involved only the Rev. Ellis Harsham, a co-defendant in the suit. "It just grew from that," Lipton said.

Cincinnati churchgoers 'don't believe a word'

The Cincinnati Enquirer

Lucretia Hauss

Downtown churchgoers expressed disbelief Friday about the

lawsuit filed against Cardi-



very nice man. I can't believe it."

Robert Herbert, 62, of Hyde

St.

Park said the accuser must be disturbed. "The person who accused him is sick," he said. "I would never think Bernardin would stoop to such levels."

At St. Xavier Church, parishioner Joe Ficorilli said he thinks Bernardin is the target of allegations because of his high visibility.

"Anybody in the public eye like noon Mass at him is going to be subjected to these kinds of accusations," he Louis said. "I think he's been named Church, Lucresolely because he was the head of tia Hauss, 82. the diocese in Cincinnati at the of downtown said she could time this supposedly happened." not believe the allegations. "He's a

Neal Mills of Westwood, a member of St. Peter in Chains Cathedral, was visibly disturbed by ter."

the allegations.

"I don't believe a word of it," Mills said. "I knew him very well and he was an extremely hardworking man. . . . I can't imagine a man of his standards doing something like that."

Dan Reardon of Westwood pondered the allegation on his way to Mass at St. Peter in Chains.

"There are a lot of people who are now making these kinds of accusations just to get publicity and money," he said.

"The very fact that Father Bernardin has risen to the heights he has in the Catholic Church says enough for me about his charac-