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ALEXANDER COCKBURN AND JEFFREY ST. CLAIR

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## *"So, Finally, What's a Former Catholic to do When her Church is Corrupt and Moribund?"*

### Clerical Sex Abuse and the Vatican

By Nancy Scheper-Hughes

**B**ishop Robert W. Finn and the diocese of Kansas City-St. Joseph were indicted by a county grand jury on October 14, 2011, for failing to report information and hand over evidence to police authorities – evidence concerning the case of an alleged clerical child sex offender currently awaiting trial in Kansas City, Missouri. The indictment is the first for a Catholic bishop in the more than 25 years since the scandal over clerical sexual abuse became public in the United States. Bishop Finn and the diocese of 134,000 members were each charged with one misdemeanor count involving the activities of Father Shawn

Francis Ratigan, 46, who is facing felony charges of child endangerment and pornography. Complaints against Ratigan go back as far as 2006 and as recently as this year.

The indictment states that the bishop and the diocese were aware (at least) since 2010 that Ratigan, a Catholic elementary school chaplain, had been taking lewd photos with his cell phone and digital camera of under age school girls, and storing these images on his personal computer, as well as transferring copies to a church-owned computer at the rectory of one of the parishes, in which

SCHEPER-HUGHES CONTINUED ON P. 5

## *Did They Really Read His Lips?*

### Obama's Policy on Marijuana: The Reform Leaders' Misleading Spin

By Fred Gardner

**W**ithin the movement to legalize marijuana, squeals of disappointment echo through cyberspace – Barack Obama misled us, betrayed us! Nary a word of self-criticism, as the movement reacts to escalating repression.

The repression is, indeed, vicious and as of mid-October has been intensifying. On October 13, at 6 a.m., DEA raiders stormed into the bedroom of Matt

Cohen and his wife, Courtenay, yelling and brandishing automatic weapons. The couple live in Redwood Valley, Mendocino County, and run a collective called Northstone

Organics that grows cannabis for 1,700 members affiliated with dispensaries in the Bay Area and Los Angeles. The Cohens were handcuffed, while the narcs ransacked their house and chopped down their 99 plants, all zip-tied to show that they had been authorized and inspected by the sheriff's office.

"If we're not legal, nobody's legal," Cohen said. "We, actually, are a legitimate not-for-profit corporation ... we worked with the county to get where we are, and there are illegal growers all around us."

Earlier that month, California's four U.S. attorneys held a press conference in Sacramento, to announce that letters

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Obama's Record

were being sent to landlords who rented to dispensaries and growers, threatening them with criminal prosecution and forfeiture of their property. The feds claimed to be targeting “egregious” profiteers, but as the raid on Northstone Organics showed, they’re also taking down the most exemplary collectives. (If the feds only targeted egregious profiteers, the medical marijuana industry would thrive. They *have to* take down the righteous in order to scare people into folding. The classic example was the 2002 DEA raid on WAMM, a Santa Cruz garden grown mainly for hospice patients.)

Many other Prohibitionist measures have been taken by the Obama administration in 2011.

- The Department of Housing and Urban Development’s general counsel asserted in a memo, “Any state law purporting to legalize the use of medical marijuana in public or other assisted housing would conflict with the admission and termination standards found in the Quality Housing and Work and Responsibility Act of 1999.” The memo was issued on January 20, the anniversary of Obama’s inauguration.

- The U.S. Department of Justice intimidated government officials in states with medical marijuana laws by warning

that they, personally, could be prosecuted for implementing distribution programs. The governors of Washington, Rhode Island, and New Mexico promptly canceled or threatened to veto programs to license growers and distributors that had been created by voters and legislators.

Cities and counties in California and elsewhere responded similarly.

- The Drug Enforcement Administration raided and closed down dispensaries, most dramatically, in Montana, where voters had passed an initiative in 2004 (by a 62-38 per cent margin), and some 80,000 residents were using marijuana legally. On March 14 – the very day state legislators were debating a bill to repeal the law the voters had created – DEA agents raided 26 dispensaries in 13 Montana cities. In Michigan, the DEA spent two days raiding dispensaries after a circuit court judge in Isabella County ruled that patient-to-patient transfers are illegal.

- The DEA, after a 9-year stall, rejected a petition to move marijuana from Schedule I (the category for dangerous drugs with no medical use) to Schedule III, IV or V.

- The Bureau of Alcohol, Tobacco and Firearms ordered gun and ammunition dealers to not sell to medical marijuana users. On September 21, an ATF official named Arthur Herbert sent out a memo – supposedly in response to “a number of inquiries about the use of marijuana for medical purposes, and its applicability to federal firearms laws” – advising dealers that “Federal law makes it unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or *having reasonable cause to believe* that such person is an unlawful user of or addicted to a controlled substance.” [emphasis type in the original.]

Even if the prospective buyer answers “no” to the question about marijuana use on the standard questionnaire (ATF Form 4473), the dealer is encouraged to look for and act on “an inference of current use.”

- The Treasury Department unleashed the Federal Deposit Insurance Corporation on cannabis-related businesses. Wells, Fargo, Bank of America, and CitiCorp closed the accounts of dispensaries rather than face costly, exhaustive audits by the FDIC to assure compliance with the Bank Secrecy Act. And woe unto some banks that didn’t.

♦ ♦ ♦

On October 8, 2011, Ethan Nadelmann, executive director of the Drug Policy Alliance, was quoted by Bob Egelko in the *San Francisco Chronicle* as saying:

“Barack Obama is betraying promises made when he ran for president and turning his back on the sensible policies announced during his first year in office.”

Four days later, on October 12, 2011, Rob Kambia, executive director of the Marijuana Policy Project, wrote on the Huffington Post:

“During his run for the presidency, Barack Obama instilled hope in medical marijuana supporters by pledging to respect state laws on the matter. And for the first two years of his term, he was generally faithful to his promise. Yet suddenly, and with no logical explanation, over the past eight months he has become arguably the worst president in U.S. history regarding medical marijuana.”

By accusing the president of breaking campaign promises and suddenly changing his line on marijuana, the reform honchos absolve themselves of responsibility for having misinterpreted and/or intentionally misrepresented what he said, and failing to provide useful intelligence – i.e., warnings – to growers and dispensaries. The truth is, Barack Obama never expressed unambiguous support for medical marijuana. They – Nadelmann and Kambia – loudly proclaimed that he had.

While running for president, Sen. Obama was drawn out twice on the subject, both times by reporters in Oregon. On neither occasion did his reply indicate that he had been briefed on the topic, or given it much thought. In March 2008, Obama told Gary Nelson of the *Medford Mail Tribune*: “My attitude is that if it’s an issue of doctors prescribing medical marijuana as a treatment for glaucoma or as a cancer treatment, I think that should be appropriate, because there really is no difference between that and a doctor prescribing morphine or anything else.

“I think there are legitimate concerns in not wanting to allow people to grow their own or start setting up mom-and-pop shops, because at that point it becomes fairly difficult to regulate. Again, I’m not familiar with all the details of the initiative that was passed [in Oregon] and what safeguards there were in place, but I think the basic concept that using medical marijuana in the same way, with

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the same controls as other drugs prescribed by doctors, I think that's entirely appropriate...

"I would not punish doctors if it's prescribed in a way that is appropriate. That may require some changes in federal law. I will tell you that – I mean I want to be honest with you, whether I want to use a whole lot of political capital on that issue when we're trying to get health care passed, or end the war in Iraq, the likelihood of that being real high on my list is not likely... What I'm not going to be doing is using Justice Department resources to try to circumvent state laws on this issue, simply because I want folks to be investigating violent crimes and potential terrorism. We've got a lot of things for our law enforcement officers to deal with."

In May 2008, James Pitkin of the *Willamette Week* asked, "Would you stop the DEA's raids on Oregon medical marijuana growers?" To which Obama replied: "I would, because I think our federal agents have better things to do, like catching criminals and preventing terrorism. The way I want to approach the issue of medical marijuana is to base it on science, and if there is sound science that supports the use of medical marijuana, and if it is controlled and prescribed in a way that other medicine is prescribed, then it's something that I think we should consider."

Let's dissect these comments from a suspicious rather than a hopey-changey perspective. (And why shouldn't a medical marijuana user be suspicious of the Democratic candidate for president? Clinton's Justice Department responded to the passage of Prop. 215 by threatening to revoke the license of any California doctor who approved cannabis use by patients. Jimmy Carter's DEA paid Mexico to spray the campesinos' U.S.-bound herb with Paraquat.) Obama says he sees the logic of "not wanting to allow people to grow their own or start setting up mom-and-pop shops." Why didn't Nadelmann choose to quote and paraphrase ad nauseam *that* ominous comment? Or, at least bring it to the attention of the rank and file?

Obama tells Nelson he would like to see medical marijuana used "In the same way, with the same controls as other drugs prescribed by doctors." That means: after clinical trials have been conducted and data from those trials have

been reviewed and approved by the Food and Drug Administration. This has been the White House line on medical marijuana since January 1997, when someone explained to Drug Czar Barry McCaffrey that it couldn't be dismissed as "Cheech-and-Chong medicine," and that a more sophisticated stall in the name of science was called for until the drug companies could figure out how to synthesize and market the useful compounds in the plant.

Obama says he understands that "some changes in federal law" – rescheduling – would be required in order for doctors to prescribe medical marijuana, but frankly acknowledges not wanting to spend "a whole lot of political capital on that issue."

From a suspicious Californian's perspective, Obama's often quoted half-sentence, "What I'm not going to be doing is using Justice Department resources to try to circumvent state laws on this issue..." is reassuring only if and when state and county prosecutors accept the legality of dispensaries. What Obama says next is dismaying, "... simply because I want folks to be investigating violent crimes and potential terrorism." His vaunted "support" for medical marijuana on the campaign trail comes down to a matter of budgetary limitations.

Obama's answer to Pitkin is a more succinct version of his comments to Nelson. It is an expression of support for the prevailing corporate-friendly regulatory process, not the medical marijuana movement/industry.

• • •

Barack Obama took office on January 20, 2009. Two days later, DEA agents raided a South Lake Tahoe cannabis dispensary run by Ken Estes, a wheelchair-bound entrepreneur. They seized about five pounds of herbal medicine and a few thousands dollars. No arrests were made. "It was a typical rip-and-run," says Estes.

On February 3, four cannabis dispensaries in the Los Angeles area were raided simultaneously by DEA squads. "They took everything," said a member of the Beach Center Collective in Playa del Rey, "right down to the television. The computer, patient files, medicine, cash in the register. That's it, we're done. It's just too bad. Our patients have epilepsy, cancer, MS, diabetes. Two of our patients have one leg. They're gonna have to travel a lot farther and go to places that aren't as

safe for them." Activists led by Americans for Safe Access protested at a rally in Los Angeles, and the White House was deluged with emails quoting Obama's "promise" not to circumvent state laws.

On February 11, DEA agents took part in a raid on the MendoHealing Cooperative farm in Fort Bragg, California.

On February 25, Attorney General Eric Holder held a press conference with Acting DEA Administrator Michele Leonhart, to discuss drug-related violence in Mexico. The fact that he hadn't replaced her was far more significant than an exchange that occurred 20 minutes in. A reporter asked: "Right after the inauguration, there were some raids on California medical marijuana dispensaries. Was that a deliberate decision by you, by the Justice Department? Is that a prediction of policy going forward? Do you expect those sorts of raids to continue despite what the president said during the campaign?"

Holder replied, "Well, what the president said during the campaign, you'll be surprised to know, will be consistent with what we'll be doing here in law enforcement. He was my boss during the campaign. He is formally and technically and by law my boss now. So, what he said during the campaign is now American policy." Given how much the reform honchos would make of it, Holder's response is worth checking out on YouTube (search "Holder marijuana"). He's been in office less than a month, the press conference was called on another topic, he's ad-libbing, it's obvious that he doesn't know what promises, exactly, his boss may have made regarding medical marijuana, but he gamely commits to carrying them out.

Kampia's Marijuana Policy Project immediately sent out a press release linked to a video clip on its website, under the headline, "Holder Says 'No More DEA Raids' in Press Conference." But Holder never spoke those words! The quotation marks are duplicitous. Why would the reform leaders lie about the administration's position? Four guesses...

1. Claims of success facilitate fundraising. If Holder really had said, "No more DEA Raids," the reform groups would be entitled to some credit. 2. Dispensary owners and other cannabis-industry entrepreneurs (an increasingly important source of funding for the reform groups) had ambitious expansion plans. Their

ability to attract investors was directly linked to how permissive the administration was perceived to be. 3. The reform honchos pride themselves on their “media messaging” skills, and believe that how an event gets spun is as or more important than what actually went down (i.e., reality). They evidently thought that by claiming the Obama administration was reining in the DEA, they would create a bandwagon effect and it would somehow come to pass. 4. Disrespect for the rank and file, who trust the Drug Policy Alliance and the Marijuana Policy Project to provide them with accurate intelligence from the corridors of power.

One person evidently misled by news of Holder’s Feb. 20 press conference was Thomas P. O’Brien, U.S. attorney for the Southern District of California. O’Brien directed prosecutors in his office to stop filing charges, issuing subpoenas, and applying for search warrants in cases involving medical marijuana dispensaries. A week later, he rescinded his own order. He must have seen and believed a story that Holder intended to end such prosecutions, and complied in hopes of keeping his job. (U.S. attorneys traditionally submit pro forma letters of resignation,

enabling a newly elected president to replace them at will.)

On March 18, AG Holder told reporters, “The policy is to go after those people who violate both federal and state law. To the extent that people do that and try to use medical marijuana laws as a shield for activity that is not designed to comport with what the intention was of the state law, those are the organizations, the people, that we will target. And that is consistent with what the president said during the campaign.”

Once again, the reform leaders claimed a huge win. “Today’s comments clearly represent a change in policy out of Washington,” Nadelmann told the *LA Times*, “He [Holder] is sending a clear message to the DEA.”

But the Drug Warriors weighed in with a different interpretation (which would prove to be more accurate). The U.S. attorney’s spokesman in Los Angeles, Thom Mrozek, told the *Los Angeles Times* that Holder had vindicated their long-standing approach: “In every single case we have prosecuted, the defendants violated state as well as federal law.” The *L.A. Times* story summarized Holder’s line thus: “Holder said the priority of the new administration is to go after egregious offenders.” That hardly represents a change in policy. The Bush DOJ also claimed to be targeting “egregious” offenders, but they raided WAMM, the Santa Cruz hospice operation whose leaders are saintly. If law enforcement only took down the “egregious,” the industry would thrive. They have to actually take down the exemplary as well.

On March 20, *The New York Times* ran a piece by Solomon Moore headlined, “Dispensers of Marijuana Find Relief in Policy Shift” (a subtle pun). Ethan Nadelmann was quoted saying that the feds now recognize state medical marijuana laws as “kosher.” But DEA spokesman Garrison Courtney “pointed out that the attorney general’s statement indicated that the federal authorities would continue to go after marijuana dispensaries that broke state and federal laws by selling to minors, selling excessive amounts, or selling marijuana from unsanctioned growers.”

On March 23, in Los Angeles, U.S. District Court Judge George Wu delayed the sentencing of Charles Lynch and asked the U.S. attorney to provide a written summary of the Justice Department

policy. Lynch, who operated a dispensary in Morro Bay, had been convicted of cultivation for sale, conspiracy to distribute, and selling marijuana to a minor. He contended that he was operating legally under California law and with the support of city officials.

On April 8, 2009, Joe Russoniello, U.S. attorney for the Northern District of California (a Bush appointee whom Obama would keep in office through August 2010), stated at a Hastings Law School forum that *all* medical marijuana dispensaries are profiteering operations in violation of state law and, therefore, “fair game” for DEA raiders. Russoniello seemed “very specific and confident, as if he had just seen a policy memo,” according to attorney Joe Elford, who debated him at the event. Russoniello’s clear statement of the political/legal realities was not publicized (except by your correspondent). Turns out, he was our most accurate source of information.

On April 17, U.S. Attorney O’Brien forwarded to District Judge Wu the letter he requested, clarifying Justice Department policy in the Lynch case. The letter from H. Marshall Jarrett, director of the office that oversees all U.S. attorneys, said, “Based on the facts of this case, the Office of the Deputy Attorney General concurs with your office that the investigation, prosecution, and conviction of Mr. Lynch are entirely consistent with Department policies as well as public statements made by the Attorney General. Accordingly, you should seek to proceed with the sentencing recommendations [five years] which your office has filed with the court.”

At this point – not quite three months into Obama’s term – his position has been made clear: all California dispensaries and growers are subject to DEA raids, all are making profits in violation of state as well as federal law, and prosecutors should go after the “egregious” successes, not gravely ill individuals.

Many leftists and liberals feel betrayed by Obama. Counterpunch is filled with examples of specific, broken promises. But in terms of marijuana policy, we should not mistake our deep disappointment (dashed hopes) for betrayal (being lied to). We were lied to by our own opportunistic leaders, not by Obama. CP

**Fred Gardner** edits *O’Shaughnessy’s, The Journal of Cannabis* in Clinical Practice.

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the priest worked. According to the affidavit and felony complaint filed against Ratigan, Kansas City police were notified on May 13, 2011, about an incident that took place several months earlier. On December 16, 2010, Ratigan brought his computer in for repair to a technician who was contracted by the diocese. The technician discovered files containing hundreds of photographs of young girls focusing on their genitals. One file contained the image of a nude child, with her name attached to it.

The technician returned the computer to a deacon at St. Patrick's Parish, who assured the man that he would notify the authorities. Instead, the deacon contacted Monsignor Robert Murphy, who handled allegations of sexual improprieties for the diocese. The next day, December 17, church officials went to Ratigan's residence, when the priest failed to show up to celebrate mass. They found him unconscious in his garage, with his motorcycle running. Next to him was a suicide note asking forgiveness for the harm he had done to the Church and to children of the parish. While Ratigan was hospitalized for psychiatric care, the church officials confiscated the priest's computer and made a copy of the actionable images, and gave the laptop to the Ratigan family who destroyed it.

Bishop Finn was informed about the situation, and he decided to handle the case by sending the wayward priest to live in the convent of the Sisters of Saint Francis of the Holy Eucharist in the city of Independence, Missouri. The bishop ordered Ratigan to avoid all contact with minors. But the priest continued to visit the homes of his former parishioners, to play with children, and to photograph them. Monsignor Murphy spoke with the police officer who served with him on a sexual review board, but he did not show him the incriminating photos.

Seven months elapsed before church officials decided to hand over the disk with the images to Kansas City police. Police detectives determined that the images were taken in and around the two parishes and schools with which Ratigan had been associated. Several of the little girls were identified and their families notified by the police. One of the children identified was three years old. On May 18, 2011, detectives went to the convent where the nuns were harboring Father Ratigan and took him into custo-

dy. Bishop Finn, the diocese, and Father Ratigan have pleaded not guilty.

Today, parishioners of Saint Patrick and Saint Joseph's parishes in Kansas City are in shock. One family filed a criminal law suit on behalf of their daughter. The mother told the *St. Joseph News-Press*, "The images of my daughter's private areas that the FBI showed me, they are forever burned into my brain." Others expressed disbelief that the priest they welcomed into their home and around their children was a sexual predator. One parishioner addressed her comments to the bishop himself: "You let one of your priests hurt my children. You saw the pictures and decided to cover it up. That monster was in my house to prey on my children, and I let him in, all because you [Bishop Finn] felt you were above the law and made the decision not to turn in photos of my kids."

Still others reflected on what Pope

## **The floggings that often accompanied Catholic but especially Christian Brother education was integral with the sexual abuse.**

John Paul II called "mysterium iniquitatis," the mystery of evil, in this case the Jekyll-and-Hyde character of a priest who was known for his charm and for his kindness and empathy toward those close to him, his disabled father, and toward the distant suffering of the poor in Central America. While working at St. Joseph's Parish, Father Ratigan organized summer mission trips to rural Guatemala for local Catholic School students. Parish newsletters describe how the students cleaned and painted village schoolrooms, built wood-burning stoves and ovens, and made lifelong friends in their sister villages. A photo published in a 2008 church newsletter shows Ratigan playing "Duck-Duck-Goose" with Guatemalan school children. The naivety of the families and the denial exercised by the Church officials are difficult to fathom, because the Kansas City-St. Joseph diocese had only recently resolved a class action suit, involving 47 plaintiffs in earlier clerical sex abuse cases that resulted in a \$10 million settlement against the Kansas City-St. Joseph diocese in 2008.

At the heart of the ongoing Catholic clerical sex abuse scandal is the global spectacle of "spoiled priests" (as deviant priests were known and feared in the Brooklyn Catholic circles of my 1950s childhood) violating the bodies and minds of children and youths, to whom they had been granted privileged access. In my earlier research and applied work sorting out the traumatic Newfoundland clerical sex abuse crisis in orphanages, parish halls and rectories in the 1960s and 1970s, I learned about the damages of priestly sexual abuse on its victims, the children who were carefully groomed, cornered and violated by trusted men of the cloth, and then psychologically tormented by other priests leading them to believe, in the closed and perfumed air of the Saturday confession box, that they, the abused children, were the sinners, the wanton seducers in their pretty little frocks or revealing camp shorts. Boys were ever the primary target, but girls suffered as well. Those who dared tell their parents what was happening to them were often scolded and sometimes slapped into silence. Father Rob could do no wrong.

Despite the Vatican's long insistence that clerical sexual abuse was an American problem, the situation, like the snow in Ireland, as described by James Joyce, was "general" falling on the bogs of Kerry, on the sidewalks of New York, on the streets of Munich, mountain villages in Mexico, and in Catholic mission schools and stations in the Brazilian Amazon, Labrador, Kenya and South Africa. Colin Samson reported that sexual abuse by the oblate fathers in dispersed Innu villages of hunter-gatherers in Labrador was a constant and intentional feature of the missionizing project, part of the cultural assimilation process. The Innu sex abuse scandal began in the mid-1990s as part of the oblate project to settle the nomadic peoples in villages.

The incidents of clerical sex abuse was only made public in 2001, when some 50 law suits were filed alleging sexual abuse against the Roman Catholic Church, individual oblate missionaries, the local diocese and the Vatican from the two newly settled Labrador Innu villages. The complaints dated back as far as the early 1960s and represented what the anthropologist believes to be a fraction of the sexual violations on Innu by clergy and Catholic schoolteachers that took

place in the villages. There is evidence that the bishop responsible for the parish was fully aware of the pattern of sexual abuse and “made every effort to conceal it.” (Anthropologists working in the Brazilian Amazon have reported similar cases.)

The Vatican-protected priests spared neither their wooden nor their metaphorical rod on the docile bodies of their student-wards. The floggings that often accompanied Catholic but especially Christian Brother education was integral with the sexual abuse, as it was in English boarding schools, which Jonathan Benthall described as ritual abuse. The clerical abuse scandal affected thousands of children from the 1950s on.

In the late 19th and early 20th centuries in Ireland and in Irish-Catholic communities in the U.S.A., the priesthood was a secure professional-educational niche for the sons of large, economically strapped families. The priesthood was viewed not only as a sacred vocation, but as a good job that came with many spiritual and material benefits. And despite what we take for granted today as heirs of the sexual revolution, celibacy was not always seen as a tremendous burden or sacrifice. Like conjugal living, celibacy is a learned disposition. For generations of Catholic nuns and priests, as well as for a great many Irish bachelor farmers (whom I studied in the mid-1970s), celibacy was a habit within a habitus, and it was not necessarily a tight fitting suit. Celibacy was socially valued, and male bonding among Jesuit priests, as among the bachelors who frequented Peg’s pub in Cloghane, County Kerry, was as strong and satisfying as any explicitly sexual or erotic bond. True celibates have always existed in European peasant societies as well as in Catholic “total” institutions.

When the Vatican declared that the clerical sexual abuse crisis was the result of the sexual revolution of the post-WW II years, ushered in by the Kinsey Report, contraceptives, Margaret Mead’s cultural relativism, and free sex inspired by the Beatles, hippies, hashish and LSD, the statement was much ridiculed in the media. But in this case the Vatican’s assessment is accurate. The decade of the Sixties saw a massive exodus of Catholic nuns and priests who reneged on their vows of poverty, chastity and obedience, removed their religious habits and vestments, put on blue jeans, and returned

to secular life, marrying and raising children. Priests and nuns met through the confessional or on religious retreats and didn’t wait for the pope to release them, officially, from their vows. Sometimes they would be released but then banished to live in another part of the country, assuming new names and identities so as to “not give rise to scandal!”

My high school academy, Our Lady of Wisdom, closed down at the end of the 1960s for lack of fresh recruits into the Daughters of Wisdom, the order of nuns that taught in the school designed for working-class girls, the daughters of immigrant parents, in South Ozone Park, Queens, and in a sister mission school in what was then Nyasaland. Before the saga was over, my favorite Latin teacher, Sister Francis, left the convent to marry a New York politician with unsavory con-

## **The Vatican simply allowed the critical mass of priestly stock to dwindle and age out.**

nections to organized crime. In 1967 my cousin, Jack Kernaghan, a brilliant and handsome Ph.D.-trained Jesuit priest, left the order to marry one of my high school girlfriends. It wasn’t the vow of celibacy that drove him out of the Jesuits, Jack assured me. It was the vow of obedience to Church authorities who were unworthy of his loyalties.

Obviously, the changing social and political context redefined what it meant to be a nun or a priest in Ireland, as in the U.S.A. and elsewhere in the late modern world. Consequently, the Catholic Church suffered a massive hemorrhage of its free work force, a body-and-brain drain from which it has never recovered. Applicants to the priesthood after the 1970s lacked (I was told by a priest-recruiter) the stunning qualities sought by the Church. Rather than accept lackluster candidates or (even worse!) open the applications to highly qualified married men and Catholic women who were eager to enter the priesthood (as was my eldest daughter before she was ordained an Episcopal priest instead), the Vatican simply allowed the critical mass of priestly stock to dwindle and age out. The result was predictable: a pervasive demoralization, breakdown, social isolation and depersonalization began to spread inside

those emptying Catholic rectories. Older priests rattled around in their brick mansions with the occasional younger priest who was stuck with them.

The priests who gave testimony before the Canadian Winter Commission on clerical sex abuse in Newfoundland spoke in heartfelt terms about their loneliness, frustration, and their sometimes guilty complicity in covering up sex crimes committed by their colleagues. They followed the longstanding Church mandate to avoid, at all costs, making a scandal. Better to hide the truth and try to forgive and to cover the sinners among the clergy. A legion of psychiatrists and psychoanalysts were hired over the decades to “fix” the problem priests, and, when they failed to do so, the priests were sent to expensive retreat and rehabilitation houses, and from there were shuffled and reshuffled to new assignments in naive parishes. The Vatican deemed the abuses to be sins, not crimes.

But sins, even serious ones, are usually expressions of universal human failings – jealousy, rage, dishonesty, gluttony, greed, and selfishness, not homicide, rape and other felonies. The withholding by bishops of information about sexual crimes in their dioceses from police and the courts and allowing the abuses to continue in new locations was criminal. I have spent enough years of late studying international networks of organized crime to recognize the Vatican, the Holy See, or the Holy NOT See, not hear, not speak, as a species of Mafioso brotherhood. The Vatican is a closed, corporate, male secret society dominated by a culture of impunity, self-protectionism, and a long history of judicial obstructionism. The Vatican brotherhood is dangerously obtuse to the survival needs of poor and third-world women, babies, and children, and those at risk of unwanted pregnancies and sexually transmitted disease.

In banning the condom, a position that is slowly being reconsidered, the Vatican stated a “preferential option” for death to the many in the name of Christ. In December 1989, ACT UP made history with a massive protest at St. Patrick’s Cathedral in New York City. Five thousand people protested the arch diocese’s public stand against AIDS education and condom distribution, and its opposition to a women’s right to “artificial” contraceptives and to abortion. In 1989, I published an article in *Natural History* maga-

zine, “Death without Weeping,” in which I argued that the Vatican was partially responsible for the overproduction of angel babies in drought-plagued Northeast Brazil. I cited a visit by Pope John Paul II and his severe warnings to impoverished favela women about the evils of artificial contraceptives. Cardinal John Joseph O’Connor, archbishop of New York City, pressured *Natural History’s* editor, a good Irish Catholic, to retract my story as a defamation against the Holy Roman Catholic Church. The editor refused the powerful prelate, whom he described as red-faced as a beet and huffing and puffing his way out of the magazine office on the first floor of the Museum of Natural History.

Perhaps the anthropologist Edward Banfield was wrong to describe a poor Sicilian village as fueled by a limited good ethos of amoral familism, one that bore resemblance to the social dynamics of the Cosa Nostra. But amoral familism strikes me as a good enough description of the secret workings of the Vatican. Although the Church has faced down countless scandals in the past, some of them equally and even more distressing, and survived, what is different today is the social and political consciousness of the public and its tolerance of papal crimes. The papacies of both John Paul II and of Benedict XVI (the former Cardinal Joseph Ratzinger, head of the Vatican office of the Congregation of Defense of the Faith, known in earlier epochs as the Inquisition) are marked by strong misogyny and an indifference bordering on hatred of the adult survivors of clerical sexual abuse. The pope’s only children are his wayward priests, and he protects them and gives them comfort throughout the scandals. Both popes issued letters advising bishops to treat clerical sexual abuse with kid gloves, as an exceedingly delicate crime that belonged to the jurisdiction of Church and canon law, not state courts and secular authorities.

Among the more famous clerical pedophiles, and an intimate of Pope John Paul II, was Marcial Maciel Degollado (1920-2008), the Mexican-born founder of the powerful and fervently anti-Communist religious order called the Legionaries, short for the Legion of Christ. The Legionaries, whose political philosophy was along the lines of Francisco Franco and (later) General Videla, had a foothold in my Catholic high school, where one

could participate in an after school extra-curricular Legionnaires student club. In her essay in the *New York Review of Books* last year, Alma Guillermoprieto describes Maciel as a man of charisma and magnetism, who raised millions of dollars for his organization and funneled some of it directly to an appreciative Pope John Paul II. On each of the pope’s visits to Mexico, Guermoprieto notes, Maciel was at John Paul’s side. Maciel’s provision of money, priests, and his activist laypersons’ movement strengthened the pope’s campaign to remove socially radical, liberal, or simply progressive priests from positions of power to make way for the ascendancy of his social and politically conservative brand of Catholicism.

## **Today, the defec-tions are not just of unhappy priests and nuns, but of the global Catholic community at large.**

Pope John Paul II learned of the accusations via a letter signed by nine former seminarians, who claimed they had been victims of sexual abuse by Father Maciel when they were teenage seminarians, the eldest during the 1940s and the youngest in the 1960s. When these and other complaints brought no response from the Vatican, the eight living accusers (one had since died) drew up a formal complaint in 1998, applying canon law against Maciel for having abused the sacrament of Penance to give absolution to an accomplice also involved in their sexual abuse. Instead, Pope John Paul II initiated the beatification of Maciel’s mother and of his uncle, Bishop Guizar. It was only after the death of John Paul II that the Vatican, under Pope Benedict XVI, released a communiqué in 2006, inviting Maciel to take up a “reserved life of prayer and repentance, renouncing every public ministry.” Citing the advanced age of Maciel, Benedict decided that seclusion was better than what would be a lengthy Church trial. In Bishop Finn’s case, the Holy See is not expected to intervene. The Rev. Federico Lombardi, the Vatican spokesman, said he would not discuss the situation “because there’s a civil process under way.”

In my early writings on this topic, I was

hopeful that the crisis would bring about radical change. The clear-eyed reports by the Canadian Royal Commission, by the Irish Parliament (the Dáil Éireann), and the emergence of new social movements among Catholic dissidents and victims rights groups showed the Vatican’s denials – “It’s only human to sin,” “The problem has been corrected,” “It’s a few bad apples,” “Forgive and pray for their souls” – to be patently absurd. I analyzed the institutional structures that generated and protected the ritualized abuse and physical battering of children and described the old Irish Catholic Church a novitiate for violence, and I called for a Vatican Truth and Reconciliation Commission. Now, I see that there is no chance of truth telling or reconciliation. The Holy See is never going to open its books (preserved by the seal of the confession), let alone open its windows to let in some fresh air, as Pope John XXIII, the last good Pope, had done in calling the Vatican Council. Instead, the last two popes have dug in their heels, refusing to budge, their bishops hiding behind the pope’s white skirts. They asked for forgiveness and preserved the status quo. They chose sides, and it did not include the laity, the voice of the faithful, to speak.

I should have written that the Vatican’s protection of the systematic abuse of vulnerable populations was a dirty war, a war against the safety and bio-security of those seen as less than human. These include the sexual assaults by clergy and teaching brothers on orphans at Mount Cashel, Newfoundland, on deaf-mutes in Verona, and deaf students at St. John’s School in Madison, Wisconsin, and the clerical rape of indigenous youths. The crimes were committed by perpetrators secure in the knowledge that their deviant acts would be concealed and protected by order of the Holy See. In May 2011, Amnesty International’s Annual Report for the first time cited the Holy See for human rights violations toward children. The Report states that the Holy See failed to submit its long overdue reports on the U.N. Convention on the Rights of the Child and on the U.N. Convention against Torture, due in 2003. The Report found “increasing evidence of widespread child sexual abuse in various countries, committed by members of the clergy over the past decades, and the enduring failure of the Catholic Church to address these crimes properly.” The

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failures included “not removing alleged perpetrators from their posts pending proper investigations, not cooperating with judicial authorities to bring them to justice, and not ensuring proper reparation to victims.”

A second papal slipper must have dropped on September 23, 2011, when human rights lawyers and former clerical sex abuse victims filed a complaint with the International Criminal Court in the Hague, asking for an investigation to prosecute Pope Benedict XVI and three of his top officials, including William Levada, a cardinal, and the former bishop of the diocese of San Francisco, for crimes against humanity. Cardinal Levada replaced the current pope as head of the Congregation for the Doctrine of Faith, the Vatican office charged with investigating (or not) all sex abuse cases forwarded to it by bishops. The request for a war crimes court may seem theatrical. The Vatican did not ratify the Rome statute that created the court, although both Germany (Benedict’s birthplace) and Italy (home of the Vatican) have done so. The ICC only has jurisdiction over war crimes, crimes against human-

ity, and genocide committed after 2002. Nonetheless, the International Criminal Court has agreed to examine the papers, and a spokesperson has said that the case has merit.

So, finally, what’s a former Catholic to do when her Church is corrupt and moribund? Today, the defections are not just of unhappy priests and nuns, but of the global Catholic community at large. Churches are closing in European and in American cities. The will and the desire to fight the Vatican are mostly gone. The damage, beyond the current sex scandal, to women’s bodies, the indifference to maternal and infant mortalities, to the populations at risk of the AIDS epidemic, especially in Catholic parts of Africa, are too much to bear. Some former Catholics take solace in other spiritual traditions. Given the animistic quality of Catholic ancestor worship, some former Catholics embrace a cult of everyday saints, virgins, and martyrs, adding Steven Biko, Martin Luther King Jr., Albert Einstein, Dorothy Day, and Harvey Milk to their older devotion to Saint Joan, San Antonio, and Saint Francis. Others look to a green theology based on reverence for earth, and

sky and sea, and all the critters that slither and crawl, walk and swim. Some, like Paul Farmer, continue along the Vatican-savaged remains of a once vibrant liberation theology, a theology of hope.

I am grieved and not relieved by my loss of a faith that once gave beauty, richness and fullness to my life. The secular humanism of anthropology offers an alternative form of discipleship, built around the practice of studied observation, contemplation and reflection. I know that anthropology is a powerful tool capable of taming unruly emotions, replacing disgust with respect, ignorance with understanding, hatred with empathy, and a practice of compassionate and modest witnessing to human sorrows. But it is cold comfort for the former believer, when the mystery is gone and with it the light has gone out of one’s soul. **CP**

**Nancy Scheper-Hughes** is the author of several books on poverty and health, including *Death without Weeping: the Violence of Everyday Life in Brazil* – listed by *CounterPunch* in its top 100 non-fiction books published in English in the 20th Century.