

STATEMENT OF
THE REVEREND MYRON EBERSOLE, B.D., M.A.
REGARDING HOUSE BILLS 894, 895, 896, 897
ABUSE BY PROFESSIONALS

THE COMMITTEE ON THE JUDICIARY
THE GENERAL ASSEMBLY OF PENNSYLVANIA

JUNE 13, 1991

Mr. Chairman, Members of the Committee;

I. Introduction:

I am Myron Ebersole, Chaplain and Director of Pastoral Services, University Hospital, The Milton S. Hershey Medical Center in Hershey, Pennsylvania. Inasmuch as neither the University Hospital nor the Medical Center itself has taken an official position on these Bills, I appear as an individual to lend my support to their adoption and to urge the inclusion of clergy and religious practitioners in the professional groups to which the Bills apply. I am also a member of the Board of the Central Pennsylvania Coalition Against Abuse by Professionals.

As an ordained minister of 30 years, as a Certified Supervisor of the Association for Clinical Pastoral Education, and as a Fellow in the College of Chaplains I have had occasion to work with many clergy, training them in the skills of pastoral care both for work in the parish and for specialized ministry as chaplains in health care institutions. I have provided pastoral counseling and consultation to individuals as well as to congregations and church judicatories concerning a wide range of issues in pastoral ministry. I am also a certified Clinical Member of the American Association of Marriage and Family Therapists and have provided marriage counseling as well as individual counseling to many couples, including clergy couples, a portion of whom have experienced a range of sexual difficulties and sexual offenses. I have served as a member of committees on ministry in my own denomination and a consultant to other denominations in the examination of candidates for ministry as well as the consideration of ethical problems presented in the sexual misbehavior of clergy. I served for more than 10 years on regional and national Certification Committees of the Association for Clinical Pastoral Education.

II. Support for House Bills 894, 895, 896, and 897

In the above activities I have become well aware of the normal as well as abnormal experiences and expressions of sexual feelings on the part of professionals of various disciplines in

their practice. While it is entirely understandable that professional persons in all disciplines are first of all human and experience sexual feelings toward other persons, it is also broadly held in our society that the overt expression of feelings and sexual acts are not only inappropriate but are very destructive to the persons who come requesting help.

Sexual behavior in any professional relationship is destructive in that it compromises the primary role of helping for which the person initially comes. It is further destructive in that professional persons function in the context of explicit and assumed standards of conduct which are intended to grant protection to the clients as they review and explore the intimate areas of their personal lives seeking help in the intrapersonal and interpersonal difficulties they have experienced. I will comment more specifically on the particular nature of the relationship to religious leaders later.

Among the marks of professionalism which are betrayed by sexual conduct in the midst of professional helping relationships are the expectation of objectivity and self-control on the part of the professional person which help to establish a clear emotional and behavioral boundaries for the helping relationship. Because of training and status, as well as the authorization by professional organizations and governing agencies, the professional helper is given substantial power in relationship to those who seek their help. The client or patient on the other hand comes because of their own stress and in relation to the professional helper is especially dependent and vulnerable. The trust which is invested in the professional helper coupled with the exploration of areas of intimacy and personal inner life lead to intense relationships including transference and counter-transference experiences which intensify the feelings between the client and helper. The very necessity for a high level of trust and skill in the exploration of such feelings, is all the more reason for clear limits on the nature of behavior between the client and helper.

Professional standards and codes of ethics for all helper groups as well as widely held societal attitudes toward the limits of professional conduct make it clear that sexual activities in these relationships are unacceptable and destructive. It is widely recognized that the boundaries are too frequently transgressed. Professional organizations in their efforts to maintain professional standards of conduct are not in and of themselves capable of controlling the behaviors of all of their members, including those certified for professional functioning under their aegis. Their ethical standards and procedures for the handling of complaints provide limits and guidance for the majority of practitioners and therapists who are themselves committed to ethical practice. However, it is the significant minority, estimated in some professional groups to be

as high as 10%, who abuse the professional standards by engaging in sexual activities with their clients.

It is for the latter reason that I urge the passage of House Bills 894, 895, 896 and 897. These Bills, as you know, cover the reporting of sexual offenses; provide immunity from liability for those who report such activities; provide for revocation of license of practitioners of the healing arts and psychotherapists who are convicted of such offenses; provide penalties and restitution; and provide for the appropriate prosecution of persons who have engaged in such offenses. Having been aware of sexual offenses committed by professionals in various fields during my ministry, most of which has been in interprofessional organizations and health care institutions, I would like to register strong support of these Bills as essential for protection of those who are often victims of their own emotional disorders as well as the destructive interpersonal relationships in marriage, family and other settings. For such persons who seek help, exploitation by practitioners of the healing arts and psychotherapists, constitute unjust and unconscionable acts which are further destructive of their already impaired lives. The professions and helping institutions to which these needy people turn need the support of legal sanctions which enable appropriate prosecution of the offenders.

III. Recommendation that the Bills be Amended to Include Clergy and Pastoral Care Specialists

Now I should like to add to my support of the Bills as written, a strong recommendation that they be amended to include clergy and religious practitioners of all faith groups, including ordained and commissioned leaders in the local parish or congregation. Further I would urge the inclusion of all those who function in specialized ministry, including pastoral counselors, pastoral psychotherapists, supervisors and teachers of such specialized ministers, and chaplains in health care institutions, institutions for the developmentally disabled and prisons.

Sexual misconduct by people in the religious field has been an historic problem as can be noted in the history and literature of religious communities, including sacred scriptures, codes, and ethical guidelines by which the religious communities have been guided. I regret to say that sexual misconduct appears to have increased substantially in the religious community in recent years, undoubtedly related to the general loosening of standards of behavior in our society. The very institutions on which society depends for the development and maintenance for moral standards have for a variety of reasons lagged behind other professional groups in recent years in the development of adequate sanctions which would control the sexual misconduct of their practitioners.

It must be admitted that it is difficult if not impossible to secure accurate statistical representation of the incidence of such misconduct. However, it is well known to mental health practitioners as well as religious leaders that the incidence has increased and is becoming a major concern in the religious communities. One knowledgeable church official estimates that the number of clergy who become involved in this issue at some point in their careers is 10%. In most instances, this involves male clergy with female parishioners or counselees. It has also been suggested that slightly under 2% of female practitioners have been involved in sexual offenses. There are numerous instances also which involve children. As a result there have been some increasing efforts by church bodies to adopt stricter standards for clergy behavior as well as to provide professional counseling and guidance for offenders and their victims. The multiplicity of religious groups and the relatively late public concern for this issue have made it impossible to develop standard practices in this difficult area.

Much of what I have written above regarding the other professions is applicable to clergy and religious practitioners as well. Sexual contact between pastors or religious practitioners and their parishioners or clients diminish the life of those who seek their services. The Reverend Marie Fortune, author of Is Nothing Sacred? When Sex Invades the Pastoral Relationship, and Executive Director of the Center for the Prevention of Sexual and Domestic Violence of Seattle Washington discusses these problems in a recent paper entitled, "Betrayal of the Pastoral Relationship: Sexual Contact by Pastors and Pastoral Counsellors." She cites four areas in which sexual encounters violate ethical pastoral conduct: the violation of role, misuse of authority and power, taking advantage of vulnerability and absence of meaningful consent.

While full discussion is not possible here, religious professionals are called to function in ways defined by specific standards as well as the expectations of their religious communities and of society generally. Sexual contacts signify a lover role which is widely divergent from the pastoral role. Because the pastoral role carries with it significant authority and power related to training, experience, charisma, etc. it is a misuse of the pastoral identity and office to persuade any person seeking help to engage in a sexual relationship. The latter is closely related to the vulnerability of the one seeking help relative to that person's position as well as the crisis for which help is sought. The religious community is called to express compassion and support for the sojourners, widows, orphans and others of inferior status and vulnerability. Religious leaders who exploit such relationships for their own sexual gratification violate the basic tenets on which their communities are founded. Finally, meaningful consent to sexual

activity requires a context of mutuality, equality and the absence of coercion which is not possible in such relationships due to the imbalance of power and differences in role.

Again while it is not possible to fully discuss here the implications, there are other factors which must be mentioned. Pastors and pastoral counselors, because of their role in the religious community, are dynamically similar to parent figures. It is the expectation of parishioners and counselees that they will be protected during their times of vulnerability. Though the latter are adults, they rightly expect the pastor and the counselor to protect them from their sexual impulses as do children in relation to sibling and parents.

The psychological and spiritual impact of sexual misconduct is devastating to the victims and to the religious community. This is especially true in that those seeking help often suffer from low self-esteem and/or depression related to the crises of their lives. While they may be flattered and encouraged by the attention given in a sexual relationship, they are also aware that they are being denied the pastoral assistance for which they came to the pastoral figure. They are often further victimized by their fear of the effects of accusing or blaming the pastor due to his/her power and wide respect in the community.

Beyond this psychological bind, the pain, anger and confusion takes on cosmic proportions as the victim experiences betrayal by the very person who represents God. More than the destructiveness of one trusted individual, this breach makes it difficult to trust any other person or community or one's existential experience in the world. Indeed, how in the light of such betrayal can one trust God or the divine power?

The dilemmas created by sexual abuse by clergy and pastoral practitioners in the fields names above must be met by practices consistent with the principles of the religious communities, this calls for compassion and for the goals of healing, forgiveness and restoration for both the victim and the perpetrator. This concern must give priority to the victim of sexual offenses of pastoral leaders. Beyond that primary concern, the pastoral leaders and practitioners also deserve just and fair treatment and opportunity for forgiveness and restoration. Some examples may demonstrate the difficulty of that task.

In my own experience I have provided pastoral counseling to woman suffering from depression and low self-esteem who went to her pastor and after a very short time became involved in sexual intercourse with the pastor, having been reassured by him that this was appropriate as a part of his support and encouragement for her. I subsequently also worked with another person who had a similar experience with the same pastor. When this pattern which also affected other members of the congregation was finally

recognized, the denomination removed the pastor and sent him for professional help. Unfortunately, this particular pastor was moved to another area of the church where he continues to serve. He is known to have discounted the treatment efforts as being meaningless.

In another instance a pastor engaged in frequent sexual liaisons with members of his parish. When discovered and removed from that charge by church officials, he simply moved to another area of the country where he is now serving another congregation.

In still another case, a clergyman was accused of and subsequently admitted to sexual misconduct in his pastoral relationships. The same person was known to have been dismissed from an earlier parish for similar activity. Following removal from his most recent charge he moved to another state for a period of less than four months for treatment. He has since returned to the area requesting assistance in finding work in a human relations position for which he felt qualified. It thus seemed clear that he had achieved little or no insight into the nature of his behavioral problem.

While it is difficult to measure the effectiveness of the treatment of people who have engaged in such behavior, it is known that the recovery rate of child sexual molesters is extremely low, probably less than 5%. Though generalizations on such behavior are dangerous, it must be noted that repetitive behavior often represents characterological disorders in people who do not respond to treatment and are often poorly motivated to change.

The church has, in keeping with its own standards of compassion, been concerned with the careers of clergy with histories of misconduct. It is important, however, that consideration be given also to the responsibility to potential future victims. While the church can set limits and frequently remove them from ministry in their own denomination, it is important that these people know that if they do not respect appropriate behavioral boundaries they will be prosecuted by State Law. The inclusion of clergy and religious professionals under the same legal constraints as those which apply to the practitioners of the healing arts and psychotherapist as outlined in the aforementioned House Bills will do much to restrain the misconduct of such individuals and will provide support to leaders in the religious communities in the enforcement of their codes of ethical practice of ministry.

Thank you Mr. Chairman and members of the committee. I shall be glad to respond to your questions and comments.