

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
PUBLIC HEARING ON HB 894, 895, 896, 897
ABUSE BY PROFESSIONALS
June 13, 1991

STATEMENT OF THE REVEREND CAROL COLE FLANAGAN
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BALTIMORE, MARYLAND

My name is Carol Cole Flanagan. I am a parish priest of the Episcopal Church, and Vicar of the Church of the Holy Evangelists. My purpose in addressing you today is to ask that members of the clergy be added to the list of non-licensed professionals covered by this proposed legislation, and to ask that the protection it offers victims be strengthened in two respects.

I ask that this legislation include clergy because over the past ten years I have seen more victims for sexual misconduct by clergy than for any other single cause. The people who have confided these experiences probably number in excess of two dozen, although I do not normally document pastoral conversations. One person I am currently seeing is a teenage woman, three have been men, and the balance adult women. Some have been abused by clergy as adults, and some as children or adolescents. Many are lay members of congregations, but more than a third, I would estimate, are now members of the clergy themselves. Some of these were exploited during the canonical process which leads to ordination by seminary faculty members, Field Education Supervisors, Clinical Pastoral Education Supervisors, and other supervising clergy, all of whom have considerable power over seminarians, and can destroy their prospects for ordination. One victim/survivor is a former Roman Catholic nun who was sexually exploited by a priest at her convent. Some have experienced sexual harassment, and were able to extricate themselves before they were victimized, as I was. Most were not. Some were able to recognize the exploitation only years after it happened, with the help of therapy.

3.

female. Women are expected to acquiesce to male clergy and to adapt to meet clergy expectations. The power differential can take on larger than life proportions because the priest can always threaten to leave the relationship. Whether or not the threat is ever spoken, the person in need of help lives with the fear of abandonment. Further, because the power of the clergy is legitimized by the church, and institutionalized within it, it can be virtually impossible for a parishioner or congregant to overcome. Within the confines of the church, we sometimes hold considerable moral and spiritual authority. We represent, not simply the church, but God.

We are learning that sexual exploitation by clergy has many similarities to incest, and that clergy-victims are not uncommonly survivors of incest. Like children of incest, vulnerable adults struggle to make sense of what is happening to them, and the internal monologue is similar. "This ~~must~~ be okay. He's a priest. He knows what is best for me, and I don't right now. He has my best interests at heart. There must be some reason for this that I'm just not capable of understanding yet. He represents God, and knows God's will for me better than I do." Because of the power differential, vulnerable adults, like children of incest, may be incapable of withholding consent. The cost of saying "No," is the loss of the pastoral relationship, in some cases the loss of self-esteem or reputation, the loss of the church and its network of relationships, and finally estrangement from God. As a member of the clergy, I believe we need to be accountable for the manner in which we use the power of our office, and for setting and maintaining boundaries, which is always the responsibility of the one in power.

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Along with several other denominations, the Episcopal Church is currently working to provide pastoral support and justice for victims and survivors, to identify, remove, and treat offenders, to care for the families and congregations affected by clergy misconduct, and to develop strategies for education and prevention. To include members of the clergy in this legislation will strengthen the movement already underway in the churches.

At the outset I mentioned that there are two ways in which I would like to see this legislation strengthened.

First, what is proposed would ask me to report an incidence of sexual exploitation with the written consent of the victim. If the victim does not consent, reporting may be delayed for one year. My concern is that disclosure always carries the risk of "re-victimizing" the victim. If we are to provide support for victims, then I think the victim must have the right to determine when the information is disclosed. To terminate that right at the end of one year is to render the victim powerless again. It is another betrayal. It also means that in order to protect victims, professionals are likely to avoid asking the crucial questions concerning exploitation so as not to trap, or break trust with, the victim.

The teenager I am currently seeing was lied to, manipulated, and assaulted by a psychiatrist a year ago. Six months ago she was sexually exploited by a priest, which is when she came to me. Having been twice betrayed, she is currently unwilling to risk therapy again, which she knows I believe she needs.

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If I were required to obtain her consent within one year of learning of her abuse, I would have to tell you that I think she is unlikely to give it. Disclosure is likely to end her relationship with her parents, from whom she is already estranged, strain her relationships with church members loyal to her clergy abuser, polarize a congregation she considers her only support system, and incite the speculation of her peers, which already causes her embarrassment and shame. She needs therapy before she can take those risks, and she will never get it if I betray her a third time.

To protect and strengthen the safety of professional relationships, I would urge you to delete the one year requirement to report, and allow the victim to determine the duration of confidentiality, and her/his own readiness to risk the disclosure of reporting.

The second area in which I would like to see this proposed legislation strengthened concerns the statute of limitations. In its current form a report may be made within 5 years of the last incidence of exploitation. Many victims, especially children, adolescents, and men, do not recall the abuse or recognize its damage until many years after it occurred. While adult women frequently know that their sexuality makes them vulnerable to sexual offenses, and are sometimes able to name their experience themselves, this is not true of adult males or young people. It may be many years before they discover the source of their pain, or learn how to name their experience. One individual I am seeing is in therapy for an abuse which occurred thirty years ago.

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Five years from the last incidence of exploitation will be of little use to survivors. I understand that a growing number of states are using a "discovery of injury rule," so the statute of limitations begins when an individual discovers the damage done, however many years later, and then has 5 - 7 years from discovery to report the offense. This is a much stronger provision I think, and one which takes more realistic account of post-trauma progress.

To summarize, I encourage the inclusion of clergy among the non-licensed professionals covered by this legislation. And I believe it will be strengthened by giving victim/survivors the right to determine when to report by requiring the written consent of the victim/survivor in all cases, and by basing the statute of limitations on a "discovery of injury rule," rather than on the basis of the last incidence of exploitation.

I thank you for your attention to my remarks, and would be glad to respond to any questions you may have.