

FIVE GOOD REASONS TO OPPOSE MANDATORY FINGERPRINTING

by **Mary Ann Kreitzer**

Les Femmes

This article argues that the U.S. Bishops' policy, instituted in the wake of the priest sex abuse scandal in the U.S., of fingerprinting and conducting criminal background checks of all their employees and volunteers who work with children, is a futile policy that violates the rights of innocent laity and avoids facing the real problem of homosexuality in the priesthood and dissent in the Church.

In the wake of the clergy sex abuse scandals, many bishops in the United States are requiring all employees and volunteers who work with children to be fingerprinted and submit to criminal background checks. In my own diocese (Arlington, Virginia) some 15,000 must comply or be fired. Is this a reasonable response to the problem? Many faithful Catholics say no: (1) it violates privacy; (2) demeans the innocent and creates a *suspect class* in the Church; (3) gives a false sense of security; and (4) entangles the state in Church affairs. But the fifth and most serious reason for many Catholics is their conviction that bishops are using fingerprinting and other worldly strategies to distract from the real problems: homosexuals in the priesthood and unbridled dissent. It's a game they won't play.

(1) Americans are desensitized to invasions of their privacy. From the misuse of social security numbers, to information sharing between government and private institutions, even grocery stores tracking our buying habits—we are accustomed to it. Privacy advocates warn that so many private companies and law enforcement agencies exchange fingerprint data that there is increasing risk of someone replicating and misusing it.

In Arlington the chancery claims fingerprints are not maintained in a database.¹ Unfortunately, that is not true. The Code of the Commonwealth of Virginia §52-46 *requires* that all fingerprints submitted for background checks be *archived* and cross-checked against criminal records.² In the Archdiocese of Washington, "prints are sent to Maryland's Criminal Justice Information System, run against state criminal records and then forwarded to the FBI."³ Maintaining fingerprints in a database is typical.

Digital technology allows rapid search, retrieval, and comparison of fingerprints, but it's far from foolproof. Inked prints lose clarity when scanned to a digital file. Fingerprint expert David Grieve warns there's a risk, "that not only would [fingerprint analysis] exclude someone incorrectly—we have the potential to identify someone incorrectly."⁴ In a high profile case in 2004, the FBI misidentified Oregon lawyer Brandon Mayfield as a terrorist suspect in the Madrid train bombing. His prints matched one found at the scene. Fingerprint examiner Pat Wertheim expressed concern. "The fingerprint community is really anxious . . . to understand what happened *Obviously, the larger the database, the greater the possibility of two fingers having roughly similar sets of coordinates* (emphasis added).⁵

Potential for misuse of the information is very real. Former Attorney General Janet Reno developed VAAPCON, the Violence Against Abortion Providers Conspiracy, a secret database targeting pro-life leaders, even those who never engaged in activism. VAAPCON collected information on the National Conference of Catholic Bishops (now USCCB), among others.⁶ And why stop at fingerprinting when DNA testing, voice identification, and retinal screening exist? If privacy can be violated, no logical reason remains (except prohibitive cost) to exclude other identification tools.

(2) While invasion of privacy is a concern, the attitude of chancery officials that only those "with something to hide" oppose fingerprinting is downright insulting. It creates a Catholic *suspect class* of innocent individuals. But it was bishops who *knew* the abusers, shielded them from disclosure, and moved them between parishes and dioceses. Often bishops and diocesan lawyers cajoled or threatened parents not to press criminal charges. Fingerprinting would have cleared the abusers because bishops protected them. Instead of targeting the innocent, the bishops should hold themselves accountable for dereliction of duty, and follow strictly the new norms in the recent (2005) document on seminary admission for persons with homosexual tendencies.⁷ Resignations, contrition, amendment of life, and atonement are appropriate responses to the crisis, not fingerprinting the innocent.

(3) Fingerprinting also gives a false sense of security. Before someone commits sexual abuses the first time, he has no criminal record. But some behaviors, e.g., pornography use, raise a red flag. Pornography addiction is progressive. The user is increasingly likely to act out his fantasies.⁸ But buying and viewing adult pornography are *legal*. Clergy porn addicts are time bombs in the parish community, but many bishops ignore the danger.

In Arlington, Fr. James Haley reported to Bishop Paul Loverde several priests with extensive homosexual pornography collections, a fact he discovered when he lived with them in parish rectories. Instead of dealing with the problem priests, the bishop suspended Fr. Haley, put him under a precept of silence, and removed his faculties.⁹ He banished Fr. Haley from diocesan property but not the deviant priests who continued living in rectories. Although there is no evidence these priests physically abused minors, they presented a potential physical danger and an obvious spiritual one.

Minors aren't the only ones in danger, but the bishops don't address sexual abuse of young adults at all. On many Catholic college campuses, students are assaulted by the obscene play, *The Vagina Monologues*, gay pride events, condom give-aways, etc., all *legal* but particularly scandalous in a reputedly *Catholic* environment. In 2004 the review board for the Archdiocese of Seattle urged closer examination of the problem saying, "[T]he vulnerability of persons to sexual exploitation does not end at age 18. We have seen instances where priests abused their authority and caused harm by engaging in sexual relationships with adults. Whether viewed from a violation of the vow of celibacy or as a matter of the abuse of authority, we believe the Church should address this issue more formally."¹⁰

Homosexual clergy who are not themselves abusers may expose children to sexual predators. Fr. Jean-Michael Lastiri of the Fresno Diocese did not molest children. He did, however, provide an unpaid job and parish housing for one of his partners, Joe Banuelos, who sexually assaulted a six-year-old *on parish property*.¹¹ Despite the obvious danger of Lastiri's perversion, Bishop John Steinbock reassigned him and castigated sensible parishioners who rebelled. Wise parents recognize that partners of homosexual clergy are unlikely to be fingerprinted.

(4) Fingerprinting also implies that the Church cannot protect her members and is subservient to state law enforcement. It sets a dangerous precedent for government in the future to claim the right to control the Church. (This is already happening in Canada under hate crime laws.) Mandatory *church* fingerprinting lets secular authorities gather information without the political fallout of mandatory *state* registration. Only those with no sense of history can fail to see the danger.

(5) The bulk of abuse cases documented in the John Jay Report, 81 percent, involved homosexual clergy molesting adolescent boys. But most bishops ignore homosexuality altogether and redirect the issue to heterosexual abuse in the broader culture. That's like a teacher criticized

for failing to manage unruly students in his classroom shifting the discussion to discipline in the school district. It won't solve his classroom problem, but takes the spotlight off him. Many Catholics fear fingerprinting the innocent is just such a diversionary tactic.

Shortly after the bishops met in Dallas to address the scandals, Rev. Edward J. Burns, Executive Director of the Secretariat for Vocations and Priestly Formation of the USCCB, told the *New Hampshire Union Leader* that homosexuality doesn't automatically bar ordination. "Some dioceses and seminaries have identified that a man with same-sex attraction is not likely to be a candidate for a particular diocese or seminary. Other dioceses or seminaries will say they have to look at that on a case-by-case basis."¹² Three years later the bishops are no closer to addressing the problem.

Commenting on a *Washington Times* article predicting the bishops would "sidestep" homosexuality at their Chicago meeting in June, *Catholic World Report's* (CWR) feisty columnist Diogenes said it was a foregone conclusion "because the question of whether gays should be ordained cannot be addressed without first addressing a considerably more explosive question: the number of bishop-disputants who are themselves gay and have a profound personal interest that there be no public examination of the connections between their sexual appetites, their convictions, and their conduct of office."¹³ Diogenes named ten whose perverted behavior was "objectively undeniable."

The bishops say they will obey the Vatican directive on homosexuals in the priesthood. But clear directives already exist. The Sacred Congregation for Religious wrote in 1961 that, "Advancement to religious vows and ordination should be barred to those who are afflicted with evil tendencies to homosexuality or pederasty, since for them the common life and the priestly ministry would constitute serious dangers."¹⁴ The bishops ignored the warning. Neither have they endorsed the May 16, 2002 letter from the Congregation for Divine Worship and Discipline of the Sacraments stating that, "Ordination to the diaconate and the priesthood of homosexual men or men with homosexual tendencies is absolutely inadvisable and imprudent and, from the pastoral point of view, very risky. A homosexual person, or one with a homosexual tendency is not, therefore, fit to receive the sacrament of Holy Orders."¹⁵ Instead, Boston's Cardinal Sean O'Malley told a reporter in Chicago he did not expect a "blanket ban" from the Vatican.¹⁶ But the new 2005 document is in harmony with the 1961 document and the 2002 letter, and should be adhered to.

Concerned parents want to know why they should be fingerprinted while the bishops continue to do nothing about clergy

homosexuality. At the 2005 Religious Education Congress in Los Angeles, the largest such gathering in the United States, speakers openly endorsed homosexual priests. According to *The Tidings*, the Los Angeles diocesan paper, Tom Beaudoin, assistant professor of religious studies at Santa Clara University, told a packed workshop that “talking in a ‘more adult way’ about the blessings and challenges of gay priests similar to the way blessings and challenges of straight priests are discussed will allow Catholics to become ‘more human’ and ‘more holy with each other.’”¹⁷ Another panelist, Fr. James Martin, S.J., associate editor of *America* magazine, proposed “public models of gay priests” to counter “the stereotype of the gay priest as child abuser.”¹⁸ Congress organizers also invited a partnered Episcopal lesbian “priest,” Dr. Gwynne Guibord. Outrageous speakers are common in many dioceses.

In Arlington, the former head of the Office of Child Protection, Jennifer Alvaro, told a meeting of parish Directors of Religious Education in 2004 that children are “safer with homosexuals than with heterosexuals.”¹⁹ Her statement shocked parents. Homosexuals molest children and commit crimes at a much higher rate than heterosexuals, as shown by many studies including a 1996 survey of 12,283 non-institutionalized adults by the U.S. Center for Disease Control.²⁰ Researchers Brian Clowes and David Sonnier also found a “natural link between a homosexual orientation and child sexual abuse.”²¹ Despite overwhelming evidence, most bishops continue to ignore homosexuality while fingerprinting innocent laity. Fr. Terry Specht, who replaced Alvaro, told an April 2005 meeting of concerned parents which I attended he didn’t care if a person was “heterosexual, homosexual, or metrosexual.”²² This willful blindness to a major cause of the scandal undermines the laity’s confidence in their shepherds and approaches they take to remedy the problem.

One approach is VIRTUS, a program of the National Catholic Risk Retention Group, an insurance company owned by 62 dioceses. National Catholic’s primary goals are to limit the liability risk of its members and maximize profit. VIRTUS is a highly profitable part of that strategy. Many dioceses use the VIRTUS program, *Protecting God’s Children*, to train adults working with children. A VIRTUS advisor, Fr. Stephen Rossetti, CEO of the St. Luke Institute in Silver Spring, Maryland, who also advises the bishops on sex abuse issues, consistently downplays homosexuality’s role in sex abuse. That earned him public criticism from COURAGE founder Fr. John Harvey and theologian Germaine Grisez.²³ VIRTUS also minimizes homosexuality. In an introductory slide program on the VIRTUS website, viewers hear, “It is a myth that most sex abusers are homosexual.” While technically

accurate, homosexuals, who represent only two to four percent of the population, commit *almost 40 percent* of sex abuse crimes. Besides, “most sex abusers” did not cause the Church scandals. The vast majority of those who did were homosexual. To frame the abuse in the context of the broader culture takes the spotlight off the “gay” subculture in the Church.

After the bishops’ meeting in Dallas in 2002, the local chapter of Catholics United for the Faith (CUF) held a panel discussion to review the results. Participants included Bishop Fabian Bruskewitz of Lincoln, Nebraska and Philip Lawler, editor of *CWR*. Lawler pointed out that while the sex abuse scandals involved four percent of Catholic priests who molested children (mostly adolescent boys), 66 percent of the bishops covered up the scandals. Had the bishops acted responsibly, abusers’ careers would have ended after one incident. Bishop Bruskewitz called his brethren “this hapless bunch of bishops.” He did not receive support for his motion to study the relationship of the scandals to homosexuality and theological dissent.²⁴

The sex abuse scandals are rooted in a crisis of faith and a failure to govern that no *secular fix* can resolve. Eminent theologian Dietrich von Hildebrand warned in 1973 that one of the “most horrifying and widespread diseases” in the Church is “the lethargy of the guardians of the Faith . . . [who] fear men more than God. The words of St. John Bosco apply to them: ‘The power of evil men lives on the cowardice of the good.’”²⁵ Respected Jesuit, Fr. John Hardon, who died in 2000, predicted that entire dioceses in the United States would disappear, that only *heroic* Catholic families would survive. The solution to the crisis in the Church isn’t mandatory fingerprinting, but reform and restoration of the true faith founded by Jesus Christ on the rock of Peter. A few holy bishops are bravely standing against the collegial conformity of the lethargic majority. Faithful laity must support them and actively resist misguided *solutions* like mandatory fingerprinting.

Notes

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