

THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA
BEFORE THE COURT FOR THE TRIAL OF A BISHOP

The Protestant Episcopal Church
in the United States of America,

Complainant,

v.

The Right Reverend Charles E. Bennison, Jr.,

Respondent.

COMPLAINANT'S SENTENCING STATEMENT

LAWRENCE WHITE
CHURCH ATTORNEY
One South Broad Street, Suite 1850
Philadelphia, Pennsylvania 19107
(215) 825-4014

RALPH A. JACOBS
ASSISTANT CHURCH ATTORNEY
1515 Market Street, Suite 705
Philadelphia, Pennsylvania 19102
(215) 789-3110

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 Complainant,)
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The Right Reverend Charles E. Bennison, Jr.,)
)
 Respondent.)
_____)

COMPLAINANT’S SENTENCING STATEMENT

As provided in Canon IV.5.27, the Protestant Episcopal Church in the United States of America, complainant in this proceeding, hereby provides these comments on the appropriate sentence to be imposed.

I. THE OFFENSES

The Court found against Bishop Bennison on both counts in the presentment. The Court found that Bishop Bennison engaged in conduct unbecoming a member of the clergy by failing (when he served as rector at St. Mark’s Episcopal Church in Upland, California, in the 1970s) to protect Martha Alexis from abuse by John Bennison and failing to minister to Martha and her family (Count I), and by his subsequent concealment of information about the abuse for decades after the fact (Count II).

II. THE EVIDENCE AT TRIAL

Inasmuch as the trial was conducted before this Court less than two months ago, this memorandum will not exhaustively repeat the evidence adduced at trial but will instead confine itself to key points germane to sentencing. The evidence showed that while serving as rector at St. Mark’s Charles Bennison learned that his younger brother John, the Church’s youth group leader, was sexually abusing a teenaged girl who was an active youth group member. The victim,

Martha Alexis, was described at trial as a young, devoted, innocent ninth grader when John started engaging in inappropriate physical contact with her. John's abuse of Martha escalated to overt sexual activity and continued for the duration of her high school years. Sexual activity took place inside St. Mark's Church, where Charles Bennison frequently observed John and Martha together. (Tr. 320.)¹ The effects of John's abuse were devastating to Martha, who did not reveal to her parents what had happened until she was a 20-year-old college student. As described by Martha in her testimony at trial, the impact of Charles Bennison's inaction was substantial as well: Martha told the Court that she longed for Charles to put a stop to his brother's abuse and felt unworthy when Charles failed to take appropriate action.

There is no doubt that Charles Bennison was aware of the abuse. On at least two occasions at St. Mark's he walked in on John and Martha as they hurriedly dressed. In 1973 or 1974, the senior warden, Anne Allen, met privately with Charles Bennison one evening after a vestry meeting in the Church library and warned him about his brother's misconduct. (Tr. 503-06.) At trial Charles acknowledged being told again in late May or early June 1975, by some person in a vaguely-recalled² meeting one sunny morning in his office. Even at that point, when Charles indisputably knew what was happening and had directly confronted his brother, he still took no steps to protect the victim from John, placed no limits on his contact with her, and did not supervise him more closely. (Tr. 812.) As a consequence, the abuse continued and, if anything, got worse. (Tr. 361-66.)

Charles made an attempt to speak with Martha to determine the extent to which she had

had improper sexual contact with other parishioners. Charles neither consulted with Church officials nor disclosed what he knew to his superiors in the Church, but allowed John to be ordained and move on to Santa Barbara where his misconduct continued with other victims.

Charles Bennison hid his knowledge from Martha's parents—his very close friends—depriving them of the ability to help her when she most needed their help. When she finally had the strength to reveal to them what had happened and they confronted their rector, his reaction was not to minister to the victims but to protect himself. Decades of denial and self-justification followed, with Charles Bennison refusing to acknowledge his role, refusing to participate in

What is the best way to handle these events in the interest of protecting his

own career. Even when confronted with the evidence presented at trial, Bishop Bennison could not bring himself to acknowledge the consequences of his conduct, instead declaring to the Court that he would make the same decisions again.

no remorse and no acknowledgment of his own failings—has shown that he is not fit to be a member of the clergy. Under all the circumstances, deposition is the appropriate sentence.³

A. *The Harm To The Victim Was Severe.*

Martha Alexis, in the testimony she delivered at trial, described the ways in which Charles Bennison's misconduct contributed to the injury she suffered as a young girl and in the decades that followed. Asked at trial whether she was afraid that Charles Bennison would tell her parents after walking in her and John in a small room in the church, she responded that—to the contrary—she *wanted* Charles to help her by rescuing her from a situation she was powerless to escape. Charles's failure to come to her aid after he discovered what his brother was doing to her reinforced John's power over her and communicated to Martha a destructive message that she was not worthy of being helped. (Tr. 329-30.) Instead of helping, Charles Bennison saw them, turned bright red, turned on his heel and left. (Tr. 326.)

The message he sent by ignoring her plight was echoed years later when, on the eve of Martha's wedding, he conducted a premarital counseling session during which he studiously avoided any acknowledgement of her victimization and made no effort to acknowledge what she had endured and how it had affected her.

At trial Martha described the psychological and spiritual pain she suffered not only at that time but in the decades that followed, pain that was prolonged and intensified by her former rector's decision at every turn not to minister to her, not to aid in her healing, and not to apologize for his own role, but instead to distance himself from his former parishioners and decline every opportunity to come to their aid. The pain and lasting damage inflicted by Charles Bennison's conduct is evident from Martha's testimony and the impact statement she has shared with the Court as part of this sentencing phase.

³ As recited on page 11 of this statement, the Church Attorney conferred with the Presiding Bishop and others within the Church prior to formulating this recommendation. The Presiding Bishop supports the sentence of deposition.

B. *The Respondent Continues to Deny His Own Responsibility.*

(1) *The Respondent Blames Others.*

An important factor the Court should consider in selecting the appropriate sentence is Bishop Bennison's failure to make any effort at confession, contrition or reconciliation. For many years, he avoided dealing with the impact of his failure to protect Martha. He did not communicate with her, did not inquire about her, and never expressed any sense of personal responsibility or wrongdoing. When he alluded at all to the subject in his private letters to family members and his former sister-in-law, it was to express regret for what John had done. In more recent years, when he wrote and spoke publicly about these events, he typically framed his comments in terms of his failure to appreciate fully the wrongfulness of *John's* misconduct. Charles never—not even at trial—acknowledged his own responsibility to protect Martha from John and to protect the Church as well. He did not reveal John's conduct prior to John's ordination because "I had no formal responsibility in terms of the Diocese of Western Michigan or the Diocese of Los Angeles or the seminary with regard to him." (Tr. 814.). He did not give the church in Santa Barbara any warning about John because, as he told the Court, he was never asked to do so. (Tr. 976-77). In the mid-1990s, when interviewed in Pennsylvania by the search committee for a new bishop in that diocese, he did not mention anything about the manner in which he had handled his brother's misconduct because—

... I thought that I had addressed the situation well, as well as I could. I didn't think that I had done inadequate pastoral care of the individuals or the family involved or the parish. ...

It was a matter about John, not about me. And it had been resolved. And no one had ever told me that my handling of it was inadequate. That was not something in my mind. I never thought about it as something that I had dealt with in less than an adequate manner.

(Tr. 1013-14). Through his repeated failure to come to terms with his own culpability, Charles Bennison has demonstrated that he is not suited to service as a bishop or leader of the Church.

(2) The Respondent Blames and Revictimizes The Victim.

Near the end of the trial of this case, after listening to the testimony of the victim and her family, Bishop Bennison tried to justify his failure to disclose Martha's abuse to her parents. In doing so, he made the gratuitous comment that he had believed then that she was equally culpable of sinful behavior. (Tr. 943-44.) He told the Court that, knowing what he knows now, he still would not have acted any differently because Martha's conduct "would have been regarded as licentious, immoral, fornication on her part." (Tr. 926-27.) His testimony was cruel and insensitive. It left the victim sobbing and the members of her family in tears.

At an earlier juncture in this proceeding the Church filed a motion addressing the danger of the phenomenon known to psychologists and other experts on sexual abuse as "revictimization." We wrote:

The literature on victims is replete with references to the considerable danger of "revictimization" through exposure to inappropriate testimony during the

litigation of ensuing cases. "[T]he law is a blunt instrument, and litigation can have many destructive effects. These harms include arrest of therapeutic development at the point of suit; prolongation of closure while litigation is pending; entrenchment, at least partially, for legal purposes; and revictimization as a result of the stresses of litigation." Ecclesiastical litigation can be conducted fully and fairly without subjecting a non-party witness to the specter of revictimization.⁴

The manner in which Bishop Bennison aired the view that *she* could possibly be to blame for what happened to her, and then used his perception of her conduct as an excuse for his own

understood that when a youth supervisor was found to be engaging in sex with a 15-, 16- or 17-year-old girl it was the supervisor's responsibility to stop the conduct immediately, inform the parents, get help for the child, and take steps to prevent the perpetrator from preying on the victim or other victims in the future.

Even today, Bishop Bennison cannot accept that his conduct violated fundamental norms that should have guided him in the 1970s. He testified at trial that he did not understand that sex between a youth group supervisor and a 9th, 10th, or 11th grader should be stopped. (Tr. 972.) In hindsight, he considered his pastoral care to have been appropriate. (Tr. 924-27.) He denigrated the current understanding of child abuse, saying that he doubted it would have been wise to apply current standards to the situation he confronted in the 1970s. (Tr. 926-27.)

As Gary Schoener testified, and as common sense certainly suggests, Charles Bennison's fundamental obligations when he "put two and two together" (Tr. 803) and concluded that his married, 25-year-old brother was sexually abusing a teenaged member of the youth group were to *stop the abuse* immediately, tell the parents, and prevent it from recurring with that victim or any other victim. We respectfully ask the Court to consider the preposterous justifications Bishop Bennison offered at trial for failing to take any of these steps. Upon learning that his brother was abusing Martha, he did not speak to the girl because he "didn't want to embarrass her or shame her." (Tr. 804.) He permitted John to stay on at St. Mark's as youth director and took no steps to separate John from Martha because "I was certain I had solved the problem." (Tr. 810.) Although he adjudged Martha's behavior to be sinful, he provided no spiritual guidance or absolution. Without a hint of irony he claimed that he did not tell Martha's parents because he wanted to "protect" her. (Tr. 811.) He rationalized not informing Bishop Rusack of John's sexual abuse by characterizing his brother's relationship with Martha as an "affair" and testifying that "if it was true, it was yet another affair in the parish. And ... I didn't call the Bishop about all the affairs in the parish." (Tr. 808.)

Bishop Bennison's inability to accept the fundamental wrongfulness of his own misconduct is a critical factor—the most critical factor, the determining factor—to consider in fashioning an appropriate sentence. His failure to protect Martha stemmed not from inexperience or a momentary lapse in judgment, but from fundamental misconceptions of his obligations as a

clergy member and Church leader—misconceptions he appears still to harbor, based on what he told the Court at trial. Any clergy member who, in his testimony before this Court, could characterize the statutory rape of a youth group member by the youth group leader as “yet another affair” and *use that fact as grounds for keeping it secret is unfit to continue as a member*

of the clergy.

C. The Respondent’s Motive For Concealment Was To Protect His Own Career.

With utmost clarity, the record shows that Bishop Bennison chose to stay silent and keep the victim and her family at arm’s length because he wanted to protect his own reputation and his own career, even at the expense of causing further harm to a vulnerable victim. Anne Allen testified at trial that when she told Charles Bennison about his brother and Martha, the rector offered no immediate response. Some time later, he told her, “‘I appreciate you not telling other people about this, because it would negatively affect my—my job or my career,’ something to that effect.” (Tr. 505.) In a frank letter written to Maggie Thompson after the fact, Charles confirmed that his continued efforts to suppress knowledge of the abuse were prompted by his desire to keep his job. (Church Ex. 8.)

Decades later, when Charles Bennison was under consideration for Bishop of Pennsylvania, he failed to share with the search committee any information about how he had handled these events—information deemed by the co-chair of the search committee, Father James Trimble, to have been highly relevant to the committee’s inquiry. Father Trimble testified that he believed Charles Bennison should have disclosed this matter to the committee because it was a serious matter bearing on his fitness to serve as diocesan leader. (Tr. 482-85.)

It is noteworthy that key evidence of Bishop Bennison’s self-protective motivation comes from his own words—his phone call to Anne Allen thanking her for keeping the secret, his letter to Maggie Thompson urging her not to come back to the parish for fear that her visit could cost him his job. These words show his conscious awareness that he was acting to protect his career. The deliberate choices he made—and the fact that his efforts came at the expense of injured victims who wanted and needed his help—are manifestations of a fundamental unfitness that

ought to be given great weight in determining the sentence.

D. The Respondent Repeatedly Refused Entreaties To Minister To The Victim.

Not only was Charles Bennison unwilling to take any action in the public sphere that might harm his career, but he was also unwilling privately to aid the victim and her family. In 1992, Martha's mother June Alexis wrote to Charles Bennison about the importance of his apologizing to Martha directly. Charles asked June for Martha's address; she provided it; and *still* he did not write. At trial Bishop Bennison offered differing reasons for not doing so. (Tr. 879, 997-1000 and Church Exhs. 22, 24 and 25.) Ultimately, he told the Court that perhaps he was simply too busy. (Tr. 1024.) Even up to the time of trial, Charles Bennison did not once ask Martha if she needed help, if she was okay. (Tr. 335.) The Rt. Rev. David Richards, testifying as an expert witness for the Church, offered his opinion that Charles Bennison's indifference to the pastoral needs of the victim and her family constituted conduct unbecoming a member of the clergy and—particularly germane to sentencing—explained that the failure to minister to the victim was a fundamental breach of a rector's ordination vow to be a pastor to his flock.

Charles Bennison's decision to keep the family at a distance and to ignore their entreaties for pastoral assistance was not the calculation of an inexperienced rector in his late 20s or early 30s. In 1992—when Charles Bennison was approaching 50 years of age—Martha Alexis, through the Rt. Rev. Frederick Borsch, requested his participation in the intervention organized in Minnesota. Charles elected not to participate and gave no explanation to Martha or her family. (Tr. 373 -76).

What bears particularly on the determination of the appropriate sentence is that this aspect of Charles Bennison's misconduct is not merely a pastor's failure to minister proactively to a member of the flock whom he learns has been injured. This is a pastor who time and again was asked by the victim and her family to participate in the healing process. Repeatedly and consistently, he turned a deaf ear.

E. Respondent's Conduct Dishonored the Sacrament Of Ordination.

Charles Bennison brought the church into disrepute by ignoring his obligations during the sacrament of ordination and allowing his brother to be ordained. Anne Allen, a lay person, was embarrassed by her silence at the ordination. "I remember being at John's ordination," she

testified, “and feeling very guilty when the part of the service says ‘If anyone knows why this man should not be ordained, come forward now.’ And I felt that I should go forward, but I did not.” (Tr. 506-07.) Yet even at trial Charles Bennison showed no repentance for his role in the ordination of his brother, whom he knew to be grossly unfit to be ordained as a priest.

Charles Bennison was the presenter at his brother’s ordination as a priest in 1975. He bore a greater responsibility than did Anne Allen, who had discharged what she took to be her own obligation by reporting John’s misconduct to her rector. By the time of John’s ordination, Charles had been told of his brother’s misconduct by Anne Allen, had already observed the misconduct when he twice walked in on John and Martha, had been informed by another person who came to his office one sunny morning in 1975, had in his words “put two and two together” (Tr. 803), and had concluded that his brother’s protestations of innocence were untrue. Notwithstanding what he had seen, heard, and witnessed, he failed to respect the words and meaning of the inquiry made of him at John’s ordination.

Charles had another opportunity to speak out when, in 1979, he attended the ceremony in Los Angeles at which his brother was reinstated to the priesthood. By that point Charles knew how angry and hurt Martha’s parents had been when, the year before, they had summoned him to their home and heard from them how Martha had suffered when she left for college and how angry they were Charles’s failure to disclose what he knew.

Charles Bennison, through his silence, allowed a patently unfit individual to be ordained and reordained as a priest. The determination of fitness for ordination is not a hollow ritual. The Church takes seriously the obligation to screen out any unfit candidate and to respond appropriately when misconduct is uncovered. The confidence of the flock demands no less. By ignoring the plain words of the ordination service and remaining silent before and during the ordination when his own priestly vows and common decency commanded him to speak, Charles Bennison revealed one more facet of his unfitness to remain as a clergy member and bishop.

IV. THE VIEWS OF OTHERS

As part of the process of preparing this statement and reflecting on the sentence that should be imposed, the Church Attorney conferred with the persons identified by the Court as “Victims” within the meaning of that term in Canon IV.15; the Presiding Bishop; officials of the

Diocese of Pennsylvania; and various canon lawyers and other experts on the Church's disciplinary canons.

The victims have prepared victim impact statements for the Court and asked us to circulate copies as called for in the Court's ORDER of June 26. They are attached hereto. In simple, powerful language, they communicate the extraordinary impact of Charles Bennison's actions and inactions on the lives of the victim, her parents, her husband and children, and her brother.

The Presiding Bishop has communicated her views on the appropriate sentence in this matter to the Church Attorneys and has authorized us to represent the following to be her position:

In the light of the nature and seriousness of the charges involving Bishop Bennison and the Court's finding of his responsibility, Bishop Bennison should not be permitted to resume his episcopate in the Diocese of Pennsylvania under any circumstances. The Court's finding, as well as the evidence regarding his credibility and lack of appropriate pastoral sensitivity presented at the trial, demonstrate that he could not effectively lead the Diocese again. Nor, under these circumstances, could he play an effective role as a bishop in another diocese, either now or in the future. Accordingly, as sad as it may be considering his talents and spiritual gifts, Bishop Bennison should be deposed. If the Court should think otherwise, any suspension should be for a considerable period of time and should be conditioned on his immediately and irrevocably seeking the consent of the House of Bishops to resign as Bishop of Pennsylvania.

The Standing Committee of the Diocese of Pennsylvania presented a resolution (copy attached) in which a majority of members favored deposition and all favored a sentence that would effectively preclude their bishop from ever serving again as a member of the clergy. This position is important not because the Court ought to weigh positive and negative testimonials about Bishop Bennison, but because it reflects the pervasive harm caused by the respondent's misconduct. His failure to protect Martha in Upland, California in the 1970s continues to echo not only in her life but in its impact on the Diocese of Pennsylvania

Maggie Thompson presented a statement (copy attached) which, although technically not viewed as a victim impact statement relating to the specific charges in this case, nonetheless spells out the impact on her and her family of Charles Bennison's years of denial and deflection

of blame. It demonstrates eloquently why justice, regardless of when rendered, is better than justice denied.

V. CONCLUSION

The effects of Charles Bennison's conduct have been extensive and lasting. The conduct for which he has been found guilty harmed not only the victim and her family but the Church. The motivation behind his misconduct and his repeated failure to acknowledge his guilt demonstrate clearly that this was not a mere momentary lapse in judgment. Bishop Bennison's misconduct reflected fundamental aspects of his character that render him unfit to serve as a member of the clergy. The Church has concluded, with reluctance but with firmness, that the appropriate sentence in Bishop Bennison's case is deposition.

FOR COMPLAINANT
Respectfully submitted,

LAWRENCE WHITE
CHURCH ATTORNEY
One South Broad Street, Suite 1850
Philadelphia, Pennsylvania 19107
(215) 825-4014

RALPH A. JACOBS
ASSISTANT CHURCH ATTORNEY
1515 Market Street, Suite 705
Philadelphia, Pennsylvania 19102
(215) 789-3110

July 30, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Complainant's Sentencing Memorandum* was served on Respondent by electronic mail and by first-class mail on July 30, 2008, to:

James A. A. Pabarue, Esquire
Christie Pabarue Mortensen and Young, P.C.
1880 John F. Kennedy Boulevard – 10th Floor
Philadelphia, Pennsylvania 19103

As called for in Canon IV.5.27, copies have also been sent by electronic mail and by first-class mail on that same date to all other persons who have commented on the sentence.

I further certify that on the same date of July 30, 2008, I caused to be provided to the lay assessors, Mr. Pabarue, and each of the persons named below true and accurate copies of comments submitted in this cause by:

Andy Alexis
5329 Sandburg Drive
Sacramento, CA 95819

Julia Alexis
345 Montecito
Shell Beach, Ca 93449

Johanna Oslovar
4425 La Portalada Drive
Carlsbad CA 92010

and

Maggie Thompson
576 Lightning Ridge Road
Plainfield, Vermont 05667.

LAWRENCE WHITE