

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

In the Matter of the Presentment Against
The Right Reverend Charles E. Bennison, Jr.

PRESENTMENT

PREFACE

A. This Presentment is prepared in accordance with Canons IV.3.43(c), IV.3.44, and IV.3.45 of the Canons of the General Convention.

B. The Rt. Rev'd Charles E. Bennison, Jr., is the Bishop of the Episcopal Diocese of Pennsylvania. He has served in that capacity since 1998.

C. In 2006 the Presiding Bishop received materials accusing Bishop Bennison of conduct unbecoming a member of the clergy. On September 6, 2006, the Presiding Bishop's Office forwarded these materials to the Review Committee. Invoking Canon IV.3.23(b), the Presiding Bishop asked the Review Committee to examine the charges against Bishop Bennison.

D. In a letter dated January 8, 2007, the Review Committee concluded that "there are several instances of possible misconduct which appear to be alleged against Bishop Bennison" and determined that "an offense may have occurred if the facts alleged be true." The Review Committee asked the Church Attorney promptly to make an investigation of the matter under Canon IV.3.41.

E. On April 9, 2007, the Review Committee received the *Report of the Church Attorney*. The *Report* concluded that Bishop Bennison had committed the offense of engaging in conduct unbecoming a member of the clergy, and recommend that the charges against Bishop Bennison be referred to the Court for the Trial of a Bishop in accordance with Title IV, Canon 5.

F. On October 19, 2007, a majority of all the members of the Review Committee at a meeting duly called for the purpose voted that this Presentment against Bishop Bennison be issued.

BACKGROUND

(1) Charles E. Bennison, Jr. ("Charles Bennison" or "Charles") was born in Minnesota in 1943. He was ordained a deacon in 1968 and a priest in 1969. He moved to southern California in 1969 to attend graduate school at the Claremont School of Theology and began his full-time ministry two years later when he was appointed rector of St. Mark's Church in Upland, California. St. Mark's was part of the Diocese of Los Angeles.

(2) John Bennison, Charles's brother, is five years younger than Charles. John graduated from college in 1970 and moved to southern California soon thereafter to begin graduate studies at Claremont. In 1971 or 1972 Charles hired John, who was then married, to serve as a member of St. Mark's staff on a part-time basis.

(3) One of John's assigned duties at St. Mark's was to manage the church's youth group program. The youth group consisted of high-school-age and junior-high-school-age children of parishioners. It met on Sunday evenings every week during the school year. John Bennison was responsible for selecting and leading youth group activities, which included recreation and service projects, worship and education.

(4) In 1972, John Bennison recruited a 19-year-old college student to teach Sunday school. John initiated frequent sexual contact with her for six months, until the 19-year-old abruptly broke off the relationship.

(5) At some point around 1973, while John Bennison served as a member of the St. Marks staff, he began a sexual relationship with a girl who shall be referred to throughout this Presentment as "the 14-year-old." The girl was approximately 14 years old when the sexual relationship began. She was a "Minor" as that term is defined in Canon IV.15.

(6) The mother of the 14-year-old suspected that a relationship had developed between her daughter and John Bennison. The mother on several occasions expressed her concern to Charles Bennison. Charles asked his brother whether he was engaged in a relationship with the 14-year-old. John denied it. Charles, without conducting any further investigation and without speaking to the 14-year-old, assured her mother that everything was fine. The sexual relationship between John and the 14-year-old continued after the mother expressed her concerns to Charles.

(7) The 14-year-old stated that Charles Bennison knew at the time that his brother was engaged with sexual relations with her. Twice, she stated, Charles Bennison walked into John Bennison's apartment and interrupted the two of them (John and the 14-year-old girl) while they were engaged in sexual relations.

(8) In 1975 John Bennison engaged in an adulterous relationship with a 35-year-old female married member of the St. Mark's parish.

(9) In the spring of 1975 John Bennison graduated from Claremont, was ordained as a priest, and left his brother's parish to assume a position as curate in All Saints by the Sea Parish in Santa Barbara, California. There, John's adulterous sexual relationships continued with women parishioners in Santa Barbara. John also continued his sexual relationship with the 14-year-old. That relationship lasted until 1976, when the girl left for college.

(10) In the spring of 1975, while John Bennison was still employed as a member of the staff at St. Mark's and supervising the youth group, the senior warden at St. Mark's told Charles Bennison that his brother was having a sexual relationship with the 14-year-old. The 14-year-old was at that time a member of the youth group supervised by John Bennison. The 14-year-old was at that time a "Minor" as that term is defined in Canon IV.15. The senior warden later stated that Charles did not seem to take the news seriously and did not appear to be surprised.

(11) After being told by the senior warden about his brother's sexual relationship with the 14-year-old and for one or two months thereafter, Charles Bennison allowed John to remain in the church's employ and perform youth-group-related activities while John completed his graduate studies in Claremont and prepared to assume his new post in Santa Barbara. Charles did not monitor or supervise John's interactions with youth group members during that period.

(12) John's sexual relationship with the girl continued during and after the time Charles learned about it, and Charles—even though he suspected his brother of continuing the relationship—did nothing to hasten the end of the affair.

(13) John Bennison was ordained to the diaconate in 1974 and to the priesthood when he graduated from divinity school in 1975. During the 1975 ordination process Charles Bennison did not disclose to Church officials what he knew of his brother's sexual misconduct.

(14) In 1977, the Rt. Rev'd Robert Rusack, then Bishop of the Diocese of Los Angeles, placed John Bennison under canonical discipline. In December, 1977, John renounced his vows, left the priesthood and resigned as curate in Santa Barbara.

(15) In 1978, the 14-year-old—then a college student—told her parents for the first time about the sexual relationship she had had with John Bennison starting in about 1973. The parents telephoned Charles Bennison, and were angered when they learned that Charles had known about his brother's conduct for three years but told them nothing. The girl's mother described the family's reaction in a 1993 letter:

At Easter of 1978 on spring break, [our daughter] told us the shocking news of her involvement with John. She had been having emotional problems and a mental health counselor at school advised her to tell us. ... The first thing we did is call Chuck Bennison When he heard our anger, he immediately knew what it was about. He drove back to Upland and we discovered that he knew about this already, that our senior warden, the mother of other youth group members, had told him for a fact. He didn't do anything about it, hoping that it would all blow over, and recognizing I know the impact that such public disclosure would have on the parish as a whole and his position in particular. [*Letter from [the mother] of 14 Year Old Victim to Bishop Borsch, 1993, page 1.*]

(16) On March 30, 1978, Charles Bennison wrote a letter to the mother of the 14-year-old explaining why he had elected not to tell the girl's parents earlier about the girl's relationship with his brother. "I have to be, not a pastor, but John's brother in this situation," he wrote.

(17) In the spring of 1979, Charles Bennison exchanged letters with Maggie Thompson, John Bennison's former wife, who by then had separated from John, remarried, and moved away from Upland. When Maggie Thompson wrote to Charles asking if she could introduce him to her new husband during a visit to Upland, Charles told her not to come at all. "[Y]our very presence very much threatens me," Charles wrote on April 16, 1979, continuing that "questions would be raised and all hell [would] break loose in this parish" if she were to be seen there and that hostile feelings between him and the family of the 14-year-old could still erupt into "a public scandal here which, I believe, could cost me my job." Roughly a week later, in a second letter to Mrs. Thompson, Charles wrote that the family of the 14-year-old blamed him for "covering up everything," and that "the scandal" could "explode" if not handled with care.

(18) Later in 1979 (after the 14-year-old's parents had learned of their daughter's sexual relationship with John Bennison and expressed anger to Charles Bennison for his having failed to share information with them), John applied for reinstatement to the priesthood. Charles, without disclosing to the girl's parents that John had applied, attended the ordination ceremony in Los Angeles at Bishop Rusack's invitation. The girl's family was furious at Charles Bennison both for failing to tell them that his brother had applied for reinstatement and for failing to disclose to Church officials what he knew about his brother's sexual transgressions in Upland. The 14-year-old's mother subsequently wrote, "It was within a year—December 1979—that we discovered that John had been REINSTATED by Bishop Rusack with Chuck's presence. ... That was a profound betrayal by the Episcopal Church and by Chuck too. I am convinced we were intentionally not told in advance of these plans." (*Letter from [the mother] of 14 Year Old Victim to Bishop Borsch*, 1993, page 2.)

(19) Following John Bennison's reinstatement to the clergy in 1979, he was transferred from the Los Angeles area to the San Francisco area—and from the Diocese of Los Angeles to the Diocese of California—where, from 1980 until 2006, he served first as vicar and subsequently as rector of St. John's Church in Clayton.

(20) Charles Bennison resigned as rector at St. Mark's Upland in 1988. From 1988 to 1991, he served as rector at St. Luke's Church in Atlanta, Georgia. After a year of study at Union Theological Seminary in New York City, he moved to Cambridge, Massachusetts in 1992 to take up duties as a member of the faculty at the Episcopal Divinity School. He remained there for four and a half years.

(21) The 14-year-old was by this point in her late 20s. According to family members, she suffered for many years from eating disorders, alcoholism, and suicidal ideation, products of the sexual abuse to which she had been subjected by John Bennison in the early 1970s. Other family members, including the girl's mother and brother, were struggling to cope with what the mother called her family's "terrible tragedy" at the hands of John and Charles Bennison.

(22) In 1992, the 14-year-old, then living in Minneapolis, initiated an intervention process under the auspices of the Episcopal Diocese of Minnesota. The Rev'd Canon Margo Maris and the Rt. Rev'd Bishop Harold Hopkins (then Executive Director of the Office of

Pastoral Development of the House of Bishops) served as organizers and facilitators, with Ms. Maris acting as the family's advocate during the intervention process. The purpose of the intervention was to allow the 14-year-old and members of her family to reach closure by confronting Church officials whose conduct has caused trauma to the family's stability and well-being.

(23) As part of the intervention process, family members, including the 14-year-old, prepared written statements indicating the chronology of events, how family members felt about the conduct of John and Charles Bennison, and how the clergy sexual abuse had affected our lives—emotionally, physically, spiritually, and in their marriages and work lives. The process culminated in a series of meetings in 1993 between family members and Bishop William Swing, who at that point headed the diocese (the Diocese of California) in which John Bennison's church was located. John Bennison participated in one of those meetings.

(24) Charles Bennison refused an invitation to participate in the intervention, writing in a 1992 letter to Maggie Thompson, "I do not want to come to Minneapolis to discuss this matter, and I do not want to meet with any outside people about it. ... I feel you are asking me to do something which is really John's responsibility." Charles's decision not to participate in the intervention caused anger and pain among family members. They subsequently characterized the intervention as less than successful in part because Charles's nonparticipation prevented the family from reaching closure.

(25) On May 25, 2006, a local television station in San Francisco aired a story by investigative reporter Dan Noyes. The story disclosed details of John Bennison's sexual relationship with the 14-year-old and contained descriptions of relationships between John and other members of parishes in which he served. The story also contained allegations by members of the 14-year-old's family that Charles Bennison was one of a number of Church officials who covered up John's conduct at the time.

(26) On May 31, 2006, prompted by the television news story and other media coverage, the Bishop of California, the Rt. Rev'd William Swing, prepared and circulated a *Letter to the People of the Diocese of California*. In his letter, Bishop Swing revealed that, when John Bennison was transferred to his diocese in the late 1970s, Church officials in southern California

did not disclose any of the details surrounding John's conduct at St. Mark's Upland. "Was that a cover-up?" Bishop Swing asked in his letter, and continued:

John's father was a bishop and a colleague of the Bishop of Los Angeles. John's brother was the rector of the parish where John started having sex with a teenager. ... Bottom line: no file from Los Angeles arrived in our diocese giving us the background and putting us on alert that perhaps some of our teenagers and young women were at risk in [John's] presence.

(27) Bishop's Swing's letter also revealed that he had telephoned John Bennison to seek his resignation. Less than two weeks after Bishop Swing's letter was published, John Bennison renounced his vows and agreed voluntarily to be deposed as a member of the clergy.

(28) During the summer of 2006, the Survivors Network of those Abused by Priests sent an e-mail message to Charles Bennison calling on him to resign prior to the Church's General Convention in Columbus, Ohio. Bishop Bennison did not respond to the e-mail message and did not resign.

(29) Later that summer, an organization called Concerned Pennsylvania Episcopalians announced plans for a "public disclosure" forum in Philadelphia at which members of the 14-year-old's family would be invited to present testimony describing Bishop Bennison's involvement in the alleged cover-up of his brother's sexual abuse of the 14-year-old. The forum was held over several days in November, 2006. Among the participants were the 14-year-old girl's mother and brother.

(30) Bishop Bennison did not attend the forum, but communicated in writing twice with members of the Diocese of Pennsylvania, once before the forum's first public session and once after the forum ended. The first communication was a pastoral letter written on October 30, 2006. Attributing his decision to speak publicly for the first time to the previous day's story in the PHILADELPHIA INQUIRER, Charles characterized his October 30 statement as "a further clarification" of the role he played in the events leading to his brother's resignation from the priesthood four months earlier. In a second statement issued twelve days later, Bishop Bennison recounted his recollection of events and reflected on the blameworthiness of his own conduct:

My efforts to maintain confidentiality and prevent scandal were very misguided That the effects of his behavior can and probably will affect untold numbers of persons over countless years vastly deepens my grief.

**FIRST OFFENSE:
CONTEMPORANEOUS FAILURE TO RESPOND APPROPRIATELY**

(34) On April 19, 1979, four years after John Bennison left his parish, Charles Bennison wrote a letter to John's former wife, Maggie Thompson. He wrote:

As I'm sure you are aware, feelings here run deep, all too deep, over what John did here in Upland, among the few who know. If John was culpable, I as the Rector here was responsible, and I did not discharge my responsibility.

(35) Charles Bennison learned in the spring of 1975 that his brother—a married man, a member of his church staff, the coordinator of youth group activities—had initiated and was conducting a sexual relationship with a 14-year-old girl who was a member of his youth group.

(36) By engaging in sex with a child under the legal age of consent in California, John Bennison engaged in conduct that was then—and is today—defined under California law as child sexual abuse. John Bennison's conduct constituted sexual abuse and sexual exploitation of the 14-year-old.

(37) Charles Bennison knew or must have known that his brother was engaged in unacceptable and potentially criminal conduct. He knew as well that his brother was committing adultery. He knew that his brother was sexually abusing and sexually exploiting an underage minor.

(38) Charles Bennison reacted passively and self-protectively after he learned of his brother's sexual misconduct with a young girl. Knowing how angry the girl's family would feel and how scandalized his parishioners would be, Charles failed to take obvious, essential steps to investigate his brother's actions, protect the girl from further abuse, and find out whether other children were in danger. Charles (in his own words) made "disastrous choices" that led to "bad pastoring."

(39) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles took no disciplinary action of any kind against his brother.

(40) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles allowed his brother to remain employed as youth group coordinator for another several months. Charles did not fire or suspend his brother immediately. Had he done so, his brother might not subsequently have been ordained as a priest, gone to work at another parish, and engaged in inappropriate sexual relationships with parishioners there.

(41) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles allowed his brother to continue meeting with the 14-year-old girl and other teenagers without supervision or monitoring.

(42) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles took no effective steps to end his brother's abuse of the 14-year-old-girl, even after he had reason to be suspicious that the abuse was continuing.

(43) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles did not notify the girl's parents for approximately three years. He subsequently wrote that he decided not to notify the parents out to fear that such a revelation would be embarrassing to him and would provoke scandal in the parish.

(44) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles did not speak with the girl to find out whether she needed medical care or counseling. Her mother stated that within months of the end of her relationship with John the girl started to have emotional problems requiring the intervention of a mental health counselor at college; it was in fact the counselor who suggested to the girl—five years after the relationship with John commenced—that she disclose it to her parents. Later the girl exhibited serious behavioral and psychiatric problems, attributed by her family to her relationship with John. Charles's decision to withhold pertinent information from the girl's parents deprived the parents of the opportunity to make counseling decisions themselves.

(45) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles conducted no investigation to determine whether his brother may have abused other children or had adulterous affairs with other parishioners.

(46) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles did not report his brother's conduct to anybody. He did not notify other youth group parents or youth group members to tell them that their children were under the supervision of a staff member who was engaged in an adulterous sexual relationship with a minor child who was a youth group member.

(47) After Charles Bennison learned that his brother was engaged in a sexual relationship with a 14-year-old youth group member under his supervision, Charles sought no advice or counsel on what to do.

(48) Charles Bennison engaged in conduct unbecoming a member of the clergy when, as rector at St. Mark's Upland in 1975, he failed to fire or suspend his brother immediately, failed to investigate his brother's conduct, and failed to discharge his pastoral obligations to a 14-year-old parishioner, the members of her family, and the members of the parish youth group after he learned that a member of his staff—the youth group coordinator, who happened to be his brother—was engaged in a sexually abusive and sexually exploitative relationship with the 14-year-old.

**SECOND OFFENSE:
SUBSEQUENT SUPPRESSION OF PERTINENT INFORMATION**

(49) As long ago as 1962, Episcopal Church officials noted with disapproval the propensity to deal with acts of sexual abuse "by hushing them up except in the last instance when the matter becomes public knowledge." [Dr. Margaretta Bowers, ed., *Proceedings of the Bishop's Conference on the Psychotherapy of Clergy* (Bishops Committee on Pastoral Counseling, 1962), page 42.]

(50) After discovering that his brother was conducting a sexual affair with an underage member of the church's youth group, Charles Bennison failed to disclose what he knew and

failed to minister to people whom he understood to have been injured by his brother's conduct. His failure to do so continued without surcease until 2006, when he publicly disclosed for the first time what he knew about his brother's conduct.

(51) In private letters written to Maggie Thompson in the 1970s and 1990s, Charles Bennison admitted that his primary concern in the months and years after his brother left Upland was to contain the possibility of scandal by concealing information about his brother's conduct. When he discovered his brother's sexual misconduct, Charles told nobody and made no report. He did not disclose what he knew to the rector in Santa Barbara, where John went immediately after he left Upland. Nor, several years later, did he say anything to church authorities when his brother successfully applied for reinstatement as a priest or when his brother was transferred to another diocese.

(52) Charles explained his actions by stating that he feared for his own job; that he was embarrassed; that he felt no obligation to share information when it was not requested; and that his first instinct was to protect his brother rather than to care for his parishioners.

(53) By 1992, church attitudes toward the concealment of sexual misconduct had changed. By that year, Charles Bennison stated, his own sensitivities had also changed: "[T]hat's when I moved to [Episcopal Divinity School], and I actually was as a faculty member required to take safe-church training, and I was taught about all this. And I did reading about it." Yet it was during this time that Maggie Thompson asked him to participate in the intervention in Minneapolis and he declined.

(54) By 1992, Charles knew how aggrieved the 14-year-old's family felt about the way he had handled his brother's case and understood that the family hoped for his participation in Minneapolis. Yet he manifested insensitivity to the family's needs.

(55) Over the course of more than three decades beginning in the mid-1970s and ending in 2006, Charles Bennison concealed what he knew about his brother's sexual misconduct from the family of his brother's victim, his own parishioners, and church officials. He did so out of fear (as revealed in his private correspondence) that disclosure would be personally embarrassing and would put his career in jeopardy. He did so against the family's wishes and knowing that his silence caused family members pain and grief.

(56) In his annual address to the Diocesan Convention in 2006, Bishop Bennison stated, "My efforts to maintain confidentiality and prevent scandal were very misguided."

(57) By deliberately and systematically concealing from family members and parishioners what he knew about his brother's misconduct, and by failing to place the needs of the church and his former parishioners above his perceived obligations to himself and his brother, Charles Bennison engaged in conduct unbecoming a member of the clergy.

CONCLUSION

For the reasons set forth in this Presentment, it is respectfully prayed:

(A) That this Presentment be served upon the Respondent, and that a date be fixed for the Respondent to answer;

(B) That, upon such answer being made, or the time therefore having expired, the matter then be set for trial by the Court for the Trial of a Bishop as provided in Title IV, Canon 5;

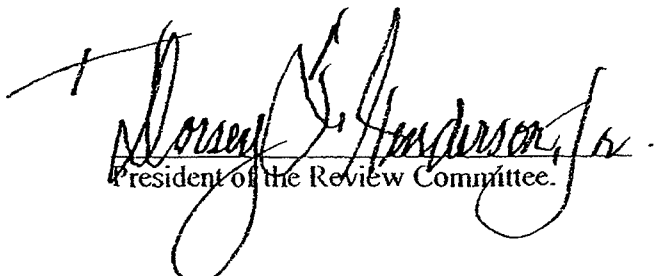
(C) That, at such trial, the Rt. Rev'd Charles E. Bennison, Jr., be found by the Court to have committed the offense of engaging in conduct unbecoming a member of the clergy;

(D) That, upon conviction, punishment be imposed as provided in Title IV, Canon 12, and as determined by the Court; and

(E) That the Court order such further relief as it shall deem just and appropriate.

IN ACCORDANCE WITH Canon IV.3.45, this Presentment is dated and signed by the President of the Review Committee.

Dated: 28 Oct 07


President of the Review Committee.

**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.

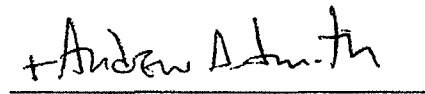
SUMMONS

TO: THE RIGHT REVEREND CHARLES E. BENNISON, JR.

You are hereby summoned and required to serve upon Lawrence White, Esq., Church Attorney, whose address is One South Broad Street, Suite 1850, Philadelphia, Pennsylvania 19107-3418, an Answer to the Presentment against you, dated October 28, 2007, a true and accurate copy of which is attached to this Summons, within thirty (30) days after service of this Summons upon you. You are also required to file a true and accurate copy of your Answer with the Clerk of the Court in the person of Bradford S. Babbitt, Esq., whose address is Robinson & Cole LLP, 280 Trumbull Street, Hartford, Connecticut 06103-3597. Be it known that failure to file an Answer as required will result in a Judgment that the Offenses charged in the Presentment were committed by you and would place you at risk for a sentence to be pronounced at a later date.

Executed as a sealed instrument on this 23rd day of January, 2008.


Bradford S. Babbitt, Esq.
Clerk of the Court


The Right Rev. Andrew D. Smith
Presiding Judge

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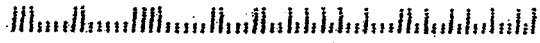


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**THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA
BEFORE THE COURT FOR THE TRIAL OF A BISHOP**

<u>The Protestant Episcopal</u>	:
<u>Church in the United States</u>	:
<u>Of America,</u>	:
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Complainant,	:
	:
v.	:
	:
The Right Reverend	:
Charles E. Bennison, Jr.,	:
	:
<u>Respondent.</u>	:

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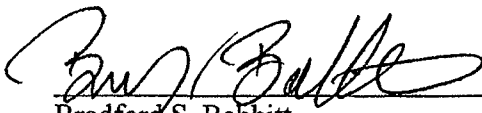
The undersigned, James A. A. Pabarue, Esq., acknowledges that he represents the Respondent in the above-captioned action, that he has been authorized by the Respondent to accept service of the Summons in this matter, and that on the date indicated below he did receive the original Summons from the Court, to which was attached a copy of the Presentment against the Respondent dated October 28, 2007.

Summons Received: January __, 2008

James A. A. Pabarue, Esq.
Christie Pabarue Mortensen and Young PC
1880 John F. Kennedy Boulevard, 10th Floor
Philadelphia, Pennsylvania, 19103

CERTIFICATE OF SERVICE

I hereby certify and return that on January 23, 2008, I served the original Summons, together with a true and accurate copy of the original Presentment in this Action, upon the within named Respondent, by mailing both documents, certified-mail return receipt requested, to counsel for the respondent, James A. A. Pabarue, Esq., of the law firm of Christie Pabarue Mortensen and Young PC, at 1880 John F. Kennedy Boulevard, 10th Floor, Philadelphia, Pennsylvania, 19103, who had stated in writing that he was authorized to accept service for the Respondent. I further hereby certify that on January 23, 2008, I caused a true and accurate copy of the Summons and Presentment in this Action to be mailed, first class postage prepaid, to the Church Attorney, Lawrence White, Esq., One South Broad Street, Suite 1850, Philadelphia, Pennsylvania 19107-3418.



Bradford S. Babbitt
Clerk of the Court