

Scouts sit on abuser records

By Scott K. Parks
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The Boy Scouts of America calls them the "perversion files."

The stories locked inside a neat row of metal file cabinets at BSA headquarters in Irving would sicken the most callous reader. Many of them document the activities of a pedophile banned from Scouting for molesting boys in tents, on hikes or while helping them earn merit badges.

The BSA, the nation's premier youth organization, its wholesome image honed by iconic Norman Rockwell paintings throughout the 20th century, has meticulously kept the files since the 1920s.

They number in the thousands, but no one knows much about them because Scout executives and their lawyers insist they remain confidential.

Now, a growing chorus of critics is calling on the Scouts to open their sexual secrets to public scrutiny. They argue that

the files contain a treasure trove of misdeeds that academic researchers and law enforcement might use to learn more about man-on-boy pedophilia.

"These files represent the largest reservoir of information ever gathered on the sexual abuse of boys in the United States, bar none," said Paul Mones, an Oregon lawyer who represents former Scouts who suffered sexual abuse at the hands of adult Scoutmasters.

"Even before the pediatric medical community and the law enforcement community knew the extent of the problem, the Boy Scouts knew about it and kept it a secret," Mones said.

Another lawyer, from Seattle, who also represents former Scouts in sex abuse cases against the BSA, provided The Dallas Morning News with a hint of what the files contain - spreadsheets indexing 5,133 files opened between 1947 and 2005.

The News has not seen the actual files.

The Scouts regularly open new files. But they insist the information be kept confidential to protect those who report sexual abuse from retaliation, to shield child victims from exposure and to protect the Scouts from defamation claims brought by suspected pedophiles named in the files.

Scouting executives say the perversion files represent a tiny fraction of the millions of adult volunteers involved in Scouting over the years, and they contend that the pedophile problem is no worse in Scouting than in public schools or in other youth organizations.

The BSA also insists the files hold no value for academic or law enforcement researchers hoping to gain greater insight into pedophilia.

"Accordingly, while local Boy Scout councils are required to report any suspicion of inappropriate

conduct to law enforcement, The BSA believes - and third parties have confirmed - that the files are not useful from a research perspective," Scout executives wrote in a prepared statement to The Dallas Morning News.

6 categories of files

Formally, the Scouts refer to the files as "the ineligible volunteer files," or the "I.V. files." Each one is labeled with the name of a Scoutmaster, Cub Scout den leader or other adult volunteer who has been banned from Scouting for wrongdoing. Nathaniel Marshall, the Scout executive who keeps the files, says they are separated into six categories:

- C-Criminal (murderers, robbers and such)
- F-Financial (thieves who steal from the Scouts or others)
- M-Moral (gays banned from Scouting)
- L-Leadership (bad-tempered or mean volunteers)
- R-Religious (atheists or agnostics banned from Scouting)
- P-Perversion (pedophilia, rape, child pornography, public lewdness and other sex-related crimes or incidents)

A few of the files involve men who never even made it into Scouting. Their misdeeds were noted by local Scout executives and a file was opened just in case they ever applied to get involved in Scouting.

But the vast majority of the I.V. files involve pedophile adult volunteers and some paid Scout leaders. They run the gamut from those only suspected of wrongdoing to those serving prison time after criminal convictions.

Some files are thin, with only basic information about the pedophile. Others are thick and stuffed with court records, witness statements and other investigative material.

All of the files end up in the innocuously named "membership resources office." There is only one set of keys to the file cabinets, Marshall said.

Scout executives say they use the perversion files for only one reason: to keep pedophiles or other sexual deviants out of Scouting. When someone attempts to register as an adult volunteer, the application goes to the membership office. Clerks make sure the prospective volunteer is not someone named in an I.V. file.

The BSA also performs criminal background checks for all volunteer applicants. Successful applicants are subject to background checks every three years.

Notations in the file indices obtained by The News indicate the system often works. Pedophiles caught and banned by the BSA have tried to reapply to become Scoutmasters. But their applications have been denied for wrongdoings logged into the I.V. files.

Scout executives say they've never analyzed the files or used them to generate statistics on pedophilia in Scouting. Nor have they used them to determine whether their policies to protect Scouts from pedophiles are working.

Are the pedophile Scoutmasters married or single? Do they have children in the troop? How old are they? Where did the molestation occur? In a tent on a campout? On a hike? In a school or church basement? In the pedophile's home or apartment? Did the pedophile groom a single victim during a long-term relationship, or did he victimize several Scouts in a troop?

Scout executives haven't used the I.V. files to find the answers, but they insist they are

aggressively pursuing improvements in their Youth Protection Program.

"The more we learned about pedophilia, we got tuned in to that very quickly," James Terry, the assistant chief Scout executive, told The News. "We got serious about it."

Critics disagree. They say the Scouts could redact the I.V. files - black out the names of alleged pedophiles, victims and those who reported the abuse - and then share them with experts to learn more about pedophilia and the effectiveness of Scout policies.

In the mid-1980s, as their awareness of pedophilia grew, the Scouts instituted the "two-deep leadership" rule that forbids Scoutmasters and other volunteers to be alone with a Scout.

And, yet, the Scouts acknowledge that they have never searched the I.V. files to see if the policy is working.

Even child sexual abuse experts sympathetic to the BSA's cause question their reluctance to share the files or expand their use.

Dr. **David Finkelhor**, a well-known expert in crimes against children, once was a member of the BSA's Youth

Protection Expert Advisory Panel, a working group of Scout executives and outsiders from academia and law enforcement. The committee was supposed to be working on programs to educate Scouts about pedophiles and other dangerous people.

In April 2009, Finkelhor testified in a sworn deposition that he had become frustrated with Scout executives because they refused to allow him or anyone else to examine the perversion files to see if youth protection policies were working.

"It never seemed to get on their agenda," said Finkelhor, who runs the Crimes Against Children Research Center at the University of New Hampshire.

He wasn't the only child safety expert who became disenchanted with the Scouts and the Youth Protection Program.

Kenneth V. Lanning, a retired FBI agent who specializes in crimes against children, also served on the BSA's expert advisory panel for almost 10 years. In April 2005, he sent a letter to Boy Scout headquarters announcing his resignation from the volunteer group.

Lanning said his resignation stemmed from "my perception that the BSA response to and attitude regarding [the advisory panel] fails to convey an adequate understanding and recognition of the problem of the sexual exploitation of children."

File use in court

No one knows how many I.V. files exist. The BSA won't provide numbers. But the public has gotten glimpses from court records when former Scouts file personal injury suits alleging that the BSA and its local troop councils failed to prevent abuse by Scoutmasters or assistant Scoutmasters.

Last April, a Portland, Ore., jury awarded former Scout Kerry Lewis \$18.5 million in punitive damages after finding the BSA negligent for not protecting him against abuse by a known pedophile Scoutmaster in the 1980s.

Throughout the trial, Lewis' lawyers argued that Scout executives acted irresponsibly by not using the I.V. files to get a more complete picture of their pedophilia problem, and the jury apparently agreed.

The verdict jolted the Scouts. Since April, the BSA has instituted mandatory youth

protection training for all Scoutmasters and other registered volunteers.

Last month, the BSA hired Michael V. Johnson, a respected detective recently retired from the Plano Police Department, as its director of youth protection.

"One of the reasons I accepted this job is the commitment of [top Scout executives] that they want to be on the forefront of youth protection," Johnson said.

Johnson said he has not formed an opinion about what, if anything, to do with the I.V. files.

The \$18.5 million jury verdict in Portland also drove the BSA to settle five similar sex abuse cases late last month. But the Scouts still face numerous other cases across the U.S.

During the Portland trial, the Scouts were forced to give Lewis' lawyers 1,587 I.V. files opened between 1965 and 1985. The vast majority, 1,123 files, were in the perversion category.

Janet Warren, an expert witness hired by the Scouts, testified that she reviewed many of the files in preparation for the trial.

"It was very limited what you could learn from these files," testified

Warren, a professor of psychiatry at the University of Virginia.

Warren also cautioned jurors to put the number of abuse incidents into perspective.

"By contrast, there would be somewhere between 100,000 and a million incidents where Boy Scouts went on camping trips or went to the home of their Scout leader to do a merit badge and was not accosted or hurt in any way," she said.

Even though the I.V. files from 1965 to 1985 were entered into evidence during the Lewis trial, a procedure that usually makes information public, the Scouts are fighting to keep them confidential. And the judge in the Lewis case has issued a protective order to keep the files secret.

The Associated Press and several other news organizations have filed a motion with the Oregon Supreme Court to make the files public. The court has yet to rule.

The public got another glimpse of the I.V. files in a similar series of lawsuits filed by former Scouts against the BSA in the state of Washington.

Tim Kosnoff, one of the plaintiff lawyers, prepared spreadsheets indexing 5,133 I.V. files opened between 1947

and 2005. He has read the material in hundreds of those files.

"To the extent there are any Scouts reasonably safe today, it has nothing to do with Scouting," he said. "It is parents. Show me a troop where parents are actively involved and I'll show you a safe troop.

"For too many parents, Scouting is a free baby-sitting service. And pedophiles don't go after the kids whose dads are active. They look for the kid who is craving adult male attention."

Dr. Gary Schoener, a Minneapolis psychologist, testified as an expert witness for the plaintiff in the Portland case.

The perversion files started as a noble idea, an effective tool to keep track of pedophiles, he said.

But somewhere along the way, the Scouts became concerned about the possible legal liabilities of storing vast amounts of raw data about pedophiles and their victims. The reluctance to analyze the data seems designed to limit liability, Schoener said.

Even so, Schoener and other critics acknowledge the good things that BSA has done for youth around the world during the last 100 years.

"The Boy Scouts have done some fine work, but they could do it better," he said. "This is about the good guys not being good enough."