News



In this Nov. 13, 2013, file photo, a photo of Rev. Robert Brennan, right, is displayed during a news conference in Philadelphia. Federal prosecutors in Philadelphia charged Brennan, a former Roman Catholic priest with lying to the FBI about whether he knew the accuser and his family. Two years ago U.S. attorney William McSwain in Philadelphia joined the long line of ambitious prosecutors investigating the Roman Catholic church's handling of priest-abuse complaints. But as McSwain's tenure nears its end as President-elect Joe Biden takes office next month, there's no sign that any sweeping church indictment is afoot. (AP File/Matt Rourke)

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Two years ago, the U.S. attorney in Philadelphia joined the long line of ambitious prosecutors investigating the Roman Catholic Church's handling of priest-abuse complaints.

The Justice Department had never brought a conspiracy case against the church, despite exhaustive reports that showed its long history of burying abuse complaints in secret archives, transferring problem priests to new parishes, silencing accusers and fighting laws to benefit child sex assault victims.

U.S. Attorney William McSwain sent subpoenas to bishops across Pennsylvania asking them to turn over their files and submit to grand jury testimony if asked. The FBI interviewed at least six accused priests, court files show.

But as McSwain's tenure likely nears its end with President-elect Joe Biden set to take office next month, there's no sign that any sweeping church indictment is afoot. So far, the case has yielded a single arrest: an 82-year-old defrocked priest, Robert Brennan, charged with lying to FBI agents who showed up at his door.

The filings in that case, though, are revealing. They show the FBI had reached a dead end in the broader church probe five months after McSwain set his sights on it.

"I can say with confidence that this team has been extraordinarily thorough and that this investigation is now on the wind-down," an FBI agent wrote in a March 22, 2019, memo to McSwain's office.

Victim advocates who have long sought a full reckoning over the alleged cover-up by church officials are disappointed, but perhaps not surprised.

McSwain is far from the first prosecutor to wonder if the Catholic Church's handling of sex assault complaints, especially before it adopted its "Dallas Charter" for the protection of children in 2002, was the work of a criminal enterprise.

"Everyone wants a RICO investigation," said victim advocate Zach Hiner, referring to the criminal Racketeer Influenced and Corrupt Organizations Act statute.

"There's no doubt that these kind of stories can get people's hopes up, and when they fizzle out, it leads to a 'People don't believe us,' 'The church is going to win' mentality," said Hiner, executive director of the Survivors Network of those Abused by Priests. "But I think the mere fact that we're even talking about it is something that people should be hopeful about."



In this Aug. 14, 2018 file photo, victims of clergy sexual abuse, or their family members, react as Pennsylvania Attorney General Josh Shapiro speaks during a news conference at the State Capitol in Harrisburg, Pa. (AP File/Matt Rourke)

In Pennsylvania alone, at least four other state and local prosecutors spent years investigating the church and produced harrowing grand jury reports in 2005, 2011, 2016 and 2018, each time concluding they could not indict any bishops or the church itself because of the years that had passed.

The closest anyone came was the 2011 arrest of Monsignor William Lynn, an aide to the long-reigning Philadelphia Cardinal Anthony Bevilacqua. Lynn was convicted of child endangerment in 2012 and spent two years in prison, but twice had his conviction overturned. His third trial was getting under way in March when the city courthouse shut down because of the coronavirus pandemic.

McSwain's investigation came on the heels of Pennsylvania Attorney General Josh Shapiro's two-year probe, which culminated in an explosive report issued in August 2018. Shapiro detailed Catholic clergy abuse involving more than 1,000 victims over 70 years in Pennsylvania. Many of his peers around the country followed suit.

In November, New York Attorney General Letitia James sued the Buffalo diocese and two former bishops over an alleged cover-up.

And, nationwide, U.S. dioceses have tallied complaints from 17,000 people and paid out about $4 billion to victims since the 1980s, a figure that could double given recent lookback laws that give them more time to sue. But few prosecutors have filed criminal charges against any church leaders or diocese, usually because of the age of the complaints.

McSwain may have run into the same problem. He declined to speak with The Associated Press about the case.

"Agents reviewed tens of thousands of documents from the archdiocese that local law enforcement had also reviewed in the previous investigations; those documents revealed no apparent prosecutable federal offenses, but suggested additional investigative steps were warranted," McSwain said in a motion filed in Brennan's case, explaining the need to interview him along with "numerous clergy, church personnel, victims, and other laypersons."

David Gibson, director of Fordham University's Center on Religion and Culture, thinks some of the recent investigations may be politically motivated, now that it's popular to take on not just predator priests but those who enabled them.

"Fifteen years ago, you didn't want to offend the bishop, you wanted to work with the diocese. Now, the political calculus says go for it," Gibson said. "I'm all for taking dioceses to task, but … when is it grandstanding?"



This file photo from June 19, 2012, shows Monsignor William Lynn, center as he walks to the Criminal Justice Center, in Philadelphia. Lynn was charged with child endangerment, for allegedly keeping co-defendants former priest Edward V. Avery and the Rev. James J. Brennan, and other accused predators, in ministry. (AP File/Matt Rourke)

The FBI agents had told McSwain's office before interviewing Brennan that "none of the abuse allegations appear to have a federal nexus" needed to charge him. They nonetheless visited the home he shared with a retired priest in Perryville, Maryland, for more than an hour.

Public defenders Catherine Henry and Katrina Young in court papers called it "outrageous" that they spoke with Brennan and searched his computer without contacting his longtime lawyer. They want the charges thrown out. Brennan had been arrested by Philadelphia prosecutors in 2013, but the abuse charges were dropped when the accuser died weeks later. The same lawyer represented him in a related lawsuit for the next five years. Brennan gave the agents that lawyer's contact information.

The judge has not yet ruled on whether to dismiss the case. Brennan is charged with lying when he said he did not know the accuser despite a graduation photo showing them together. Brennan, who said the student was just one of many at the large school, is free on bail.

Gibson believes the church is now belatedly taking steps to address the abuse problem, and thinks public officials should turn some of their attention to child abuse happening elsewhere. He called Shapiro's report important, but "an excavation of the past."

However, lawyer Mitch Garabedian, who helped expose the church abuse scandal in the Boston archdiocese in 2002, still hopes to see a federal racketeering case.

"Many victims and survivors desperately want the federal government to prosecute the Catholic church for these crimes because it will help victims try to heal and make the world a safer place for children," he said Thursday. "The RICO action probably would be appropriate."

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