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Philadelphia abuse reversal conveys a painful lesson

by David Gibson by Religion News Service

Analysis

PHILADELPHIA -- This week's court decision that freed a senior cleric in Philadelphia who had been jailed for shielding an abusive priest was a symbolic setback for victims' advocates but one with a substantial, and discouraging, message for their cause: None of the churchmen implicated in cover-ups during the worst decades of abuse will likely ever face charges.

The June 2012 conviction of Monsignor William Lynn was seen as a landmark verdict because until then no one in the upper levels of the Catholic church had ever faced a trial or been found guilty for shielding molesters.

Lynn, who oversaw clergy and fielded abuse complaints for the archdiocese of Philadelphia from 1992 to 2004, was sentenced to three to six years on one count of child endangerment. After serving 18 months in prison, Lynn was expected to be released from prison soon.

During the past few decades, a number of abusers have been convicted, and many defrocked. But public outrage was largely directed against the bishops and senior church officials like Lynn who, as the appeals court noted in its ruling Dec. 26, "prioritized the archdiocese's reputation over the safety of potential victims of sexually abusive priests."

But the appeals ruling also said that Lynn's behavior, while outrageous to much of the Catholic faithful and the wider public, did not violate the child welfare law in place at the time of the abuse.

And therein lies the harsh reality of the clergy abuse scandal: Much like the financial scandals that rocked the nation after the recession of 2007, almost no one at the highest echelons of responsibility was ever brought to trial or even charged with a crime.

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?Literally thousands of U.S. Catholic officials have done precisely what Monsignor Lynn did and were never even charged or exposed, much less convicted,? said David Clohessy, executive director of the Survivors Network of those Abused by Priests, or SNAP. ?And we believe that hundreds or thousands of chancery officials across the globe are doing ? right now ? exactly what Monsignor Lynn did for years.?

A chief reason that the American hierarchy escaped prosecution was simple: The offenses that came to light largely took place years earlier, and if the statute of limitations on those crimes had not run out, many of the bishops and cardinals responsible for protecting the abusers had themselves expired.

Another cruel paradox is that the revelations often led to tougher laws and reforms that extended the statute of limitations on reporting abuse, but it was too late to snare the churchmen responsible for the offenses that prompted those changes.

The Lynn case was a microcosm of the conundrum: Pennsylvania?s child welfare law was amended in 2007 in the wake of abuse reports to explicitly include supervisors like Lynn. But that was after Lynn had retired, and it was not retroactive.

Moreover, Lynn was always something of a consolation prize. Lynn?s boss, Cardinal Anthony Bevilacqua, who headed the archdiocese from 1988-2003, was found by a grand jury to have orchestrated policies that ignored victims and shielded hundreds of abusive clergy from punishment. But the laws at the time were too weak to bring Bevilacqua up on charges, and he died in January 2012 before the start of Lynn?s trial, where he was expected to be a star witness.

In a similar fashion, disgraced Cardinal Bernard Law of Boston also escaped charges despite his role in a series of cover-ups. After months as the target of public anger, then-Pope John Paul II gave Law a post in Rome, where he has lived quietly and out of the spotlight.

Even Cardinal Roger Mahony, who was just 49 when he was named archbishop of Los Angeles in 1985, was never charged with a crime despite thousands of pages of internal documents released in recent years that detailed how he shuffled priests around to protect them. Mahony is 77 and retired in 2011.

So, what now? In Philadelphia, District Attorney Seth Williams said he would probably appeal the Lynn ruling. Some church observers say that whatever happens, the Lynn case put church officials across the country on notice that they have to report crimes. ?Law enforcement officials, if they have the courage, can often find creative ways to charge and convict corrupt clerics,? Clohessy said.

Clohessy and others noted that three months after Lynn?s conviction, Bishop Robert W. Finn of Missouri was sentenced to two years of court-supervised probation for failing to report suspected child abuse by a priest who was later convicted on federal child pornography charges. The crime in that instance took place in 2010 and was a rare example of a case authorities could readily prosecute.

Victims? advocates are also encouraged that the Catholic scandal continues to prompt reforms in abuse laws and prevention policies and that those who were abused are more likely than ever to come forward with their stories.

But increasingly, the focus of hope is shifting to the Vatican, where advocates say Pope Francis needs to ensure that a new commission on child abuse establishes the kind of church penalties for bishops that they

never faced in the secular sphere. Finn, victims' advocates note, remains in office, and archbishops in Minnesota and New Jersey have not been removed despite new revelations about their roles in protecting abusive priests.

'It's good that Finn and Lynn were convicted, but the value of those two cases was always symbolic. They showed a kind of accountability that was never going to be as broad as it should be,' said Terence McKiernan, head of BishopAccountability.org, a watchdog group.

Nicholas Cafardi, a canon and civil lawyer at the Duquesne Law School in Pittsburgh and former head of the Catholic bishops' national review board on clergy abuse, said Francis must broaden the mandate of the commission to include his brother bishops.

'We have to insist that there be repercussions for any bishop who would re-assign or cover-up for a sexually abusive priest,' Cafardi wrote in an email. 'The church will never have closure on this issue unless the larger problem of hierarchical complicity is dealt with.'

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