

July 26, 2006

Cardinal Justin Rigali
222 N. 17th Street
Philadelphia, PA 19118

Dear Cardinal Rigali,

We were two of the prosecutors assigned to the Philadelphia grand jury investigation that resulted in the report issued ten months ago regarding the sexual abuse of children in the Archdiocese. We have since been involved in efforts to have the grand jury's legislative recommendations become law. We are not writing at the behest of the District Attorney's Office. We are writing to you as private citizens and advocates of legislative reform because we are alarmed by the message – propagated by Church lobbyists and echoed in legislative chambers and New York Times advertisements – *that the Church has fixed the problem*. Surely, when you consult your conscience rather than lawyers or public relations advisers, you must know that the problem of sexual predators in the priesthood is not fixed in Philadelphia.

We write to you today because it appears to us that the Archdiocese is again demonstrating an all-too-familiar pattern: offering assurances and the appearance of action while failing to take steps needed to prevent sexual abuse. As in the past, the effect of such tactics is to add to the danger facing parish children. We plan to share this letter with the public because of our concern that, if lawmakers and parishioners believe what they have heard, they may fail to press for further legal and institutional changes.

Why does it seem to us that the Archdiocese has been disingenuous in its response to the grand jury's findings and recommendations? For the purposes of this letter, let us leave aside the Church's initial orchestrated reaction, which trashed the jury's work and decried the report as "anti-Catholic." We urge you to consider four more recent and continuing examples of misleading assurances that belie inadequate action: the Archdiocese's professed support for legislative reforms, its professed compassion for victims, its professed success in cleansing the priesthood of abusers, and its professed cooperation with law enforcement in response to new abuse accusations.

The grand jurors found that it was, in part, the inadequacy of Pennsylvania's criminal laws that allowed so many child molesters to escape exposure and prosecution. On December 5, 2005, the Philadelphia Archdiocese declared on its website that it would support some of the grand jury's legislative proposals, significantly including the elimination of the statute of limitations for the criminal prosecution of child abusers. That appeared to be a positive step, but has proved meaningless. It is meaningless as long as the Pennsylvania Catholic Conference, which you head, refuses to lend its support – or worse, if it is quietly opposing the bills, as we have been told. We are confident that if the Pennsylvania bishops backed the five criminal law bills now pending in the legislature,

they would pass immediately and with little opposition. If the Archdiocese is, in fact, secretly lobbying against this legislation, that is cynical and dishonest.

The Archdiocese and the Pennsylvania Catholic Conference are somewhat more upfront in their opposition to the proposed one-year window to allow grown victims of childhood sexual abuse to bring lawsuits against those responsible for their abuse. But the Archdiocese's claims to parishioners and state lawmakers that compensation to victims would have to come at the expense of parishes and the Church's good works are simply false. Without even trying very hard, we have identified well over \$250 million worth of unused, vacant, or wasteful real estate owned (or recently sold) by the Philadelphia Archdiocese, the vast majority of which contributes nothing to the mission of the Church. We believe that the Archdiocese should not hide behind false claims of poverty, or behind a statute of limitations for that matter, in order to evade its moral responsibility to compensate victims for lives destroyed by the actions of its priests and bishops.

The Archdiocese's well-publicized hiring of Mary Achilles, a woman we all respect as a victims' advocate, also gives the appearance of trying to help. Yet the needs of the victims we are aware of are still not being addressed. We have run into Mary at several events in recent months. We have witnessed her ask – and victims tell – what they need from the Archdiocese in order to heal. She has heard victims plead for Archdiocese leaders, past and present, to acknowledge the wrong *the hierarchy* has done and apologize for it. She has heard the victims urge Church leaders to make a clean break with the past and reveal the truth that is contained in Secret Archives files by releasing those documents. She has also heard them call on the Archdiocese to support the grand jury's legislative recommendations. The current administration, according to the victims, needs to demonstrate its understanding that the actions of Cardinal Bevilacqua, Cardinal Krol, Monsignor Lynn, and others are not acceptable. The former leaders need to be held accountable for practices that enabled known abusers to victimize many more children throughout the Archdiocese.

Abuse victims have asked for good-faith gestures, such as those undertaken by Cardinal O'Malley in Boston – for example, selling the Cardinal's mansion, opening financial records, and apologizing for the hierarchy's actions – that would show with deeds as well as words that the Church accepts accountability and is sorry for what happened. Some victims also want a measure of compensation for their ruined lives. It is hard to fathom how the stories of hundreds of victims recorded in Archdiocese files, and reported by the grand jury, have not moved this administration to try to make it up to these victims, in some way, for the damage done to them by the Church they loved and trusted.

Knowing Mary Achilles' reputation, we are sure that she has reported back to you what these victims are telling her. Yet, in the ten months since the report was issued, as in the years before that, none of these things has happened. Why? Is it truly because you believe, as the Archdiocese asserted in its response to the grand jury report, that the Church leaders did nothing wrong? Can you really believe this in light of the fact that during all those decades, while priests were committing countless child rapes and while hundreds of abuse allegations were finding their way into Church offices, there was not a single – not one – reported instance of an Archdiocese official calling the police?

It is not only because past victims are still being denied justice or healing, that we say the problem is not fixed. There are continuing and future risks as well. Consider that the Philadelphia grand jury report, while naming 63 abusive priests, also made clear that many other accused priests – 106 that the grand jury was aware of – were named in Archdiocese files. The report emphasized that the jurors did not find the accusations against these other 106 priests unfounded or incredible. Rather, the information in Church files was in many cases simply inadequate to allow jurors to fully substantiate the claims; in some cases, victims who had reported their abuse to the Archdiocese could not be found or were not willing to testify.

Indeed, the grand jury made clear that it regarded the priests named in its report as *examples* of a phenomenon clearly larger than could be fully documented, in part because of the lengths to which former Church leaders went to avoid learning and recording the truth. Yet the Philadelphia Archdiocese, having taken action against only those named in the report – along with a few priests subsequently accused – now acts as if its job is done.

Anyone can do the arithmetic: at least 169 priests accused in Archdiocese files, 121 of them Archdiocesan priests – and only 57 accounted for on the Archdiocese website (17 laicized, 12 dead, 21 in prayer and penance, and 7 pending before the Holy See). The result, evidently enough, is that many of the accused priests named in Archdiocese files but not in the report must still be in ministry (unless there has been an unusually high death rate among accused priests). Because the Archdiocese refused the grand jury's request for copies of interviews conducted by the Review Board's investigator, we cannot know the basis on which the board failed to recommend that these priests be removed from ministry. But if it was merely because a victim who had already been interviewed – and ignored – refused to be interviewed again, or because a priest who had previously accused a fellow priest refused to repeat his accusation before the Review Board, or because the Review Board was not asked to investigate some allegations, or because of any number of similar circumstances, it must be asked why these accused priests remain active.

Monsignor Lynn, the Review Board investigator, and the grand jurors all said that they found credible almost all of the allegations they heard against priests. The Archdiocese trumpets its new policies and programs aimed at preventing childhood sexual abuse. But it is troubling – and telling – that the Church has not revealed the names of many accused priests or explained why it has evidently kept them in ministry.

We fear that the Archdiocese's implication that everything is now fine stems from an old pattern identified by the jurors. They noted that, in the past, the Archdiocese has taken a decision by law enforcement not to proceed in a case – even if it is because the statute of limitations has run or because a victim is unwilling to go public – as equivalent to the priest's exoneration. We want to point out that the grand jury was very clear that just because it did not name a priest in its report, it did not thereby exonerate him.

In a recent legal filing in response to a lawsuit brought by abuse victims under the federal Racketeer Influence and Corrupt Organizations Act, Archdiocese lawyers mocked the Philadelphia jurors' work as a “disputed grand jury report that resulted in no

indictments.” This response bespeaks both a continuing refusal to take to heart the enormity of the crimes detailed in the report and a continuing attitude that equates a lack of indictments with a lack of wrongdoing. Not only is this attitude outrageous, considering that priests and their protectors in the Church exploited statutes of limitations to avoid legal consequences. It is also potentially dangerous – for parish children today.

We strongly recommend that you, personally, take another look at the accusations against any priest who remains in ministry. Then you should decide whether you are sure that children entrusted to that priest will be safe. This decision should be made, we suggest, applying the common sense of a parent or grandparent, not the amoral legal analysis of whether a decision might later be justified – if, for example, the accused priest abuses again. (A good test might be if you are willing to share with the parents in the priests’ current parishes the accusations against them and the basis on which you have decided that the parish children will be safe.)

Finally, the Archdiocese has tried to give the appearance that it is cooperating fully with law enforcement and is doing everything it can to prevent abuse and stop abusers. But if this were the case, why would the Archdiocese’s attorneys have refused Philadelphia prosecutors’ requests to be notified of all new allegations against Philadelphia priests? Your attorneys have refused to inform the Philadelphia District Attorney’s office of reported abuse occurring outside Philadelphia city limits – even if the accused priest has been recently assigned in Philadelphia. We ask you: Does this reflect a determination to do everything possible to get to the truth, to stop predators, and to help victims come forward?

We’re not sure we have told you anything that you did not already know. The victims and the grand jurors have said it all before. The Archdiocese’s insistence that it has put the sex-abuse problem behind it, while it refuses to do more in response to the grand jury report – either for past victims or for the future safety of the Archdiocese’s children – only reaffirms, we believe, the need for the state legislature to act on the grand jury’s recommendations. We hope that you will support laws that will make it harder for child molesters to escape justice in the future.

Sincerely,

Maureen McCartney

Mariana Sorensen

cc: Mary Achilles, Victims Advocate
Msgr. Timothy Senior, Secretary for Clergy