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Pain, anger went into abuse report

The investigation of molestation by priests was an ordeal for witnesses, jurors, lawyers.

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THE PRIEST SEX-ABUSE SCANDAL

Victims wept. So did jurors, hearing story after story of childhoods lost to rape and molestation by trusted priests.

The grand jury investigation of sexual **abuse** in the **Philadelphia** Archdiocese became a grueling three years of outrage, anguish, frustration, legal sparring - and tears.

"To see a grown man cry, oh, it was very disturbing," said Rosalind Arrington, the grand jury forewoman.

The jurors and prosecutors, some of whom grew up in Catholic churches and parochial schools, were shaken as a disturbing picture emerged from church files: evidence that top church officials knew of the **abuses**, and covered them up.

"It's an experience that I think forever changes you," said Maureen McCartney, one of the prosecutors on the case, who is now a law professor at Temple University.

"It's something that you'll never forget."

District Attorney Lynne M. Abraham announced the grand jury probe in April 2002 at the height of the national **abuse** scandal, vowing to investigate "all allegations involving priests, whether they are dead, dismissed or retired."

The investigation **went** on for so long that one grand jury expired and another took its place - starting from scratch. Priests died or retired. Prosecutors and detectives moved on to other jobs. One cardinal stepped down and another took over.

At first, there were pledges of cooperation.

But relations soon turned ugly, as prosecutors jostled with church lawyers over which files would be turned over.

The bitterness lingers. Lawyers for the church say the archdiocese "cooperated fully," but prosecutors have a different view.

"The archdiocese and its lawyers obstructed the grand jury's investigation at every turn," the District Attorney's Office said Thursday.

For prosecutors, the key find lay in the archdiocesan "secret archives" - files required by canon law to be kept under lock and key, available only to the archbishop and a handful of deputies.

These documents provided lurid details of assaults on children, as well as medical and psychiatric records and, importantly, internal letters and other records that showed how the archdiocesan hierarchy dealt with **abuse** allegations.

Eventually, the District Attorney's Office collected more than 45,000 documents, stored by prosecutors in a 10th-floor conference room that they dubbed "the confessional."

One prosecutor said the evidence was shocking from the start.

"The biggest 'Oh wow' moment was when I read the first file," said former Assistant District Attorney **William Spade**, who spent two years on the case before leaving for private practice.

"I remember just being shocked by it."

The investigation turned up allegations against 169 priests, and the District Attorney's Office examined 63 of them in detail.

Prosecutors said the paper trail soon led directly to the top ranks of the archdiocese and to its two former archbishops, Cardinals Anthony J. Bevilacqua and the late John Krol.

One by one, victims came forward to testify, often in hushed tones, telling strangers painful and intimate secrets they had hidden for years.

They told of being raped and assaulted by priests in church rectories and church sacristies, in Shore houses and on camping trips.

Arrington, 57, of West **Philadelphia**, said the stories were traumatizing. Many of the victims had ended up as alcoholics or drug addicts, or in failed marriages.

"There were a few I felt I just needed to hug them," said Arrington, a Baptist who works for the state Department of Public Welfare. "It was really bad."

For some victims, the decision to speak out was wrenching.

John Delaney, 33, of Northeast **Philadelphia**, moved some people to tears as he testified that his parish priest had raped him for years, beginning when he was 11.

"What I did here was one of the toughest things I ever did in my life," he said he told the grand jury.

Delaney understood that no criminal charges could be filed, because the **abuse** happened so long ago, but he asked the panel to recommend changes in the law - a suggestion the grand jury followed.

"I told them if they couldn't do anything for me, at least try to make the laws change so this doesn't happen to your kid or to your nieces and nephews," he said.

Some of the evidence was stomach-turning.

One priest, the Rev. Thomas J. Smith, staged church Passion plays in the 1980s and had the student playing Jesus whipped so severely that he had welts and cuts. One victim testified that Smith would poke him in the penis with pins.

A psychologist hired by prosecutors testified that the church had a sadomasochist on its hands, a risk to children.

At the time of the testimony in 2003, Smith was a priest in good standing, in regular contact with mentally impaired children.

Smith, who declined to answer questions before the grand jury, has since been removed from ministry.

Other accused priests were called in to testify. About three dozen invoked their Fifth Amendment right against self-incrimination.

Even when confronted with the abusers, Arrington felt flashes of sympathy, she said.

One priest was hard of hearing; another came in a wheelchair.

"What were you thinking?" she found herself wondering.

As horrifying as the details were, prosecutors concluded that none of the **abuse** fell within the statute of limitations.

But the grand jury continued to examine possible wrongdoing by church officials.

Prosecutors called Bevilacqua himself to testify. They debated beforehand how to address him. Someone suggested they call him "Your Eminence."

"I said, 'There's no way I'm calling him 'Your Eminence,' " said former prosecutor **Spade**. "We ended up calling him 'Cardinal.' "

Now 82, Bevilacqua appeared before the panel 10 times for a total of 27 hours.

Lawyers for the archdiocese say Abraham's "inquisitors" were combative and hostile, grilling "Mr. Bevilacqua" on everything from his reading to what he said when he knelt to accept the cardinal's red biretta from Pope John Paul II.

Spade doesn't remember it that way.

"We showed him the same respect that we would show any other witness, no more, no less," **Spade** said.

Arrington said Bevilacqua came across as "evasive."

"He's a lawyer, so he's pretty smart," she said, adding that the questioning did become contentious. "He knew exactly how to answer those questions."

As the inquiry wore on, ultimately becoming the longest-running such investigation in the nation, prosecutors began grappling with a different question: whether they could charge the church hierarchy or the archdiocese as an institution.

Prosecutors had intense disagreements on this question, with the debate at times dissolving into shouting matches.

At one point, lawyers discussed the possibility that the archdiocese might plead guilty to endangering the welfare of children.

But the archdiocese and Bevilacqua hired top criminal defense lawyers, and plea negotiations ended.

Prosecutors reluctantly concluded that they could file no charges, either against the abusive priests or against the church hierarchy.

"A travesty of justice," they fumed.

Prosecutors poured that outrage into a 418-page **report**, written by Assistant District Attorney Mariana Sorensen with help from colleagues Ronald Eisenberg and Anthony Pomerantz.

No typical legal brief, their **report** is suffused with a tone of near-fury. It contains graphic descriptions of assaults, and contrasts them with the bland bureaucratic language of church memos. Again and again, it lays the blame at Bevilacqua's feet.

Church lawyers blasted the **report**. They said that prosecutors, frustrated about their inability to file charges, twisted the evidence to demolish Bevilacqua's reputation. A lawyer even called it "anti-Catholic."

Arrington, however, said that the Catholics on the grand jury were offended and maybe "a little more affected" by what they heard.

"We had just as many Catholics saying, 'How could they do that?' "

Another grand juror, Aquilla Allen, an IRS tax examiner from Southwest **Philadelphia**, said she had grown up Catholic and found it hard to fathom how abusive priests had behaved - and how the church hierarchy failed to **report the abuse**.

"It was hard because you don't even want . . . to think that this is happening in any church, in any religion - but especially not in the one that you were brought up in," said Allen, who said she became a Methodist when she **went** to live with an aunt after her mother passed away and later, as an adult, remained Protestant. "I would have a very difficult time . . . if I was still a Catholic," she said. "I don't think that I would be able to remain."

She said the gut-wrenching experience of listening to one distraught victim after another hit her and her fellow jurors hard. "We had tissues all over the place," Allen said.

Even though no new priests were charged, the victims said the **report** brought a measure of justice.

"I think what they did was outstanding," said John McDonald, who said he and his two brothers were abused by a priest.

"It's out there for everyone to see, and it will be there for decades. . . . Bishops all over the country have been keeping sexual **abuse** in a very dark place. Now it's out into the light."

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Illustration/Photo: JESSICA GRIFFIN / Daily News

William Spade, who spent two years on the probe, says the biggest "Oh wow" moment was with the first file. "I remember just being shocked by it."

MICHAEL S. WIRTZ / Inquirer Staff Photographer

District Attorney Lynne M. Abraham at Wednesday's news conference. In April 2002 she vowed to investigate "all allegations involving priests."

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