

One year on, no fix in abuse laws

Pa. lawmakers have yet to make any reforms recommended by a grand jury in '05 to close loopholes used in the priest abuse case.

By Mariana C. Sorensen; The Philadelphia Inquirer; September 28, 2006

One year ago, a Philadelphia grand jury exposed sexual crimes committed by priests against children in the Archdiocese of Philadelphia - crimes that church leaders over decades covered up and enabled.

A year ago, the same grand jury also revealed gaping loopholes in Pennsylvania laws intended to protect children. The jurors found that archdiocese officials had exploited these loopholes to shield predatory priests from prosecution and themselves from liability.

To close the loopholes, the jurors recommended simple amendments to state statutes. Yet, a year later, lawmakers in Harrisburg have passed none of them.

Why are legal reforms necessary?

The grand jury found that when church officials faced the choice of defending their institution's reputation and assets or protecting parish children from predators, they chose to hand over the lambs to the wolves. And no law deterred them from doing so.

Former Philadelphia Cardinal Anthony Bevilacqua knew of children who were molested by priests, but testified that he never reported such cases to authorities because Pennsylvania's "reporting law" did not require it. Lawyers had advised that a report was mandated only if the abused child physically appeared before him - and he usually learned of the priests' crimes secondhand from aides.

Another loophole, in a law ostensibly punishing those who endanger the welfare of children, apparently allowed church supervisors to place known serial child rapists in charge of youth without fear of criminal sanction when the priests predictably re-offended.

Indeed, despite accusations against 169 clergy who served in the archdiocese - and despite overwhelming evidence that two former cardinals and their aides concealed and facilitated the abuse - only one priest was prosecuted. The phrase travesty of justice does not begin to describe how Pennsylvania's laws allowed these crimes against children to go undiscovered, undeterred and unpunished.

The proposed legal reforms would:

Require those charged with caring for children to report suspected abuse regardless of whether the child reports the abuse in person.

Make the law against endangering children explicitly apply to supervisors who place youth in the care of those known to be dangerous to children.

Abolish the statute of limitations for sex crimes against children so that perpetrators can no longer escape punishment by choosing as victims those too vulnerable to report their abuse in time.

Require organizations to perform background checks on those entrusted to work with children.

Allow a one-year window in which victims who have been denied justice because of the inadequacy of Pennsylvania's laws can seek civil redress for the harm done to them even though the statute of limitations has expired.

The church's response over the last year to the grand jury's findings has made it clear that needed reforms will not come voluntarily. The archdiocese has yet to hold accountable those responsible for so much harm - particularly Bevilacqua (still unapologetic and head of the prestigious Papal Foundation) and his secretary for clergy, William Lynn (still pastor of St. Joseph in Downingtown).

The hierarchy also has yet to come clean with parishioners by revealing all child-abuse allegations against priests; explaining why, according to its Web site, only 38 of the accused archdiocesan priests have been removed from ministry;

or saying where others may be assigned. And the church continues to hide behind the statute of limitations to deny victims compensation for ruined lives.

Proposed legislation does not target any one institution. It addresses child abuse broadly. The criminal-law reforms would deter not just clergy but medical professionals, school staff, day-care workers, and others from leaving children in the care of known sexual predators.

Equally important, the one-year window for lawsuits would help expose past abusers and enablers who have successfully concealed their offenses until after the statute of limitations has run. In many Pennsylvania communities where district attorneys have failed to investigate, civil suits are the only way residents will learn the names of even confessed pedophiles, including former priests, who may be mingling among their children and working as teachers, counselors, or coaches.

Cardinal Justin Rigali recently hosted an event, "Witness to the Sorrow," in which abuse survivors described the devastation left in the wake of predators and their protectors. The grand jurors witnessed this sorrow many times over. A year after they proposed legal reforms, isn't it time Harrisburg enacted them?

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