

ACCUSED PRIESTS DESERVE BETTER

Bill Donohue

There is justified anger on the part of the Catholic laity over the way molesting priests were handled by the bishop. That anger is still with us today, even though the bishops have made great progress in dealing with clergy sexual abuse. Most cases we hear about today are old cases and the offenders are dead or out of ministry.

There should be more anger today over the rights of accused priests. They are assumed guilty until proven innocent. Many in the media have portrayed all priests as predators, and prosecuting attorneys have acted with a vengeance that is as disturbed as it is dangerous. But don't look to the ACLU or any liberal activist organization to come to their defense. They are treated unfairly, both in the courts and in the court of public opinion.

It is never chic to defend the rights of those accused of sexually abusing anyone. That is understandable. But being chic has nothing to do with virtue, and there are two cardinal virtues that are apropos: justice and fortitude. Accused priests deserve justice as much as alleged victims do, but to do that takes fortitude. There is much to learn from the way the accused are being treated outside the Church.

One does not have to like Bill Cosby or Harvey Weinstein (I fought with the latter for decades) to like what their lawyers are saying in their defense. There are some lines of defense that are not only persuasive, they have direct application to accused priests.

As everyone knows, the #MeToo movement has had its sights set on Cosby and Weinstein from the beginning. Given that both men

are high profile celebrities who have been accused of serial sexual offenses, this is understandable. But that doesn't mean that everything done in the name of this cause is justified.

Cosby's lawyers recently appealed his conviction for sexual assault to the Pennsylvania Supreme Court. In their filing, his lawyers made a veiled reference to the #MeToo movement. "Cases exist in which the outcomes were deeply influenced by public panic fueled by the nature of the allegations pledged, the media, and other special interest groups. The criminal justice system teeters on a dangerous precipice in such cases."

Andrew Wyatt, Cosby's spokesman, was more specific. He raised concerns about "the impact of #MeToo hysteria on the bedrock principles of our criminal justice system."

The "public panic" cited by the lawyers is what sociologists call a "moral panic." It refers to an irrational reaction to alleged offenses, one that yields a poisoned environment in which to adjudicate them. There is little doubt that the #MeToo movement has set off alarms that threaten to allow emotion to override reason in dealing with alleged sexual offenses, the result of which compromises the due process rights of the accused.

Donna Rotunno is Weinstein's defense lawyer. She was asked about the #MeToo movement.

"If we have 500 positives that come from a movement, but the one negative is that it strips you of your right to due process and a fair trial, and the presumption of innocence, then to me, not one of those things can outweigh the one bad," she said. "We can have movements that strip us of our fundamental rights." Similarly, she said that this movement "allows the court of public opinion to take over the narrative" and "puts you in a position where you're stripped of your rights."

What about the women accusers? “Yes, he’s a powerful guy. But I think that because he’s a powerful guy, they would use him and use him and use him for anything they could.” When asked if all women accusers should be believed, Rotunno answered, “I believe women who I believe the facts and evidence support their cases, but I think it’s very dangerous to believe all women without looking at the back story—the rest of the evidence.”

Everything that these lawyers have said about their clients is true of accused priests these days. Even more so.

A moral panic has indeed arisen in cases of clergy sexual abuse. It is fed by a hostile media, late-night talk-show hosts on TV, cable outlets like HBO, and others. Old cases of abuse are presented as if they are new, leaving the false impression that the scandal is ongoing. Pernicious generalizations about priests—and sick jokes—are made with abandon. Movies spread lies about the Catholic hierarchy. And so on.

This has less to do with the #MeToo movement than it does with vintage anti-Catholicism. It is no secret that the cultural elites harbor an animus against Catholicism. These kinds of atmospherics make it difficult for accused priests to get a fair trial. Add to this the cherry picking of accused priests by state attorney generals, and the table is set for conviction.

What Weinstein’s lawyer says about women accusers is certainly applicable to priest accusers. Some are telling the truth but others are lying through their teeth, seeking revenge against an institution they despise. And just as Weinstein is a “powerful guy” who is easily exploited because of who he is, the Catholic Church is a “powerful” institution that is also easily exploited.

Rotunno is also right to say that “it’s dangerous to believe

all women" accusers. Similarly it is dangerous to believe the accounts of all those who claim to have been victimized by a priest. If someone has been truly molested, the evidence should support his claim. If the evidence is solid, he is entitled to justice, however that plays out in court.

The bishops are leery about appearing insensitive to victims, and their fears are realistic. But when there is good reason not to believe a word the accuser says, there is no virtue in remaining silent. Patently bogus charges need to be rebutted with vigor. At stake are the due process rights of accused priests.

It would do the Catholic Church wonders if more aggressive attorneys such as those employed by Cosby and Weinstein were hired. No priest should be a sitting duck for rapacious victims' lawyers. I might add that Rotunno is a Chicago lawyer who went to a Catholic college.

It is not certain how many priests have been victimized by vindictive accusers and their lawyers. Some of them are high profile priests.

In February we learned that Msgr. William Lynn, who was sentenced in 2012 for child endangerment when he was secretary for the clergy at the Archdiocese of Philadelphia, will be retried again—his conviction was twice overturned—on March 16. But it is an open question whether his accuser, Danny Gallagher, a.k.a, Billy Doe, will be called to testify.

Gallagher is one of many priest accusers who are of suspect character, yet this has mattered little to the courts or the media. Ralph Cipriano, who has done the best work of any journalist on this case, rightfully described Gallagher as "a former drug addict, heroin dealer, habitual liar, third-rate conman and thief," who nonetheless was able to shake down the Church for \$5 million in a civil settlement.

How could this have happened? Gallagher told two social

workers for the archdiocese what allegedly happened to him at the hands of priests and a layman. Cipriano says that the details he offered—"the anal rapes, the punches, the threats, the claims about being tied up naked with altar sashes, strangled with a seatbelt, and forced to suck blood off a priest's penis—all those graphic details were dropped from his story" when he spoke to the police.

Worse, the defense lawyers were kept in the dark about this and also never learned of the explosive affidavit by detective Joe Walsh; he questioned Gallagher before the trial. He provided many stunning inconsistencies in Gallagher's account, concluding that he was an inveterate liar.

In January we learned that Father Roy T. Herberger from the Buffalo diocese filed a libel suit against his accuser who claimed that the priest abused him in the 1980s. The Diocese of Buffalo put the priest on administrative leave in June 2018, pending an investigation, and then concluded that the allegation was unfounded. He was returned to active ministry in December 2018.

Attorney Scott Riordan, who was hired by the diocese, did a report on the accuser. He found there was no record of him being at the school at the time when he was allegedly molested. The accuser said he was assaulted in the rectory of St. Ann church, but the priest had no key to get in as the parish was run by the Jesuits. The accuser said much of the abuse occurred in the priest's home in Lackawanna, but the priest never owned or rented a house in that neighborhood. And the inside of the home that the accuser described was found completely wrong by the owners.

It is not just in the United States where these travesties of justice are taking place.

Cardinal George Pell, who is in an Australian prison for alleged sexual abuse (awaiting a final appeal) was accused as

far back as 1962. The case was dismissed because nothing could be substantiated. His accuser had been convicted 39 times for offenses ranging from assault to drug use. He was a violent drug addict who drove drunk and beat people.

In 1969, Pell was accused of doing nothing to help an abused boy who pleaded for help. But Pell was not in Australia that year—he was in Rome. At a later date he was accused of chasing away a complainant who informed him of a molesting priest. But Pell did not live where this allegedly happened, and the accuser was later imprisoned for sexually abusing children.

When Pell was accused of joking about a notorious molester priest's sexual assaults at a funeral Mass in Ballarat, it was later found that there was no Mass that day and the priest whom Pell was allegedly joking with was living someplace else when the alleged incident took place.

The occasions that got Pell imprisoned have also been called into question. One of his accusers was an alcoholic, a drug addict, and a thug who beat and stalked his girlfriend. His co-accuser also had a record of violence. As for the two choirboys who claimed Pell abused them, one has since died of a drug overdose, but not before telling his mother, on two occasions, that the alleged incident never happened.

These are three of the most high profile cases where a priest has been accused by men whose characterological profile is seriously impaired.

There is another priest, Father Gordon MacRae, who is still in prison in New Hampshire for crimes he vehemently denies, and whose accuser, Thomas Grover, has a history of theft, drugs, and violence. Even his former wife and stepson call him a "compulsive liar" and a "manipulator."

Lest anyone think that I will defend any accused priest, let me be clear: I will defend the due process rights of any accused priest, but will not exculpate any priest who is

guilty of an offense. The Catholic League is here to defend the Catholic Church against wrongdoing: We are not here to defend wrongdoing committed by the Church.