

# PURSuing OLD CASES OF ABUSE IS AN INJUSTICE

Church-suing lawyers celebrated the holidays with a boatload of new cases, all in the name of justice. In reality, more injustice than justice will be rendered. The steeple-chasers are jumping on the bandwagon effect of the Pennsylvania grand jury report that was issued in 2018.

A comprehensive news story by the Associated Press details how 15 states have enacted legislation to suspend the statute of limitations to allow the pursuit of old cases of sexual abuse. Why is this unjust? Here are seven good reasons, beginning with Pennsylvania.

Grand jury reports are rarely made public, and with good reason: grand jury members hear only one side of the story—defendants have no voice—and there is no cross examination of witnesses. So the likelihood that an indictment will be granted is quite good. It is because the scales of justice are weighted so heavily against the defendant that Pennsylvania Attorney General Josh Shapiro should have followed established legal practice and not have released the grand jury report. That was injustice #1. The rights of accused priests were summarily ignored.

Injustice #2 was the initial seating of the grand jury. If established legal practice had been followed from the beginning, there would have been no state grand jury investigation. The entire process began when Shapiro's predecessor, Kathleen Kane (who was subsequently sent to prison for leaking grand jury reports, etc.) fielded a request from Cambria County District Attorney Kathleen Callihan to conduct a statewide investigation of the Catholic Church.

What Callihan did was unusual. When she learned of a case of

sexual abuse dating back to the 1990s committed by Brother Stephen Baker at a Catholic high school in Altoona-Johnstown, she could have commenced her own probe. Instead, she pitched it to Kane. Would she have pitched one case of sexual abuse that took place in a public school decades ago to Kane, or would she have pursued it herself? More important, her office did not nail Baker—his bishop did. It was Bishop Mark Bartchak who told Callihan about him. Had he kept his mouth shut and handled the matter internally—the way almost every other institution in the United States did in the past *and still does today*—there would have been no grand jury.

Injustice #3 is the wave of lawsuits that are engulfing the Church across the nation; it is estimated that more than 5,000 new cases will be pursued, costing the Church more than \$4 billion. If Bishop Bartchak had not contacted the local authorities, and if they did not give the case over to the chief law enforcement in the state, and if he did not release the grand jury report, there would have been no tidal wave of state grand juries launched against the Catholic Church. In other words, the Church is being sabotaged because Bishop Bartchak, unlike others, did what he was supposed to do.

The suspension of the statute of limitations is injustice #4. This is a fundamental 5th Amendment right of due process, one that organizations that are as disparate as the Catholic League and the ACLU can agree on. How can a defendant have his rights protected in cases that extend back decades? Were there any witnesses in the first place? If there were, are they still alive? How accurate is their recall? Moreover, there is a really good chance that the accused priest is dead.

Injustice #5 is the cherry picking that is going on. Most of the lawsuits that have been filed target the Catholic Church. Why is this? For the same reason why most of the billboards and radio advertisements seeking clients cite the Catholic Church and not the public schools or other religions.

Fighting the public school bureaucracy takes time and its records on miscreant employees are not as detailed as those kept by the Church. Most religious bodies do not have a centralized structure, nor do they have established record keeping protocols the way the Catholic Church does. This makes it difficult to probe them. In other words, the Church is a much easier target. Just as important, there is a clique of Church-hating lawyers who will do anything they can to destroy it.

Injustice # 6 is punishing the innocent: There are millions who depend on Church services, agencies, and institutions for their welfare. By diverting Church funds to pay for the legal fees of cases involving dead or laicized priests, many of the needy will be deprived of the care they need.

Injustice #7 is the failure to make the guilty pay. How is justice served when those who should pay for their offenses will never be prosecuted? To wit: only two of the 301 priests (and others) named in the Pennsylvania grand jury report have been prosecuted.

This is a scam. There will be lots of money exchanged—the lawyers will cream a third of the loot right off the top—but little in the way of justice will be achieved. By any measure, this is not a defensible outcome.