

# AMICUS CURIAE BRIEF FILED; CATHOLICS IN A FRENZY

In response to the Pennsylvania grand jury report on offending priests, the Catholic League filed an *amicus curiae* brief in the Western District of the Supreme Court of Pennsylvania. Represented by the Pittsburgh law firm Porter Wright Morris & Arthur, the brief challenges several aspects of the grand jury report that was released by Pennsylvania Attorney General Josh Shapiro.

The report has damaged the reputation of several persons and institutions, and has set the table for government officials to misuse the findings. A more complete rendering of the Catholic League brief can be found on pp. 4-5.

We believe that anyone who hurts a minor must be investigated and, when appropriate, prosecuted to the fullest extent of the law. Such investigations and prosecutions must however be conducted in accordance with the protections required by the United States Constitution and, in this instance, the Pennsylvania Constitution.

There is perhaps no greater threat to liberty than a politically motivated prosecutor. When those motivations extend beyond individuals who have engaged in criminal wrongdoing—targeting an entire religion—the threat is cataclysmic to all faiths.

This is not the first time that Attorney General Shapiro has used the power of his office to single out the Catholic Church in order to impugn its moral integrity, but it is his most egregious effort. We are asking the Pennsylvania Supreme Court to take the necessary steps to ensure a grand jury process grounded in the Constitutional protections of due process, reputation and religious freedom.

This grand jury probe has inspired other states to conduct their own investigations, all the while ignoring the abuse of minors in other religions, never mind in the public schools. It has also triggered a crazed reaction on the part of some lay Catholics, many of whom just want to bring down a bishop, regardless of whether he deserves to be unseated. Cardinal Donald Wuerl is a prime example of this frenzy (see p. 7).

Pope Francis weighed in attempting to put this issue in perspective. “In olden times these things were covered up—but were covered up also in families, when an uncle abused his niece, or a father raped his child; it was covered up because it was a very great shame. That is how people thought in the last century.” He asked us not to use today’s understanding of this issue to judge past decisions.

The Catholic League will never condone wrongdoing, and wants the guilty to pay. But we are also committed to defending the innocent; this is not an easy task in today’s overheated climate. Making critical distinctions is more important now than ever before.

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## **ST. LOUIS VICTORY**

In January 2017, when a bill was introduced in St. Louis to expand abortion rights, the Catholic League supported St. Louis Archbishop Robert Carlson in his effort to stop the bill. We lost that round but won in court in October.

The bill added “pregnancy and reproductive health decisions as protected classes” to an existing anti-discrimination ordinance. It meant that Catholic non-profits, such as schools and social service agencies, could be fined for maintaining their opposition to abortion in matters of employment and

insurance coverage.

Archbishop Carlson feared that the bill could turn St. Louis into “a sanctuary city for abortion.” His fears were not without merit. As soon as the law passed, Catholic institutions were attacked, triggering a lawsuit.

On January 12, 2017, Bill Donohue wrote to Lewis Reed, the president of the Board of Aldermen in St. Louis, stating that the government “has no constitutional right to encroach on the religious liberties of Catholic institutions, or those of any other religion.”

A federal judge ruled on October 4 that by not allowing for a religious exemption, the St. Louis ordinance violated the U.S. Constitution and Missouri law. Judge Audrey Fleissig said the law violated the First Amendment rights of Catholic schools by requiring them to employ or house people who are pro-abortion.

The judge’s ruling does not apply to secular institutions. But it is a victory for Catholics and people of all faiths. We salute Archbishop Carlson for his courage.

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## **LIES MARKED KAVANAUGH HEARING**

**William A. Donohue**

When I debated Christopher Hitchens, I told the famed atheist that if he wants to take on Mother Teresa, then he had better have the evidence. My axiom is simple: the more prominent the person is who is being dissected, the stronger the evidence must be. He failed. In his 99-page book trashing the saintly nun, he had not one footnote or endnote to back up his position.

Similarly, Dr. Christine Blasey Ford made serious charges against a prominent public person, Judge Brett Kavanaugh, a man who was being considered for a seat on the highest court in the land. The burden was on her, not Kavanaugh, to prove that he was an attempted rapist who may have “inadvertently” killed her.

Ford named four persons whom she said would verify her account. Every one of them failed to do so; they said they were never at a party when Kavanaugh allegedly attacked her. Her girlfriend, Leland Keyser, not only said she was not at the party, she said she never met Kavanaugh. But she did tell the FBI that she was pressured by Ford’s allies to alter her story.

Ford did not recall where the party was. Nor did she remember how she got there or who took her home. No one who was supposedly at the party ever recalled her leaving (in a terrified condition), nor did anyone call her about it the next day. Prior to the hearing, Ford made many phone calls to her friends asking if they recalled being at the party. No one did.

Ford said she was 15-years-old when Kavanaugh attacked her. But that is not what she told her therapist: in 2012 she said it happened when she was in her late teens. Fifteen and late teens are not close (Ford refused to turn over her therapist’s notes). Also, when Ford was asked by Rachel Mitchell, the prosecutor who questioned her, whether she had ever coached someone how to take a lie detector test, she said no. But Ford’s boyfriend, who lived with her in the 1990s, testified under oath that he witnessed Ford coach one of her girlfriends how to pass a polygraph.

There were other tales as well. Ford said she had a fear of flying, which is why she was reluctant to come to Washington to testify. Yet it was shown that she was a world traveler. She said she also had a fear of having her home broken into,

which is why she installed a second front door in 2012. Yet it was shown that she opted for a second door in 2008 to accommodate a renter.

Was she purposely lying? Or is she delusional? Hard to tell. No matter, the really ugly story here is not Ford—it is those who believe that Kavanaugh is guilty, even though there is zero evidence to support any of the charges.

When the FBI issued the report that exonerated Kavanaugh, the *New York Times* did not make this a headline story. Instead, six paragraphs into the lead story on October 5, it reported that “Republicans said the FBI had turned up no evidence to corroborate accusations of sexual assault and misconduct.” “Republicans said”? It was the FBI that said that.

Sen. Cory Booker, an admitted sexual offender (he bragged in college about groping a drunken 15-year-old girl when he was in high school), praised Ford for having “the courage to come forward and tell her truth.” Her truth? This is postmodern gibberish. There is only one truth.

But truth doesn’t matter to ideologues. Kimberly Fletcher, the head of Moms March Movement, confronted female anti-Kavanaugh protesters and asked them what if Kavanaugh is telling the truth. “It doesn’t matter,” they said, explaining that it serves their cause to take him down. This is what Marxists teach: the truth is that which serves the cause.

The media also helped to generate lies when they gave high profile to professional protesters. The leaders of the anti-Kavanaugh protest were paid by George Soros, the far left-wing billionaire. For example, the woman who confronted Sen. Jeff Flake in an elevator, Ana Maria Archila, receives approximately \$180,000 in compensation from Soros to lead the Center for Popular Democracy. She, and others, taught protesters how to harass public officials and stage media events.

Sen. Booker encouraged the crazies to “get in the face” of those who support Kavanaugh. They did more than that. They published the home addresses and phone numbers of Republican members of Congress and their families—stolen by a staff person who works for one of the Democrats. They followed through by making threatening phone calls. Sen. Rand Paul’s wife was terrified. “I now keep a loaded gun by my bed,” she wrote. Her remark was made in an open letter to Booker.

It is not enough to disagree anymore—left-wing activists are bent on destroying their adversaries and their families. There are plenty of nuts on the right as well, but the difference is that the elites in education and the media stand squarely with the attack dogs on the left.

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# DEBUNKING POPULAR ANTI-CATHOLIC LIES

**Rick Hinshaw**

Gerard Verschuuren, Ph.D., *Forty Anti-Catholic Lies: A Myth-Busting Apologist Sets The Record Straight* (Manchester, NH: Sophia Institute Press, 2018)

“There are not one hundred people in the United States who hate the Catholic Church,” Bishop Fulton J. Sheen famously said, “but there are millions who hate what they wrongly perceive the Catholic Church to be.”

As we at the Catholic League know, today there are many in America who do hate the Catholic Church, primarily for certain of its teachings—on marriage and family, human sexuality, the sanctity of life—that conflict with the materialism and

hedonism of our age. But here too, those who hate the Church are guilty of falsely caricaturing its teachings, practices and history, in order to discredit its voice.

Today more than ever, it is necessary for Catholics to refute the many popular lies told about our faith. To do so, Catholics must first understand the truths about our faith.

Enter Gerard Verschuuren, with *Forty Anti-Catholic Lies*. A human biologist who also holds a doctorate in the philosophy of science, Verschuuren is a prolific writer and speaker on science and religion, faith and reason; and *Forty Anti-Catholic Lies* is the latest in a series of works he has authored debunking popular anti-Catholic myths.

The book is organized simply, the forty anti-Catholic lies broken down into seven categories: Catholicism and the Bible; Catholicism and its Controversies; Catholicism and its Uniqueness; Catholicism and Other Religions; Catholicism and its History; Catholicism and Science; and Catholicism and Society.

In Catholicism and the Bible, Verschuuren takes on what has been a Protestant mischaracterization, ever since the Reformation, of the Catholic Church's approach to Scripture.

Martin Luther, Verschuuren explains, taught a doctrine of *sola Scriptura* (Scripture alone)—that “Scripture is the supreme authority in all matters of doctrine and practice.” As Catholicism rejects that doctrine, critics hold that “most Catholics live a life of *sine Scriptura* (without Scripture).” This is demonstrably false; as Verschuuren points out, Catholics “can’t go to Mass without hearing Scripture readings over and over again.”

But Catholics believe that sacred Tradition, along with sacred Scripture, is essential to transmitting the faith. It cannot be Scripture alone, Verschuuren concludes, quoting St. Thomas More, because “The Church was gathered and the faith was

believed before any part of the New Testament was put in writing.”

“St. Paul did not walk around with a copy of the New Testament in his pocket,” Verschuuren writes, “because there was no New Testament yet.” Instead, St. Paul in his letter to the Thessalonians attested to the complementarity of Tradition and Scripture: “Stand firm and hold to the traditions which you were taught by us, either by word of mouth or by letter.”

Catholics do not *reject* the teaching authority of Scripture. Rather, we join it to the equally authoritative teachings of sacred Tradition.

Within the category of Catholicism and its Controversies falls the lie that “Catholics think salvation can be earned.” This is the age-old argument about whether salvation is achieved through God’s grace or through good works. Critics of Catholicism make this an “either-or” proposition, in which Catholics, because they encourage good works in the name of the Lord, are guilty of elevating “works” over “grace” as the means to salvation.

In truth, the Catholic Church has always taught that we are saved by Christ’s redemptive suffering and death. “Salvation ultimately comes from God’s grace,” writes Verschuuren, “not from our doings. Even when we do ‘good works,’ on our side, they are always a fruit of grace, coming from God’s side first.”

Yet critical to Catholic teaching about salvation is our power to reject it through acts (or omissions) of our free will. God’s grace must be “preserved, nourished, and cherished” throughout our lifetimes, Verschuuren explains. Good works help us to do that. But when we “(put) our work in opposition to God’s grace” we reject that grace, and with it God’s gift of salvation.

Catholicism and its Uniqueness covers a number of the most



oft-repeated lies about Catholic beliefs and practices, including our veneration of the Blessed Virgin Mary. It is claimed that Catholics venerate Mary as a goddess, on a par with Jesus as Redeemer. The claim is false, but so widely held that this may be the most important topic Verschuuren addresses.

He begins by noting the important role Mary plays in the Bible and the early life of the Church, demonstrating how vital Mary's "Yes" to God was to our redemption. This was the meaning of Mother Teresa's words, "No Mary, no Jesus." "God chose to bring His Son into the world through the cooperation of Mary," Verschuuren explains. "Without her cooperation there would have been no Incarnation, and therefore no Redemption."

This is not the same as elevating Mary to the level of Christ the Redeemer. "Even in the great Marian churches of the world," Verschuuren emphasizes, "the central act of worship is the Mass—the Lord's Supper, the bloodless reenactment of his sacrifice on Calvary. The focus of worship is the altar, Cross and tabernacle. Christ alone is the center of Catholic Faith."

He quotes St. John Paul II: "The text of St. Paul's letter to Timothy ["There is one mediator between God and men, the man Jesus Christ"] excludes any other parallel mediation, *but not subordinate mediation.*" (my emphasis) And that subordinate mediation is the role of Mary.

Verschuuren reminds us that in the Hail Mary, Catholics ask Mary to pray for sinners, not to redeem sinners. "She brings them to her Son" and He redeems us. That is what Catholics believe about our Blessed Mother and her intercessory role.

Catholicism and Other Religions deals with the claim that "Catholics think Heaven is only for them." The basis for this contention is the teaching that "Outside the Church there is no salvation." It is a widely misunderstood teaching that the Church in recent years has sought to clarify. As Verschuuren

explains, it derives from the understanding that “all salvation comes from Christ.” But this is contingent on first knowing Christ. Such knowledge comes through the Church, which is Christ’s body; and that is how salvation comes through the Church.

Ultimately, Verschuuren makes clear, it is God who decides who goes to Heaven and who does not. One does not have to be Catholic to be saved; but if one knows and willfully rejects Christ and his Church, they reject salvation. “Depending on *our* choices, God makes *His* choices.”

Catholicism and its History tackles some of the favorite lies of anti-Catholics: those that vilify the Church unfairly for the Crusades and the Inquisition, and that advance the calumny against Pope Pius XII as “Hitler’s Pope.” This book debunks all of them.

With regard to Pius XII, Verschuuren points out that Pius always had to weigh the moral imperative of speaking out against the probability that it would only increase Nazi persecutions. Yet he did speak out, beginning with his first encyclical, *Summi Pontificatus*, that deplored the Nazi invasion of Poland and reiterated Church teaching against racial persecution. He acted aggressively, at great risk to himself and the Church, to protect Jews in Rome. And he was widely praised, by media and Jewish leaders, during and after the war and upon his death in 1958. His 1942 Christmas address prompted the *New York Times* to proclaim him “a lonely voice crying out of the silence of a continent.”

What then accounts for the “Hitler’s Pope” defamation? Verschuuren pinpoints it. The phrase was first used by Radio Moscow in June 1945. Pope Pius, with his consistent opposition to totalitarian oppression, was an obstacle to Stalin’s communists, as he had been to Hitler’s Nazis. He had to be discredited. Thus, when German playwright Rolf Hochhuth—who had been a junior member of the Hitler Youth!—issued his play

*The Deputy*, defaming Pius XII, it was produced and given wide circulation by Erwin Piscator, a German communist who had worked for Soviet intelligence in Moscow during World War II.

Verschuuren further reports that General Ion Pacepa, a former high-ranking official in Romania's communist government—and the highest ranking official ever to defect from the Soviet Union—revealed the anti-Pius disinformation campaign, and his own role in it.

Among the most widely accepted of anti-Catholic lies is that the Church is “anti-science.” Verschuuren demolishes this one. He begins by citing the Church's historic commitment to “Faith and Reason (*Fides et Ratio*),” tracing it from Augustine to Aquinas to St. John Paul II, who proclaimed faith and reason as “two wings on which the human spirit rises to the contemplation of truth.”

Verschuuren shows that, far from being opposed by the Church, “science was born in the Catholic cradle of the Middle Ages.” During the so-called “Dark Ages,” it was the Catholic Church that provided schooling, preserved educational research, and promoted scientific inquiry.

“Had it not been for the Catholic Church,” Verschuuren argues, “the scientific revolution would most likely never have happened.” The first universities in the world, which arose during the Middle Ages, “were Catholic universities,” and they “were the hotbed for a period of great technological and scientific advancements, as well as achievements in nearly all other fields of knowledge.”

The author also debunks Exhibit A for the “Catholics are anti-science” lie: the Galileo affair. Besides exposing the flaws in Galileo's research and personal character, he also refutes the myths that Galileo was imprisoned, tortured, even burned at the stake by the Church. Voltaire's claim that Galileo “groaned away his days in the dungeons of the Inquisition,”

was “a complete fabrication made up by an anti-Catholic.” That’s an apt description for many of the anti-Catholic lies exposed in this book.

Among the lies Verschuuren takes on in *Catholicism and Society* is the assertion that Catholics use religion to discriminate. He shows that in fact the opposite is true: Today’s secularists, led by groups like the ACLU, blatantly discriminate against religion, Catholicism in particular. They do so, he explains, by defining secular values—i.e., abortion, same sex “marriage”—as “rights,” while relegating religious values to “beliefs” that cannot be imposed on others in a pluralist society. But as he notes, secular values “are far from neutral—they are usually pro-abortion, pro-euthanasia, and pro-homosexual activity.”

Thus, while we are told that “religion cannot impose its values on secular society,” secular society is accorded “the right to impose its values on religion.” This is the very definition of discrimination, and it is practiced today *against* the Church, not by the Church.

*Forty Anti-Catholic Lies* is easy reading, accessible to readers from all walks of life, all levels of education, and all degrees of faith commitment. All Catholics, and anyone interested in the truth about Catholicism, should read it.

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## **CATHOLIC LEAGUE AMICUS CURIAE BRIEF**

*The following is an excerpt from the motion to accept the Catholic League amicus curiae brief. The league was represented by Kathleen Gallagher, Devin Winklosky, and*

*Russell Giancola of Porter Wright Morris & Arthur LLP from Pittsburgh, Pennsylvania.*

The Catholic League has a unique perspective on the issues in this case and its brief would assist the Court in its consideration of the pending questions. Specifically, the Catholic League request to file the accompanying *amicus* brief to address (a) the damage the grand jury reports may cause to specifically-targeted religious institutions and their members, (b) the potential for the misuse of the grand jury process by government officials with unchecked executive power, and (c) the need for reform to Pennsylvania's investigating grand jury process.

This case presents issues of vital, immediate, and increasing concern to the Roman Catholic Community. In 2016, the Pennsylvania Office of Attorney General convened the Fortieth Statewide Investigating Grand Jury to examine alleged sexual abuse of minors by clergy in the Catholic Church in six dioceses across the Commonwealth. Notably, the Attorney General excluded all other religions, private non-sectarian institutions, and public sector entities from the Grand Jury's inquiry, choosing to single-out and focus solely on the Roman Catholic Church.

Unquestionably, child sex abuse should be investigated and rooted out; the question remains, however, as to why the use of the Statewide Investigating Grand Jury – a formidable government tool with broad powers – was deliberately limited to investigating only Catholic entities. Such government sanctioned religion-based targeting is alarming for many reasons, foremost because it violates the rights of Catholics under the Pennsylvania and United States Constitutions.

On August 14, 2018, an Interim-Redacted Report ("Report") of the Grand Jury was issued. The recent and dramatic public release of this Report, the circumstances surrounding its release, the subsequent extra-judicial statements of the

Attorney General publicly condemning the Catholic Church and named individuals, and the resulting intense and continuing negative media attention targeted exclusively at the Catholic Church raise significant issues directly affecting the reputation of the Catholic Church and its members.

Even before the Report was released, the Attorney General knew of flaws in the Report, but chose to ignore them, opting instead for sensationalism at the expense of innocent citizens. For example, the Report states that “[i]n the late 1980s, the victim confronted [Charles J.] Ruffenach regarding the abuse. Ruffenach denied the allegations.” This statement is demonstrably false as Charles J. Ruffenach died in 1980.

Likewise, the Report contains an allegation of abuse by George Wilt that purportedly occurred in 1961 at St. Bernard Parish. This allegation, too, is false – Wilt was not assigned to St. Bernard until 1968. The Report also contains an allegation of abuse claiming to have occurred over 65 years ago based on nothing more than a hearsay phone call from a victim’s spouse to the Diocese of Greensburg. The caller could not recall the priest’s name and could only provide the name of the parish. Based solely on a list of priests assigned to the parish around the time, and without further explanation or investigation, the Report names two priests as perpetrators. The Attorney General took no action to verify the veracity of these allegations; he simply presumed that the false or grossly speculative accounts were true and publicized them accordingly.

One may forgive an investigative mistake by the grand jury of lay people, but the refusal by the Attorney General to acknowledge or correct critical errors affecting the truthfulness of a grand jury report and the reputations of innocent citizens is highly problematic. Such conduct constitutes either wanton indifference to justice or deliberate tactics calculated to malign the Catholic Church.

The Attorney General was alerted to additional flaws in the Report, but chose to ignore them as well. At least one passage claimed that Cardinal Wuerl wrote the phrase “circle of secrecy” on a document, but this was demonstrably false and the apparent product of poor investigative and analytical work: it was not Cardinal Wuerl’s handwriting. This misattribution was twice brought to the attention of both the Senior Deputy Attorney General and the Attorney General before the Report’s release. But they refused to correct the record. Again, the refusal by the Attorney General to acknowledge or correct a critical error specifically brought to his attention demonstrates his goal was not to produce an accurate report but a negative one. He took an oath to uphold the Constitution but has ignored its protections based on context.

These regrettable circumstances are compounded by the Attorney’s General’s relentless public statements targeting the Catholic faith. At his carefully orchestrated press conference following its release, Attorney General Shapiro stated he would help provide a “full picture of what transpired in the shadows over the decades” and asserted that the Catholic Church had a “pattern” of conduct that entailed “abuse, den[ial] and cover-up.” He stated to the public that “Church leaders in every one of the six dioceses handled complaints of sexual abuse the same way for decades – by covering it up.” The Attorney General has also tweeted about a “systematic cover-up” of abuse and misconduct by “leaders of the Church.”

Later, on separate occasions, the Attorney General publicly claimed that both Cardinal Wuerl and Bishop Zubik were “not telling the truth,” although the basis for this claim is unknown; whether it is his personal opinion or the opinion of grand jurors, neither are established fact. He also accused Bishop Trautman of knowing about and covering up the abuse by a priest who has been criminally charged, but the Commonwealth’s own presentment against the alleged offender

makes clear that Bishop Trautman had no knowledge of any abuse while the accused priest was in ministry.

These statements are not presented as the opinion of lay jurors. Instead, Attorney General Shapiro has presented them as a reliable and accurate portrayal of the facts and conclusive determinations of guilt, despite his knowledge of their potential inaccuracy and questionable veracity. Indeed, the entire Report has been treated as fact, directly contrary to the Attorney General's characterization of its content as "lay opinions" to this Court.

The Attorney General's public statements about the content of the Report apply a different and unfair standard of justice to members of the Catholic clergy, encouraging the public and the media to rush to judgment and accept his accusations and conclusions without more. As a result, they have been convicted of crimes for which they have never been charged and without the vital Constitutional safeguards afforded other citizens—without a fair trial, without jurors hearing evidence or defenses to the allegations lodged against them, and without facts being proved beyond a reasonable doubt.

Not one of the accused priests had the chance to test the veracity of these allegations before the Report's release, yet due to the Attorney General's comments, all of them were condemned in the eyes of the public. Some members attempted to rectify this problem through appropriate legal means, but prior to and following the release of the Report, Attorney General Shapiro publicly shamed and intimidated individual Catholics and their lawyers who were seeking to litigate their rights under the Pennsylvania and United States Constitutions. Such tactics are inappropriate for any officer of the court, but are particularly troubling coming from the chief law enforcement officer of the Commonwealth of Pennsylvania. This attack on due process and the rule of law should be of grave concern to this Court and all citizens of Pennsylvania.



The Report, and especially the extra-judicial statements of the Attorney General regarding the Report, constitute a targeted public condemnation of the Catholic Church and countless named individuals. And the Catholic Church has faced profound negative consequences as a result: Protesters have organized around Catholic churches and clergy members' homes; clergy have been physically attacked; a school that bore a distinguished Cardinal's name has been defaced; national media outlets have decried the Catholic Church and its clergy members, calling for their resignations; and other states' attorneys-general are launching similar Catholic-targeted investigations, including New York, New Jersey, Illinois, Missouri, Nebraska, and New Mexico.

All of these consequences rely on one premise, the presumed guilt of those identified in the Report. A premise not proven, but promoted by the Attorney General. And all of this, in turn, is the result of the flawed Statewide Investigating Grand Jury process that is currently before this Court.

The process is flawed in numerous ways. Among other things, the grand jury was convened outside of the applicable statutory parameters; the Report was proffered not only as an investigative tool, but explicitly as a form of "recourse;" and the Report was publicized absent any due process. Most states do not allow grand jury reports to be publicized without some minimal due process to verify the report's veracity. Ultimately, the current process facilitates convictions without indictments.

This flawed process provides the Office of Attorney General and Attorney General Josh Shapiro free reign to continue to present the Report as a conclusive adjudication of facts. With the grand jury dissolved and the supervising judge dismissed, there is no check on the Attorney General's conduct. Without oversight, the Attorney General can continue his media campaign singling out and degrading the Catholic Church without constraint. As a result of this faulty system, the

underlying court orders in the pending cases fail to constrain the proper use of the Report, enabling an ongoing violation of the Catholic Church's constitutional right to reputation.

The Catholic League seeks to assist this Court by highlighting the significant adverse impact of the grand jury process, the release of the Report, and the related conduct of the Pennsylvania Attorney General to the fundamental rights of Catholics in Pennsylvania. The Attorney General has intentionally singled-out the Catholic Church and made repeated inflammatory and misleading official public statements regarding the Catholic Church, and his misuse of the Report has had a profound negative impact on the Catholic Church's constitutionally protected right to reputation. At issue is whether the Commonwealth may lawfully use investigating grand juries in such a manner to target and disparage a particular religious organization.

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## **PA ATTORNEY GENERAL'S DEFENSIVE REACTION**

On September 21, attorneys for the Catholic League filed an Application for Leave *amicus curiae* brief in the Western District of the Supreme Court of Pennsylvania regarding the political machinations of the state's attorney general, Josh Shapiro. His decision to target the Catholic Church in a grand jury investigation of the sexual abuse of minors—giving a pass to all other private and public institutions—warranted the filing. Shapiro's defensive reaction to the brief is problematic on several levels.

An article in the September 23 edition of *The Morning Call*, an

Allentown newspaper, says that Shapiro's spokesman, Joe Grace, is contending that the attorney general's office investigates "child sexual abuse and all sexual abuse wherever they find it in Pennsylvania, without fear or favor."

In fact, Shapiro's office has not conducted a grand jury investigation of the clergy of any religion, save for Catholicism. Nor has he launched a probe of the public schools. No one can maintain that sexual abuse does not exist in any of these entities.

According to the reporter, Christine Schiavo, the attorney general's office argues that it has filed charges against "a police chief, a deputy coroner and seven Lackawanna County prison guards, and has secured the convictions of Penn State officials" related to the investigation of Jerry Sandusky, the former assistant football coach who was convicted in 2012 for sexually assaulting 10 boys.

In any of these cases, did Shapiro tell the defendants they should give up their rights to defend themselves? Did he say that their right to present a defense was evidence of their guilt or an attempt to cover-up their guilt? Or does he just tell this to priests? Why were there no press conferences attendant to any of these cases? Why does he save his grandstanding for the Catholic community?

Regarding the prison guards, why didn't Shapiro launch a grand jury investigation into every prison in the state? How could he possibly know if other prison guards were assaulting prisoners without a probe? He didn't have to go after six Catholic dioceses because of an offender at one Catholic high school, but he did. Why? Why the double standard?

The Penn State University matter is laughable. The grand jury investigation of Penn State began in 2009 under Attorney General Tom Corbett. It concluded on November 4, 2011 when the report was released. Shapiro had nothing to do with any of

it—he took office on January 17, 2017.

If this is the best Shapiro can do, it is a pitiful showing. This is hardly the end of this issue. Bet on it.

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## **REP. ROZZI'S CONFLICT OF INTEREST?**

Pennsylvania State Rep. Mark Rozzi should recuse himself or abstain from voting on any future bills that would amend the statute of limitations on the sexual abuse of minors.

Rozzi claims he was sexually abused by a priest, now deceased (whom he never reported or told anyone about at the time) when he was 13. If Pennsylvania law is revised to allow a two-year lookback so that alleged victims can resurrect old claims, Rozzi would be in a position to reap a substantial paycheck.

Now it may be that Rozzi's motives are pure and his efforts at amending the law have nothing to do with ingratiating himself. Still, there is the appearance of impropriety, and that alone demands that he not participate in any more of these proceedings.

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## **OPEN LETTER TO PENNSYLVANIA**

# SENATORS

Dear Pennsylvania Senators:

Now that the House has passed a bill providing a two-year window for alleged victims of sexual abuse to come forward, it is time the Senate amend it to be inclusive. The current bill discriminates against private institutions such as the Catholic Church.

The amendment by Rep. Mark Rozzi is an outrage. It codifies inequality and injustice by allowing for disparate treatment of the public schools. If the standard of conduct for waivers of sovereign immunity is gross negligence, why is the bar set lower for Catholic schools? If the public schools are entitled to a cap on damages, why are Catholic schools not afforded the same treatment? Is the goal to bankrupt Catholic schools, while protecting public schools?

Jenn Kocher, spokeswoman for Sen. Majority Leader Jake Corman, astutely notes that a child abused by a doctor in the public sector would have to prove a higher degree of negligence than would a child abused by a doctor in private practice. "We believe abuse is abuse," she said. So do we. There are no moral grounds for disparate treatment.

Please amend the bill to make it inclusive, in every aspect, of public entities. No institution should receive preferential treatment.

Sincerely,

William A. Donohue, Ph.D.

President

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# POPE PRAISES CARDINAL WUERL

**Bill Donohue**

Pope Francis has accepted the resignation of Cardinal Donald Wuerl, the Archbishop of Washington. Ever since a Pennsylvania grand jury report was released in August, Wuerl has been under considerable pressure to resign.

In his letter accepting Wuerl's resignation, Pope Francis commented favorably on his service to the Church. "You have sufficient elements to 'justify' your actions and distinguish between what it means to cover up crimes or not to deal with problems, and to commit some mistakes. However, your nobility has led you not to choose this way of defense. Of this, I am proud and thank you."

Every word of the pope's statement is true.

When Cardinal Wuerl was Bishop of Pittsburgh, he was among the first bishops in the nation to institute a Diocesan Review Board to assess charges of clergy sexual abuse. In his 18 year tenure there, 19 new cases of alleged abuse were brought to his attention, and in 18 of them he quickly dismissed the priest from ministry.

Soon after being named Bishop of Pittsburgh, Wuerl removed Father Anthony Cippola from ministry. Cippola appealed to the Congregation for Clergy, but it sided with Wuerl. The accused priest then appealed to the Vatican Signatura, the Vatican's high court. He won. But then Wuerl stunned Rome by refusing to accept him back in ministry. On a second review, the Signatura agreed with Wuerl's assessment and Cippola was laicized.

What Wuerl did took courage, but he gets little credit for it. Instead, his critics focus on some aspects of the Pennsylvania grand jury report.

Like all newly appointed bishops, Wuerl inherited some cases that had not been fully adjudicated. Taking the advice of therapists who said they had successfully treated the offending priests, Wuerl gave them a second chance. In a few cases, it is obvious that the treatment failed, thus marring Wuerl's record. As always, no one blamed the "experts" for overselling their expertise.

This explains why the Holy Father said there were "sufficient elements to 'justify'" Wuerl's decisions. The pope is also right to note that Wuerl did not "cover up crimes" or refuse to "deal with problems." That view is supported by Nicholas Cafardi, who sat on the bishops' first National Review Board in 2002.

Cafardi, who is a Pittsburgh civil and canon lawyer, said that during Wuerl's time in Pittsburgh, he "never failed to react to a complaint of child sexual abuse." The same is true of Cardinal Wuerl's 12 year tenure as Archbishop of Washington.

Wuerl's spokesman, Edward McFadden, says that "not a single priest of the Archdiocese of Washington has faced a credible claim, and there is not today a single priest in ministry in Washington who has faced a credible claim."

Some argue that Cardinal Wuerl should be held accountable for the behavior of Theodore McCarrick, his predecessor in Washington. But Wuerl had no authority over McCarrick when he was abusing seminarians in New Jersey. Moreover, to blame Wuerl for McCarrick's refusal to abide by restrictions placed on him by Rome is similarly misplaced: No one at the Vatican ever asked Wuerl to be McCarrick's policeman.

The pressure on Wuerl to resign came partly from the left, but mostly from the right. Right-wing activist groups, along with normally level-headed conservative Catholic writers and pundits—this includes some priests—have led the way. The former are vindictive and lie with abandon. The latter

approach this issue the way some in the “#MeToo” movement have acted.

We just went through an ugly chapter in American history where totally unsubstantiated charges were made against Brett Kavanaugh. Yet the allegations are believed by millions of Americans, all of whom are angry about women being abused. So is every normal American. But when anger becomes a substitute for reason, it is easy to lump allegations together, tying them into a knot of supposed truths. This is a gross injustice. Indeed, it is pernicious.

This is what Wuerl has had to endure as well. He has become the scapegoat for Catholic conservative purists who are angry about the abuse scandal. Others are angry as well, but they do not approach this subject with childlike innocence. To be explicit, those who are familiar with the complex issues that the bishops have faced, and who do not insist that today's standards be used to judge decades-old cases, have a more mature understanding of the problem.

This is not an excuse for bishops who have acted irresponsibly from beginning to end. But most of the really bad apples, whether they be enabling bishops or molesting priests, are either dead or out of ministry. It's about time everyone acknowledged this verity and stopped looking for any bishop to scalp.

These carping conservatives love to take wide swipes at the hierarchy, patting themselves on the back for being so right. But purists are a problem in all institutions, and it matters not a whit what side they are on. Mr. Clean exists only in their heads.

Kudos to Pope Francis for being so kind to Cardinal Donald Wuerl.



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# DANA NESSEL'S ANTI-CATHOLICISM

Dana Nessel, a candidate for Attorney General of Michigan, is an activist attorney who has a dangerous record of attacking religious liberty and trashing the religious beliefs of those who disagree with her.

Catholics have been among Nessel's favorite targets. In 2015, the Michigan legislature passed a bill to protect the religious freedom of faith-based foster care and adoption agencies, assuring that they wouldn't be forced to choose between their values and their mission to find homes for children. The bill was supported by the Michigan Catholic Conference.

"If you are a proponent of this type of bill," Nessel fumed, "you honestly have to concede that you just dislike gay people more than you care about the needs of foster care kids." When the bill passed, she declared it "a victory for the hate mongers."

Now, Nessel is promising that if she becomes Michigan's Attorney General she will refuse to defend this religious freedom law against a pending challenge by the ACLU. She will, in short, place her own ideological biases ahead of the will of Michigan's duly elected state representatives.

Nessel has also attacked the right of Catholic institutions, such as Catholic schools, to require that employees be faithful to Catholic teaching. "If the definition is 'violating Catholic precepts' then you better be consistent about it," she said, "and it has to remain within the confines of federal and state law." In other words, let the government

dictate the Catholic Church's employment policies.

Back in 2014, before the U.S. Supreme Court mandated that all states legalize gay marriage, a coalition of religious groups in Michigan—including the Michigan Catholic Conference—filed legal briefs supporting the state's voter-approved ban on same-sex marriage. Nessel trashed all these people of faith as “a radical fringe” engaged in “the demagoguery of hate.”

There is indeed a hatred and bigotry evident here. But it is not emanating from Catholics or other religious believers. It is coming from Dana Nessel, who in her ideological extremism smears the Catholic Church and people of faith, and works to deny them their First Amendment right to religious freedom.