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Charge against Kansas City bishop the temper of the times

John L. Allen Jr. | Oct. 15, 2011

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While Bishop Robert Finn of Kansas City, Mo., may be the first American bishop to be criminally indicted for alleged failure to report child abuse, he?s hardly the first Catholic bishop in recent years to run afoul of the criminal justice system.

A French bishop, to take one famous incident, was prosecuted, convicted, and given a three-month prison sentence on similar grounds in 2001 (that sentence was suspended). Other bishops have been prosecuted for their own personal misconduct, and still others have faced criminal investigations and charges for alleged mishandling of other sorts of scandals. That last list includes two Italian cardinals, one a former high-ranking Vatican official.

Taken together, all this paints a seemingly clear picture. Not long ago, Catholic bishops in Europe and North America enjoyed considerable deference from police, prosecutors, judges and grand juries ? sufficient leeway, at least, to make criminal sanctions an unrealistic prospect. Those days, however, seem to be coming to an end.

If Finn is convicted of the Class A misdemeanor under Missouri law of ?failure to report suspected child abuse,? he would, in a sense, be following in the footsteps of Bishop Pierre Pican of the Bayeux-Lisieux diocese in France, who was convicted of a similar charge a decade ago.

In 2001, Pican was charged under French law for failing to report allegations of child abuse against one of his priests. That priest was eventually sentenced to 18 years in jail for the repeated rape of a boy and sexual assaults on ten others, while Pican received a three-month sentence for not reporting what he knew to the police.

In court proceedings, Pican said that he became aware of the abuse through personal conversations with the priest, which he considered confidential.

The Pican case returned to the headlines in 2010, when it emerged that a former senior Vatican official, Colombian Cardinal Darío Castrillón Hoyos of the Congregation for Clergy, had written a letter to Pican to congratulate him for refusing to denounce one of his own priests. In some quarters, the letter was touted as a ?smoking gun? proving that the Vatican had encouraged bishops to cover up charges of abuse, though the

Vatican insisted that wasn?t what it meant.

While Pican and Finn are, so far, the only bishops to be prosecuted, they?re not the only church officials to be indicted for failure to report sexual abuse. That list also includes Monsignor William Lynn of Philadelphia, a former aide to Cardinal Anthony Bevilacqua, who was charged by a Grand Jury last February with two counts of child endangerment and conspiracy for failing to report allegations against two Philadelphia priests under his authority as the vicar for clergy.

The case against Lynn is currently in the pre-trial motion stage. Among other things, a Philadelphia judge is expected to rule shortly on whether the ailing Bevilacqua should give testimony.

In addition to the charge against Finn, the diocese of Kansas City-St. Joseph diocese was also indicted. That, too, is not without precedent. In 2003, an Ohio judge accepted a ?no contest? plea on behalf of the Cincinnati archdiocese from then-Archbishop Daniel Pilarczyk, and levied the maximum $10,000 fine, for five misdemeanor counts of failing to report a felony. That abuse occurred in the 1970s and 1980s, prior to Pilarczyk becoming archbishop.

In terms of civil rather than criminal action, American dioceses and religious orders are estimated to have paid roughly $2.5 billion to date to settle lawsuits arising from instances of sexual abuse committed by church personnel.

Other bishops, in various parts of the world, have faced criminal action related to their own alleged offenses.

American Bishop Thomas O?Brien of Phoenix, for instance, was charged with leaving the scene of a hit-and-run accident in 2003, an incident in which a pedestrian O?Brien struck died. He was found guilty after a four-week trial in 2004 and sentenced to four years? probation and 1,000 hours of community service.

Bishop Raymond Lahey, formerly of the Antigonish diocese in Canada, is currently behind bars awaiting sentencing after having pled guilty last May to possession of child pornography. In 2009, Canadian Border Service officials seized his laptop, which allegedly contained images of child pornography, while Lahey was reentering the country from a trip abroad.

Beyond the sexual abuse crisis, other sorts of scandals have also occasioned criminal charges against bishops.

In the late 1990s, to take perhaps the most celebrated instance, Cardinal Michele Giordano, then of Naples, was indicted by Italian prosecutors for fraud. Giordano went through a full criminal trial, though he never set foot in court, in a case arising from a real estate scam orchestrated by his brother. The case generated church-state tensions when police insisted on examining confidential documents of the Naples archdiocese, in addition to financial records that Giordano provided.

Giordano was acquitted in that case in 2000, only to find himself in the dock again in 2002, facing criminal charges in another real estate swindle. This time he was found guilty and sentenced to four months in prison and a fine, though that verdict was suspended and eventually overturned on appeal.

Giordano died in December 2010.

Last June, Italian prosecutors announced that a former high-ranking Vatican official, Cardinal Crescenzio Sepe, is the target of an anti-corruption probe related to his term from 2001 to 2006 as head of the Vatican?s powerful missionary office, the Congregation for the Evangelization of Peoples. (Coincidentally, Sepe later became Giordano?s successor in Naples.)

Prosecutors suspect that Sepe gave Italian politicians sweetheart deals on apartments at the same time that millions of Euros in state funds were allocated for remodeling projects at the Congregation for the Evangelization of Peoples, including its famous headquarters building in Rome?s Piazza di Spagna. The suggestion is that Sepe bribed public officials to fund work that, in some instances, was never completed.

As of this writing, the investigation is on-going. Sepe has declared his innocence, saying, ?I acted solely for the good of the church.?

While the case against Finn may be unusual, therefore, it?s hardly unprecedented. In some ways, it?s no more than the temper of the times.

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