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Records show Los Angeles cardinal, bishop shielded abusive priests

Joshua J. McElwee | Jan. 22, 2013

Los Angeles Cardinal Roger Mahony and an auxiliary bishop shielded archdiocesan priests known to be sex abusers from law enforcement during the 1980s, even suggesting they leave the state of California to avoid prosecution, according to a series of church records released Monday.

The records, which were filed as part of a civil lawsuit against the archdiocese and were first reported Monday by the *Los Angeles Times*, indicate Mahony and Los Angeles Auxiliary Bishop Thomas Curry intentionally sent abusive priests to out-of-state treatment facilities as protection from arrest.

L.A. county prosecutors "will review and evaluate all [newly released] documents as they become available to us," Sandi Gibbons, a public information officer for the L.A. County District Attorney?s office, said in a brief statement.

The release of the files, which concern 14 priests, comes as the archdiocese is preparing to release records of at least 75 more accused abusers under the terms of a separate 2007 civil settlement with more than 500 clergy abuse victims.

While the files of the 14 priests are almost three decades old -- coming from long before the U.S. bishops started to address the wider issue of sex abuse by clergy in 2002 -- the revelations they contain point to lingering questions about the accountability of bishops, says a former chairman of the U.S. bishops' National Review Board for clergy sex abuse.

Some of the documents state Mahony, who retired as Los Angeles' archbishop in 2011, personally signed off on not reporting priests known to be dangerous, which raises the question of what to do with bishops who do not report abuse to authorities, said Judge Michael Merz, who served on the review board from 2004 to 2009.

"[Bishops] are accountable to the pope, which means, of course, to the Vatican bureaucracy," said Merz, who is now a federal district court judge in Ohio. "But is anybody looking?"

"No American bishop has been involuntarily removed as a result of cover-up," Merz said. "That level of accountability hasn't happened."

Thomas Plante, a psychologist who has helped dioceses develop seminary screening programs, wrote in an email that while the documents reveal problems, they "must be viewed in light of standard operating procedures and thinking at the time."

"This is what so many were doing back then," wrote Plante, a professor of psychology and director of the Spirituality and Health Institute at Santa Clara University in California. "I've been working on these cases since 1988 and over the years some folks ... handled these things well on occasion and sometimes very badly."

According to the files released Monday, Mahony and Curry, who was then a monsignor and the archdiocese's

vicar for clergy, discussed how to shield at least three priests from prosecution in a series of memos in 1986 and 1987.

In one memo, Curry recommends that Fr. Michael Wempe, an archdiocesan priest who had acknowledged a persistent sexual relationship with a 12-year-old, could be sent out of state "if need be." Curry also recommends that priests known to be abusive should be sent to psychiatrists who are also lawyers to put what the priests say "under the protection of privilege."

Responding to another of Curry's memos giving similar advice for another priest known to be abusive, Mahony responded by hand writing, "Sounds good -- please proceed!!"

Mahony issued a public statement Monday, apologizing "for my own failure to protect fully the children and youth entrusted into my care."

The cardinal also said he did not fully understand the pain of clergy sex abuse victims until he met with 90 victims in 2006, 2007 and 2008.

"Those visits were heart-wrenching experiences for me as I listened to the victims describe how they had their childhood and innocence stolen from them by clergy and by the Church," Mahony wrote, ending his statement, "I am sorry."

Curry became an auxiliary bishop for the archdiocese in 1994.

The files released Monday are from personnel files submitted to a judge on behalf of a man who says he was abused by one of the priests, Fr. Nicolas Aguilar Rivera.

Under Mahony's leadership, in 2007, the Los Angeles archdiocese agreed to release files regarding abuse by at least 75 other priests as part of a historic settlement, with 508 plaintiffs alleging abuse by more than 150 priests.

Some of the plaintiffs agreed to the mass settlement, which allowed the archdiocese to avoid court procedures that would have involved lengthy discoveries and would have placed Mahony on the witness stand, because the agreement included release of those personnel files.

Following the settlement, more than 20 accused priests went to court to block the files' release, arguing that making their files public would violate their privacy rights. While a federal judge initially ruled in 2011 that the files would be released with redactions of names of church officials, Superior Court Judge Emilie Elias ordered Jan. 7 they be released without redactions.

It is still unclear exactly when those files, which total about 30,000 pages, will be released.

Merz said the Los Angeles archdiocese should "end the agony" regarding its past handling of sex abuse by clergy by releasing the documents quickly.

"The only way to end the agony is to get it all out," Merz said. "Get that wound completely opened and drained and put the antibiotic in. To the extent that stuff's coming out now that should have been disclosed in 2007, then they're just prolonging the agony."

[Joshua J. McElwee is an *NCR* staff writer. Catholic News Service contributed to this report.]

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