

Philly trial reveals unreliability of religions' self-policing policies

Maureen Paul Turlish | *May. 4, 2012*

I found out something significant about the Code of Canon Law of the Roman Catholic Church as I sat inside Judge M. Teresa Sarmina's criminal courtroom in Philadelphia April 30 and listened to Msgr. Kevin Michael Quirk, a church canon lawyer from the Diocese of Wheeling-Charleston, W. Va.

Quirk, the presiding judge during the 2008 canonical trial of Rev. James J. Brennan – one of two defendants in the current Philadelphia priest abuse trial – for charges of child sex-abuse, was on the stand to authenticate the transcript of that trial, as well as provide insight into the procedures of a canonical trial.

One revelation proved startling.

While possible victims of childhood sexual abuse and other lay witnesses are asked to take an oath to “tell the truth, the whole truth etc.” during a canonical trial concerning the public good, an alleged priest-perpetrator is not. Canon 1728.2 says, “The accused is not bound to confess the delict [crime] nor can an oath be administered to the accused.”

Why in God's name would anyone believe that an individual like the criminally charged Brennan is necessarily telling the truth during a canonical trial when he is not even required to swear to the truth of his statements?

It seems to me that Quirk was describing one religious denomination's version of “I refuse to answer on the grounds that it may tend to incriminate me.” In so many words, Brennan took the Fifth.

Why would any credible victim of childhood sexual abuse, their families or other witnesses, participate in such a farce where only “alleged” victims and non-clerics are sworn to tell the truth?

It's not logical.

Daily in a Philadelphia courtroom, it becomes increasingly apparent that society should not be dependent on any religious denomination's self-policing policies. It has been made clear in listening to Msgr. William J. Lynn's 2002 grand jury testimony that very little, if any, concern was shown to credible victims of childhood sexual abuse.

Nor should any accommodation in law be given to an institution that gives more protection to known or credibly accused sexual predators of children than it does to the children Jesus Christ mandated it protect.

This reality has been pointed out in excruciating detail in both the 2005 and 2011 grand jury reports. The hierarchy of the Archdiocese of Philadelphia has used every possible means to cover up abuse and to protect sexually abusive priests among its rank and file.

If there is one thing that has been made clear by what has happened in this religious denomination, it is that society must demand the removal of all criminal and civil statutes of limitation covering the sexual abuse of children, and the laws on mandated reporters must be strengthened.

In Pennsylvania's case, proposed House Bills 832 and 878 will do just that. But the Roman Catholic Church leaders in Philadelphia and throughout the state — including the Pennsylvania Catholic Conference — viciously oppose this legislation, as have other states where similar bills have been proposed.

Why is that? Is this what the hierarchy means by accountability and transparency?

[Maureen Paul Turlish is a Sister of Notre Dame de Namur, an educator and an advocate for legislative reform. She is a founding member of the National Survivor Advocates Coalition and a member of the Justice 4 PA Kids Coalition.]