

As Philadelphia priests get day in court, two more on leave pending abuse inquiries

PHILADELPHIA - As a lay teacher, three priests and a former priest of the Philadelphia Archdiocese prepared for arraignment on charges of sexually abusing or failing to protect children, Cardinal Justin Rigali placed two retired priests on administrative leave pending a more thorough investigation.

The two were not named in the archdiocese's March 30 announcement, but the Philadelphia Inquirer identified one as Father David Givey, who was editor of The Catholic Standard & Times archdiocesan newspaper from 1985 to 1992, retired in 2006 and now lives in Somers Point, N.J.

They joined 24 other priests already put on administrative leave by the cardinal, including the three who appeared before Common Pleas Judge Renee Cardwell Hughes March 25.

The names of most of the priests on leave have surfaced because of announcements in parishes where they formerly served.

Cardinal Rigali and archdiocesan officials, in announcing the administrative leaves, have stressed that they are interim measures and not final determinations or judgments.

In the courtroom, Hughes turned down a request by attorneys for the five defendants for a preliminary hearing and set their arraignment date for April 15. They were expected to plead not guilty, but their trial might not begin for as long as a year.

The defendants included Father Charles Engelhardt, 64; former priest Edward Avery, 68; and Bernard Shero, 47, a former sixth-grade teacher at St. Jerome's School in northeast Philadelphia. The three have been charged with raping and sexually assaulting a boy in the parish between 1998, when he was 10 years old, and

2000.

Another priest, Father James Brennan, 47, is charged with raping and sexually assaulting a 14-year-old boy in 1996.

The fifth defendant, Monsignor William J. Lynn, 60, former secretary of the clergy, has been charged with failing to protect children from two of the alleged abusers. His lawyer, Thomas A. Bergstrom, requested a preliminary hearing to “test as soon as possible whether the charges ... are legally valid.”

Monsignor Lynn is the only defendant whose legal costs are being borne by the archdiocese since the charges against him are related to his official duties at the time. Hughes warned him that the arrangement posed a potential conflict of interest that could prejudice his defense and, if convicted, his appeal.

“You could go to jail,” she warned. “It may be in your best interest to provide testimony that is adverse to the archdiocese. ... Your testimony could be detrimental to the organization that’s paying your lawyers.”

“I understand, but I trust these two men,” Monsignor Lynn replied, referring to his attorneys. At another point, he said he had “many people who have offered to pay for my legal support.”

The courtroom was packed with media, prompting the judge to impose a gag order.

“I don’t want tweets, I don’t want Facebook, I don’t want Ims (instant messages),” Hughes said. “I don’t want any communication.”

The two hours of debate over defendants’ right to a preliminary hearing featured charges of conspiracy, anti-Catholicism and conflicts of interest.

The judge accused defense attorneys of attacking her integrity, telling them a number of times to “shut up.”

When Hughes ruled that the yearlong grand jury had compiled sufficient evidence for the commonwealth to move to trial without a preliminary hearing, defense attorney Michael McGovern called it “patently unfair,” adding that he “just want(ed)

a preliminary hearing.”

“I know you do, baby, but you’re not getting one,” Hughes said.

When McGovern cited as precedent a 2004 clergy sex abuse case that began with a preliminary hearing, the judge erupted, “Why should I care what happened in another case, at a different time, in a different place?”

Cardinal Rigali’s decisions to put priests on leave were based upon recommendations by Gina Maisto Smith, a former child abuse prosecutor with the Philadelphia District Attorney’s Office for nearly two decades. Smith is conducting an initial review of cases of concern.

The cases of administrative leave will be more fully investigated by Smith and a team of experts including a pediatrician with expertise in the field of child abuse, a forensic psychiatrist and psychologist, an expert from the child advocacy community and others.

Contributing to this story were John Gillespie in Philadelphia and Catholic News Service in Washington.