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Prosecutors' Patience Wears Thin With Levada, Mahony

By **Ron Russell** Wednesday, Jun 25 2003

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California's two most powerful Roman Catholic leaders are longtime close friends who attended the same Ventura County seminary in the 1960s and who at different times have assumed a lead role as presumed reformers in the wake of the worst crisis to afflict the church in more than a century.

But as the clergy sex-abuse scandal has burgeoned in their jurisdictions, San Francisco Archbishop William J. Levada and Los Angeles Cardinal Roger M. Mahony have also shared something else: prosecutors breathing down their necks.

Levada was hit with a request from San Francisco District Attorney Terence Hallinan in April 2002 to turn over documents related to potential cases of priestly sex abuse in the archdiocese going back as far as 75 years. The archbishop's underlings grumbled and even the *Chronicle* castigated Hallinan in an editorial for engaging in a fishing expedition.

As has since become apparent, however, Levada quietly began to clean house following Hallinan's edict, jettisoning at least seven of his accused priests, including several prominent ones. Some were bumped into retirement while others were abruptly placed on leaves of absence.

But more than a year after the Hallinan order --



James Sanders

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and despite the archbishop's pronouncements that he is fully cooperating with law enforcement authorities -- Levada and the archdiocese have yet to surrender all of the documents to which the district attorney's office insists it is entitled. Now, after several months of fruitless coaxing, the DA's Office is preparing to serve the archdiocese with subpoenas to force Levada to give it what it wants, **Assistant District Attorney Elliot Beckelman** tells *SF Weekly*.

"Their first inclination seems to be to protect their own," says Beckelman, the prosecutor assigned by Hallinan to investigate clergy abuse cases. "From what we can see they've created a garrison around the archdiocese rather than trying to reach out to victims." Specifically, he says, the DA is seeking personnel files and medical records for 12 priests, including at least one in active ministry. Such records are potentially sensitive, since they may reveal what a bishop knew about any past misconduct involving a priest and what was done about it.

The archdiocese turned over an unspecified number of documents contained in "several boxes" to the DA's Office last year. Prosecutors have declined to be specific about their contents. Since those records were surrendered, Hallinan's office has filed criminal charges against two priests and a lay Catholic minister. One of them, **Monsignor John Heaney**, the former San Francisco Police Department chaplain, is among those Levada jettisoned. Heaney, who is accused of molesting two brothers more than 40 years ago, has proclaimed his innocence.

In Mahony's case, the stakes are potentially staggering.

More than 100 of his current or former priests are or have been under investigation. So far nine have been indicted, and law enforcement sources tell *SF Weekly* that criminal charges are expected to be brought against at least 12 others in coming months.

Moreover, **Los Angeles County District Attorney Steve Cooley**, a devout Roman Catholic, has dropped not-so-veiled hints that his prosecutorial interest rests as much with the cardinal as with garden-variety priests. Although more than 400 priests nationwide have been removed from active ministry and dozens have been charged with crimes, no American church leader has been prosecuted in connection with the sex scandal since it erupted in 2001.

More than once, Cooley has pointedly refused to rule out Mahony as the target of an investigation, saying that "nobody is above the law" and he will pursue wrongdoing "wherever it leads." Such remarks have fueled speculation that prosecutors may be looking at the pattern of priestly sex abuse in the sprawling archdiocese and Mahony's involvement in harboring accused priests, with the intent of exploring whether the cardinal may have conspired to obstruct justice or aided and abetted child endangerment.

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Whether prosecutors anywhere in California are able to convict a wholesale number of priests may depend on the outcome of a case before the U.S. Supreme Court challenging the validity of a 1994 California law that permits charges to be brought for certain crimes long after statutes of limitation have expired under previous law. The case stems from the 1998 arrest of a former Contra Costa County man, Marion Reynolds Stogner, who was accused of molesting one of his daughters more than 40 years ago. A ruling in the case is considered imminent.

Prior to last year's U.S. bishops' conference in Dallas, Mahony belatedly dumped 17 clerics, including several who were close friends and whom he continued to transfer to various assignments despite his having known of their alleged sexual abuse for years. One of them, Father Michael Wempe, was serving as a chaplain at L.A.'s prestigious Cedars-Sinai Medical Center, where Mahony assigned him after psychosexual treatment. Mahony was the star guest at a luncheon in Wempe's honor barely two years before letting him go.

Another of the priests Mahony ordered into treatment, Father Carl Sutphin, was associate pastor of L.A.'s Our Lady of the Angels Cathedral and among only a handful of clerics privileged to live with the cardinal in Mahony's residential compound until he was pushed out. In another notorious case, former priest Michael Baker confessed to Mahony about molesting children in 1986 but was allowed back into the fold. He is accused of molesting numerous other children for more than a decade before finally being defrocked in 2000. It was later revealed that Mahony authorized a secret \$1.3 million payment to the families of some of Baker's victims in return for an agreement not to sue.

In contrast to San Francisco, where Beckelman is the lone assistant DA assigned to priestly sex-abuse cases, Cooley has assigned the L.A. investigation to a 12-member sex crimes task force, whose members have chipped away at the clergy abuse mess while continuing to handle other cases. William Hodgman, a respected career prosecutor who convicted former Lincoln Savings & Loan kingpin Charles Keating and oversaw the O.J. Simpson murder trial, heads the task force.

Cooley has twice turned to a grand jury to subpoena sensitive church documents, with Mahony resisting each time. A judge is expected to decide soon whether law enforcement authorities will be allowed to view some 3,000 documents related to 31 priests that -- although surrendered months ago -- remain under seal while the archdiocese's lawyers fight to keep them secret.

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