

Francis sets up abuse tribunal for bishops

by [David Gibson](#) in the [July 8, 2015](#) issue

Pope Francis has approved the first-ever system for judging and possibly deposing bishops who fail to protect children from abusive clerics, a major step in responding to Catholics who have been furious that guilty priests have been defrocked while bishops have largely escaped punishment.

The five-point plan on accountability for bishops originated with the special sexual abuse commission that Francis set up to deal with the ongoing crisis. After some modifications, his nine-member Council of Cardinals unanimously signed off on it, and Francis gave his final blessing to it on June 10.

“Very pleased the pope has approved the Commission’s proposal on accountability,” tweeted Marie Collins of Ireland, a survivor of sexual abuse, who sits on the Pontifical Commission for the Protection of Minors.

Peter Saunders of England, the other survivor on the commission, also called the new system “good news,” telling the Catholic news site Crux that “this is a positive step that clearly indicates that Pope Francis is listening to his commission.”

Saunders’s support is especially notable because he has said that if the pope did not institute a reliable system for holding bishops’ feet to the fire, he would leave the panel.

Saunders is also currently embroiled in a verbal tussle with Cardinal George Pell, the pontiff’s top financial reformer, whom Saunders has accused of being “almost sociopathic” in his handling of clergy sexual abuse when Pell served as a bishop in Australia.

The Vatican has defended Pell, a blunt-talking churchman, who is expected to return to Australia to testify before a government commission investigating the church’s abuse history.

Survivors’ advocates in the United States, who for years led efforts to break the clerical wall of silence on abuse, took a much more skeptical stance on the new

moves.

“Accountability necessarily involves consequences for wrongdoers,” said David Clohessy, director of the Survivors Network of those Abused by Priests. “Whether a new, untested, Vatican-ruled process will mean consequences for wrongdoers remains to be seen.”

The new system will give some people hope, Clohessy said.

“But hope doesn’t safeguard kids,” he said. “Punishing men who endanger kids safeguards kids. That should have happened decades ago. . . . That’s not happening now. And that must happen—strongly and soon—if the church is to be safer.”

A test for the new system might be a case in Minnesota, where a county attorney in early June filed criminal charges against the Archdiocese of St. Paul and Minneapolis. The criminal charges were a first against an archdiocese and allege that church leaders failed to protect children from abuse by a cleric.

While the current head of the archdiocese, Archbishop John Nienstedt, was not charged, officials say he could be as the investigation proceeds. But whatever happens in that case, the record indicates that Nienstedt failed to take action against the priest as recently as 2012—which could violate church policies. Nienstedt and a top aide resigned June 15.

In a statement, the archbishop said he was stepping down “to give the Archdiocese a new beginning amidst the many challenges we face,” adding, “I leave with a clear conscience.”

Until now, Catholic bishops have been answerable only directly to the pope, who has the sole power to appoint them and also to fire them.

But popes have been loath to depose bishops over shielding molesters, and the process for deposing a bishop was so murky that it was often easier for the Vatican to shuttle a bishop to a ceremonial post or wait for him to retire.

“The pope’s decision to hold bishops accountable for mishandling sexual abuse cases is a long overdue and indispensable step in fighting abuse,” said James Martin, an editor at the Jesuit weekly *America* and a widely followed commentator on church affairs.

In April, Bishop Robert Finn of Missouri, who three years earlier became the first bishop convicted of failing to report a priest suspected of child abuse, was forced to resign, effectively the first bishop in the decades-long crisis who lost his job for covering up for an abuser.

But Finn's resignation came only after years of outrage among Catholics and, in the end, lobbying by some fellow bishops, most notably Boston cardinal Sean O'Malley, a member of the pope's personal council of nine cardinals and head of the papal sexual abuse commission.

The commission was announced in December 2013 and officially created in March 2014. Apart from O'Malley, it currently has 17 members: ten laypeople (including two survivors of sexual abuse), five priests, and two nuns.

O'Malley has long backed a system for judging bishops who failed to stop abusive clerics, and this new system has the hallmarks of his approach.

The main feature of the new system will be a tribunal—effectively a church court—set up in the Congregation for the Doctrine of the Faith, the powerful Vatican department that oversees orthodoxy and has also become the clearinghouse for judging priests accused of abuse.

The new tribunal will “judge bishops with regard to crimes of the abuse of office when connected to the abuse of minors.” The pope is expected to name a special prosecutor and a staff for the tribunal in the coming months, perhaps before late September, when he takes his first trip to the United States, which has been ground zero in the clergy sexual abuse crisis.

Several gray areas remain. For example, the new protocols do not say who is responsible for reporting bishops to the Vatican and how such complaints will be filed and handled.

Still, Vatican observers say Francis has set up the new system quickly, given the glacial pace at which the Roman Curia usually operates. And he seems to want to go around many of the usual bureaucratic and canonical roadblocks to establish a relatively simple and independent tribunal. —Religion News Service

This article was edited on June 22, 2015.