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CONFIDENTIAL

August 31, 2018

His Eminence
Daniel Cardinal DiNardo
President
U.S. Conference of Catholic Bishops
3211 4th Street, NE
Washington, DC 20017

Dear Eminence:

I served as the Interim Chair of the National Review Board created by the United States Conference of Catholic Bishops, which issued its report on February 27, 2004. For your convenience, I have attached the introductory pages of the report. I have been in contact with the members of that Board and we are all deeply disturbed and saddened by the recent reports that sexual abuse by the clergy and its alleged cover-up has reached into the hierarchy of the Church.

The purpose of this letter is to offer the services of the members of that Board to assist the Church in dealing with the very serious crisis that it is currently facing. Our Board, which performed its work under the auspices of Bishop Wilton Gregory, was independent and impartial and was widely praised both inside and outside the Church. We believe that our report to the Bishop's Conference was well received and that the Charter that resulted from our work has been helpful. Indeed, it is undisputed that as a result of our report to the Conference, children and young people are safer today than in the past. Policies, practices and procedures, and reporting requirements are in place which have been very effective in accomplishing our goals to protect children and young people.

We believe that an "Independent Inquiry Board" comprised entirely of lay people should be convened.

The focus of the new inquiry and resulting report should be on the following:

1. The failure of the Church to adequately resolve cases of sexual abuse that pre-date the charter in an effective way.

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2. The basic flaw in the Charter which has always exempted the bishops from the process.
3. The fundamental need to answer the question as to how Archbishop McCarrick and others rose in their ecclesiastical careers when troubling facts regarding sexual abuse were known by the hierarchy which promoted them.

In order to restore confidence in the Church and the hierarchy, we strongly recommend that you request the Holy See to appoint the members of our Board to investigate and report to the Holy See on the allegations in this evolving crisis and to make recommendations to the Bishops Conference. If the Holy See should ask us, we would accept. Further, we respectfully recommend that you ask the Holy See to appoint Archbishop Charles Scicluna to consult with us and serve as our liaison with the Holy See. We offer the Church our help, knowledge, wisdom, credibility and experience in this time of great need.

Very truly yours,



Honorable Anne M. Burke

c: Robert Bennett
Michael Bland
William Burleigh
Nicholas Cafardi
Alice Bourke Hayes
Leon Panetta
Petra Jimenez Maes
Pamela Hayes
Paul McHugh

A Report on the Crisis in the Catholic Church in the United States.

I. INTRODUCTION.

The National Review Board for the Protection of Children and Young People (the "Review Board" or "Board"), composed of lay Catholics and chartered by the United States Conference of Catholic Bishops (the "Conference" or "USCCB"), issues this Report as part of its mandate to evaluate the "causes and context" of the crisis that has beset the Catholic Church in the United States as a result of the sexual abuse of minors by some members of the Catholic clergy and the inadequate response of bishops and other Church leaders to that abuse.

The Charter for the Protection of Children and Young People (the "Charter"), which the Conference adopted in June 2002, created the Review Board and directed it to "commission a comprehensive study of the causes and context of the current crisis." In response, the Board, acting through its Research Committee, has interviewed more than eighty-five individuals in sixty separate interviews, including: cardinals, archbishops, bishops, and other Church leaders in the United States and the Vatican; priests, former priests, seminarians, and theologians; victims of clergy abuse; psychiatrists, psychologists, and other medical professionals; civil

lawyers, canon lawyers, and law enforcement officials; and other knowledgeable lay people. Further, the Board has consulted numerous articles and studies written or conducted by experts in pertinent fields, as well as various public records relating to reported cases of abuse. In addition, the Board commissioned a study by the John Jay College of Criminal Justice of the City University of New York to develop empirical data on the nature and scope of the problem that precipitated the crisis.

The purpose of the Report is to share the Review Board's findings and recommendations based upon its evaluation of the current crisis. Those findings seek to describe the problem and to address two fundamental questions posed by it. First, why did individuals with a disposition to prey sexually upon minors gain admission to the priesthood? Second, how did they manage to remain in the priesthood even after allegations and evidence of such abuse became known to their bishops and other Church leaders?

Concerning the first of these questions, the Report provides the Review Board's findings with respect to the process of selecting and then forming candidates for the priesthood, with special attention to issues relating to sexual orientation, celibacy, and spiritual life. Concerning the second of these questions, the Report provides the Board's findings with respect to a number of shortcomings on the part of some bishops and Church officials, including: (i) a failure to grasp the gravity of the problem of sexual abuse of minors by priests; (ii) deficiencies in the response

to victims; (iii) unwarranted presumptions in favor of accused priests; (iv) reliance on secrecy and an undue emphasis on the avoidance of scandal; (v) excessive reliance on the therapeutic model in dealing with priest offenders; (vi) undue reliance upon legal advice that placed a premium on adversarial defense tactics at the expense of concern for victims of abuse; and (vii) a failure to hold themselves and other bishops accountable for mistakes, including a failure to make use of lay consultative bodies and other governance structures.

This Report also offers the Review Board's recommendations based on those findings. These include recommendations for enhanced screening, formation, and oversight of candidates for the priesthood; for increased sensitivity in responding to allegations of abuse; for greater accountability of bishops and Church leaders; for improved interaction with civil authorities; and for greater participation by the laity in the life of the Church.

The Review Board is pleased that the bishops asked a group of lay Catholics to address these important issues. The Board also appreciates the nearly uniform cooperation it received from the bishops and other Church leaders, without which this Report would not have been possible.¹ We join Pope John Paul II in

¹ Of particular note, Bishop Wilton Gregory of the Diocese of Belleville (Illinois), the current President of the Conference, has offered unflagging support to the Board and its work.

earnest prayer that from this "pain" and "sorrow" might emerge "a holier priesthood, a holier episcopate, and a holier Church."

II. SUMMARY.

The Review Board believes that the overwhelming majority of priests serving the Church in the United States fulfill their roles honorably and chastely. According to Church records, however, there were credible allegations that several thousand priests, comprising four percent of priests in ministry over the last half-century, committed acts of sexual abuse of minors. There appears to have been a significant surge in acts of abuse beginning in the 1960s and continuing into the mid-1980s. The fallout resulting from this epidemic of abuse and the shortcomings in the response of a number of bishops and other Church leaders to that misconduct continues to this day.

The crime of sexual abuse of minors is not a problem unique to the Catholic clergy. As Pope John Paul II stated prior to the adoption of the Charter, "Abuse of the young is a grave symptom of a crisis affecting not only the Church but society as a whole." (April 23, 2002 Address of Pope John Paul II to the United States Cardinals.) Indeed, it is a contemporary societal problem that affects numerous families and many secular organizations as well as other churches and ecclesial communities. Although some evidence suggests that the abuse epidemic afflicted

many institutions and organizations in our country, it is beyond the Board's mission to determine whether the problem was more pervasive among Catholic clergy than it was in other sectors of society or in the general population. Reliable statistical evidence of the sexual abuse of minors is particularly difficult to obtain because, according to experts, many if not most acts of abuse occur within families and often are not reported.

Nevertheless, the number of incidents of sexual abuse of minors by Catholic clergy, at least over the past fifty years, is significant and disturbing. This is a failing not simply on the part of the priests who sexually abused minors but also on the part of those bishops and other Church leaders who did not act effectively to preclude that abuse in the first instance or respond appropriately when it occurred. These leadership failings have been shameful to the Church as both a central institution in the lives of the faithful and a moral force in the secular world, and have aggravated the harm suffered by victims and their families. The bishops themselves recognized in the Charter that both the abuse itself and the response of some of the bishops to that abuse "caused enormous pain, anger, and confusion." The bishops acknowledged that "in the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated." Finally, the bishops stated, "As bishops, we acknowledge our mistakes

and our role in that suffering, and we apologize and take responsibility for too often failing victims and our people in the past." (Charter, Preamble.)

The bishops were right to recognize their part in the crisis and the extent and gravity of the crisis. The Review Board believes, however, that effective measures have been taken to ensure the safety of minors in the Church today. Actions taken by many, but not all, dioceses in the 1980s and early 1990s significantly reduced the number of reported incidents of abuse. More recently, in the wake of the Charter, several hundred abusers who had not yet been removed from ministry were laicized or otherwise removed from ministry over the last two years. Many bishops have met with victims and their families, even if belatedly, and have seen first-hand the horrific impact abuse can have on victims and their families. In addition, most dioceses have implemented safe-environment policies that train adults to recognize the signs of abuse and teach children to report it.

Moreover, the "zero-tolerance" policy embodied in the Essential Norms adopted in 2002 by the bishops in response to the crisis specifies that no priest who has sexually abused a minor will continue in ministry. To ensure that the zero-tolerance policy is applied consistently, bishops must consult with lay review boards in assessing allegations of sexual abuse of minors and making determinations about a priest's suitability for ministry.

The policies and procedures put in place over the last two years do not remediate, nor can they excuse, the multitude of preventable acts of abuse that preceded them. But in acknowledgment of those acts of abuse as crimes and sins lies hope for the future. That hope can be fulfilled, however, only if the bishops maintain a commitment to meaningful reforms and vigilant enforcement that outlasts the immediate crisis and becomes ingrained in the character of the Church itself.

What is the nature of the current crisis? Narrowly defined, the nature of the current crisis is twofold: It consists both of the sexual abuse of minors by clergy and the failure of many Church leaders to respond appropriately to that abuse. But the crisis also has a spiritual dimension, for, as is the case with all sinful conduct, it represents a failure to comport with divine law and the teachings of the Church. Unless all aspects of the crisis are addressed forthrightly, any steps to remedy it will bear only the patina of reform and renewal.

Why did so many priests sexually abuse minors? Although it is not possible to pinpoint any one "cause" of the problem of sexual abuse of minors by priests, there were two overarching contributing factors:

- Dioceses and orders did not screen candidates for the priesthood properly. As a result, many sexually dysfunctional and immature men were admitted into seminaries and later ordained into the priesthood.
- Seminaries did not form candidates for the priesthood adequately. As a result, seminarians were not prepared for the

challenges of the priesthood, particularly the challenge of living a chaste, celibate life.

In addition, although neither the presence of homosexually-oriented priests nor the discipline of celibacy caused the crisis, an understanding of the crisis is not possible without reference to these issues. There are, no doubt, many outstanding priests of a homosexual orientation who live chaste, celibate lives, but any evaluation of the causes and context of the current crisis must be cognizant of the fact that more than eighty percent of the abuse at issue was of a homosexual nature. Likewise, celibacy does not cause sexual abuse; but the Church did an inadequate job both of screening out those individuals who were destined to fail in meeting the demands of the priesthood, and of forming others to meet those demands, including the rigors of a celibate life.

Why did Church leaders respond to the problem of sexual abuse so poorly for so many years? Perhaps even more troubling than the criminal and sinful acts of priests who engaged in abuse of minors was the failure of some bishops to respond to the abuse in an effective manner, consistent with their positions as leaders of the flock with a duty to protect the most vulnerable among us from possible predators. Sexual abuse of minors is an evil and, as one priest told the Board, knowingly allowing evil conduct to continue is "cooperation with evil." Causes of this failure include the following:

- Bishops and other Church leaders did not understand the broad nature of the problem but treated allegations as sporadic and isolated.
- Some bishops and other Church leaders often put what they erroneously believed to be the institutional concerns of the local Church above the concerns of the universal Church. The fear of scandal caused them to practice secrecy and concealment.
- The threat of litigation caused some bishops to disregard their pastoral role and adopt an adversarial stance not worthy of the Church.
- Some bishops and other Church leaders failed to comprehend fully the extent and magnitude of the harm suffered by victims of sexual abuse by priests.
- Bishops and other Church leaders relied too heavily on psychiatrists, psychologists, and lawyers in dealing with a problem that, while it undoubtedly has psychological causes and legal implications, is at its heart a problem of faith and morality.
- Bishops and other Church leaders did not do enough in the way of "fraternal correction" to ensure that their brethren dealt with the problem in an effective manner.
- Some bishops and other Church leaders placed the interests of the accused priests above those of the victims and too often declined to hear from victims directly, relying instead on denials and assurances from those accused of abuse.
- Canon law and canonical procedures made it too difficult to remove a predator priest from ministry, and bishops did not make sufficient use of what canonical authority they did have to take action against such priests and protect the children and young people of the Church.

As a result, priests who had engaged in sexual abuse of minors were, with distressing frequency, allowed to remain where they had abused, reassigned to other parishes within the same dioceses, or allowed to live in other dioceses where they posed a further threat to children that predictably materialized into additional incidents of abuse.

The leniency afforded predator priests by some bishops may in some instances have been a misguided act of forgiveness. Nevertheless, the failure of some bishops to temper forgiveness with responsible actions to insulate minors from additional acts of abuse has seriously undermined the confidence of the laity in the leadership of the Church as a whole.

What can we as a Church do to ensure that this never happens again? Ultimately, the crisis besetting the Church is not a legal crisis, a media crisis, or a personnel crisis, but a crisis of trust and faith; and it is only by the living out of their faith by bishops, priests, and the laity that the Church will be able to regain trust and fulfill its mission. By enacting the Charter and the Essential Norms, the bishops have laid a framework for restoring the trust of the laity in the Church hierarchy in the United States and ensuring the safety of minors in the Church. The Review Board's most urgent hope is that the bishops zealously enforce and adhere to the Charter and the Essential Norms, which then can serve as a beacon for the Church in

other countries, for other churches and ecclesial communities, and for secular organizations.

But in order for the Church to achieve the goal set out by the bishops of "restoring the bonds of trust that unite us," more must be done, through a process that involves both transparency and substantial participation by the laity. To that end, this Report offers a number of recommendations, including the following:

- *Enhanced screening, formation, and oversight.* The Church must ensure that the men selected as candidates for the priesthood in the Catholic Church are mature, well-adjusted individuals with a clear understanding of the challenges of the priesthood, including the challenge of celibacy; that candidates undergo proper formation as seminarians to meet those challenges through a process for which responsible bishops take personal ownership; and that the seminaries themselves are capable of accomplishing this mission.
- *Increased sensitivity in responding to allegations of abuse.* Church leaders must not let concerns about the rights of accused priests, the threat of scandal, and the potential adverse consequences of litigation keep them from their primary duty when faced with allegations of abuse – seeing to the welfare of victims of abuse. More openness regarding allegations and evidence of abuse, and the response thereto, is needed. Greater sensitivity to victims also requires the avoidance of harsh litigation tactics that tend to compound the pain that already has been inflicted.
- *Greater accountability of bishops and other church leaders.* The Church must choose bishops who see themselves first and foremost as pastors; and the bishops must ensure that their brother bishops act accordingly. Diocesan and presbyteral councils should be revitalized to provide an increased measure of advice and oversight for bishops; and other mechanisms, such as strengthened metropolitans, accreditation-type visita-

tions of the dioceses, and lay diocesan consultative boards, should be considered as a means of providing greater accountability on the part of bishops and other Church leaders.

- *Improved interaction with civil authorities.* Dioceses and orders should report all allegations of sexual abuse to the civil authorities, regardless of the circumstances or the age or perceived credibility of the accuser, and should endeavor to resolve government investigations and civil claims on reasonable terms and in a manner that minimizes the potential intrusion of civil authorities into the governance of Church matters.
- *Meaningful participation by the Christian faithful in the Church.* The bishops and other Church leaders must listen to and be responsive to the concerns of the laity. To accomplish this, the hierarchy must act with less secrecy, more transparency, and a greater openness to the gifts that all members of the Church bring to her.