News



by Heidi Schlumpf

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In 2002, in the aftermath of the clergy sex abuse scandal, the U.S. bishops created a National Review Board for the Protection of Children and Young People as a watchdog on the anti-abuse policies, known as the “Dallas Charter,” which the bishops had made the law of the land.

Now some members of that initial board are calling for an independent investigation of sexual abuse of seminarians and other vulnerable adults, including allegations against one of the country's most prominent church leaders, retired Archbishop Theodore McCarrick of Washington, D.C.

Such an investigation, they said, should also uncover any cover-up of abuse: who knew what and when about McCarrick's alleged abuse of seminarians and at least two minors that go back decades.

"The cure for this is sunlight," said Nicholas P. Cafardi, an attorney and original member of the board who served as its chair from 2004-05. "We need to lift the wraps and see what's going on."

The president of the U.S bishops' conference, Cardinal Daniel DiNardo of Galveston-Houston, should call an emergency meeting of the bishops to move quickly with an independent, outside audit, suggests Frank Keating, former governor of Oklahoma, who left the review board in 2003 because some bishops thought he was too aggressive on the issue.

"No holds barred — nothing is to be held back," Keating told NCR.

The revelations about McCarrick "speak to potential system failures," said Kathleen McChesney, a former high-ranking FBI official who worked with the initial review board as the first executive director of the U.S. bishops' Office for Child and Youth Protection.

"It's incumbent on bishops in this country to take as many steps as they can to explain to the faithful how something like this could happen and how they're going to attempt to not let it happen in the future," she said.

But any investigative body must be independent of the bishops, former members of the review board told NCR.

"Bishops can't investigate themselves. They've showed us that they're incapable of that," Cafardi said. "And they don't have authority over each other. Bishops can only be tried by the Holy See."

Any investigative body should include experts and lay people, and it should report directly to the Vatican — or to U.S. Catholics as a whole, former members said.

"Why should it have to report to anybody but Catholics in the pews?" asked Anne Burke, an Illinois Supreme Court justice who served as the review board's interim chair until 2004.

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The investigation should be carried out by people of good character, who are independent and not beholden to the bishops. No clergy or bishops are necessary, she said. "That's not going to fly."

Former review board members who spoke to NCR said they were shocked and devastated by the reports in late June about "credible and substantiated" allegations of sexual abuse of a New York teenager by McCarrick, as well as news of two settlements by New Jersey dioceses for his sexual harassment of seminarians — although rumors and reports about the latter had been on the internet for years.

Robert Bennett, a Washington attorney, served on the review board until 2004 and remembers thinking as they went through the investigation, "At least we have people like Cardinal McCarrick."

He saw the former cardinal at a restaurant just weeks before he stepped down from active ministry in June, but has not spoken to him since, he said.

"I'm still devastated," Bennett said. "I think it shows that this is a problem that has to be addressed from top to bottom."

Members of the original review board believe their work was effective, though possibly incomplete, since the bishops "didn't do what we asked them to do before," Burke said.

The first review board commissioned a study of the problem of clergy sexual abuse by John Jay College, intentionally choosing a non-Catholic school for its independence. The board then wrote its own broader report, which was highly critical of bishops who covered up sexual abuse by priests and who moved predator priests from parish to parish.

The news this summer about McCarrick "shows that we were right," Bennett said.

Burke noted that the first National Review Board was independent, and communicated directly with the Vatican, whereas the current board makes its recommendations to the U.S. bishops. She believes subsequent appointees to the board were often handpicked by bishops to not cause controversy.

"The original review board was able to get a tremendous amount of positive change in the first few years," recalled McChesney. "We had moral authority and a public voice."

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McChesney, who now does consulting with private companies and nonprofits about conduct issues, including sexual harassment, literally wrote the book about clergy sexual abuse: *Sexual Abuse in the Catholic Church: A Decade of Crisis.*

The board's report criticized bishops for covering up sexual abuse, but "common sense would tell you that it was possible bishops could be offenders," said Burke. Yet the idea of bishops or a cardinal as a sexual predator was not in the public's mind at all, she said.

The norms that came out of the Dallas Charter excluded bishops, but some from the National Review Board believe the rules still covered prelates. In addition, Canon 1389, from the Code of Canon Law, which describes "abuse of office," may apply to McCarrick or other bishop abusers.

The news about McCarrick is so shocking, Burke said, precisely because "even more so now, than then, we thought it was something past us and being handled."

"We're talking about bishops using their authority as successors to the apostles to take sexual advantage of priests and seminarians," said Cafardi. "This goes to the very heart of our church."

McCarrick, who was a member of the College of Cardinals until he resigned in late July, participated in the 2005 conclave that elected Pope Benedict XVI.

Keating noted that while most prelates in the church are "men of spirituality and integrity, there are obviously a number of Judas Iscariots. Those men need to be identified and ostracized."

The original National Review Board's report concluded that homosexuality was not a cause of sexual abuse of minors, but rather that boys were more available as victims to predator priests. Sexuality immaturity of priest offenders also might been a contributing factor, Burke recalled.

Nor do former board members believe it is the main issue now. "To characterize it as problem of our clergy being gay isn't quite right," said Cafardi. "Normal gay people do not force themselves on other gay people."

In cases with adult victims, they can be more articulate about their abuse, but fear of retaliation — not just from their abuser, but from the whole system — often prevents them from coming forward, said Cafardi.

But it is possible to investigate cases involving adult victims who were intimidated by sexual advances from those in power over them, former board members said.

"In the seminary world, the rules are clear: It's a celibate lifestyle and there are codes of conduct that prohibit [sexual activity]," Keating said.

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The priorities of the original charter — zero tolerance, criminal referral and transparency — could be applied in the current situation, Keating said.

And church leaders need to act quickly, the original National Review Board members said, although the church in general does not move as quickly as private or governmental organizations, McChesney said.

"They could do something tomorrow, if they wanted to," said Burke. "This is not rocket science. This could be easily remedied by being honest."

Despite ideological divisions among bishops in the United States, addressing this latest round of sexual abuse in the church "seems to me to be something both progressives and conservatives can agree on," said Cafardi.

"We should not leave the people of God in the dark on this issue," he said. "It's like a festering wound. They need to lance it."

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