Opinion



Supreme Court nominee Brett Kavanaugh waits to testify before the Senate Judiciary Committee for the third day of his confirmation hearing, on Capitol Hill in Washington, on Sept. 6, 2018. (AP/J. Scott Applewhite)



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If Brett Kavanaugh were a Catholic priest, how would we now expect the church to deal with him?

Kavanaugh is not just any judge, of course. He's been nominated to the Supreme Court. Were he a Catholic priest being considered for promotion to bishop, say, or a bishop looking to become cardinal, his promotion would be dead in the water until his name was cleared. He would be suspended from ministry and a professional investigation would be in order.

The procedures that the Catholic Church has had in place since 2002 for dealing with the sexual abuse of minors presume that the accused is an adult. Kavanaugh, on the other hand, is accused of attempting to rape a high school student while he himself was in high school. He denies the charge.

For the moment, let's presume that the church would apply to a case like Kavanaugh the same procedures that it would apply to a priest accused of sexually assaulting a minor while intoxicated.

With such a public accusation, his bishop would be a fool to simply say he believes his priest and close the case without an investigation, let alone promote him to higher office the following week.

A smart bishop would follow the procedures already in place for handling accusations of child abuse by priests and would first report the accusation to the police. While most jurisdictions will accept a report of an alleged crime that occurred outside of the statute of limitations — particularly when the allegation involves a minor — there is little they can do.

But the bishop would also send the accusation to the diocesan review board, along with any other information he had gathered through a preliminary investigation. The board would examine the accusation to determine whether it was credible or not. Did it have a semblance of truth?

My guess is that the accusation by Christine Blasey Ford would be found sufficiently credible to call for a full investigation and the temporary suspension of the priest. The investigation would attempt to get to the facts of the situation.

Such an investigation would not be easy since the alleged crime took place decades ago. It would require professional investigators with experience doing similar investigations. It should not be done by the chancery staff, who might have connections to the priest or at least be at risk of rooting for him over his accuser, although some dioceses might attempt that.

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The New York Archdiocese wisely hired outside experts earlier this year to investigate then-Cardinal Theodore McCarrick when he was accused of abusing a minor decades ago. The accusations were found by the archdiocesan review board to be credible and substantiated.

Such investigations are not easy even for professionals. Although television detectives can solve any crime in the hour allotted, real life is not so simple. Although the hope is that an investigation settles the facts of a case one way or another, sometimes the past is unclear. While criminal courts require that the accused be guilty beyond a reasonable doubt, a priest can be permanently removed from ministry with less certitude.

The results of the investigation go to the review board, which then makes a recommendation to the bishop. A bishop who ignores the recommendation of his review board would be foolish.

In the past, the bishops were no model for dealing with abuse, but today the church has procedures for dealing with accusations of abuse.

The U.S. Senate should not make the same mistakes the church did. The accusations against Kavanaugh should be investigated before his nomination moves forward.

[Jesuit Fr. Thomas Reese is a columnist for Religion News Service and author of *Inside the Vatican: The Politics and Organization of the Catholic Church*.]