

Published on *National Catholic Reporter* (<https://www.ncronline.org>)

April 4, 2014 at 6:57am

Disgraced cardinal's archdiocese subject of Vatican investigation

by Joshua J. McElwee

The Vatican has appointed a bishop known for aggressively investigating cases of sexual abuse to take testimony of clergy alleging sexual misconduct in Scotland's archdiocese of St. Andrews and Edinburgh, where Cardinal Keith O'Brien was archbishop until resigning under disgrace in February 2013.

The archdiocese's current leader, Archbishop Leo Cushley, announced the investigation in two letters sent to his clergy Tuesday.

The letters, which were obtained by *NCR* Thursday from a priest of the archdiocese, announce what may be the first instance of an investigation by the Vatican of sexual misconduct by one of the church's cardinals, who are normally considered nearly above reproach in the Vatican's hierarchical structure.

O'Brien, who had served as the archbishop of Edinburgh since 1985, resigned abruptly just days before Pope Benedict XVI abdicated in February 2013, following allegations by three priests and one former priest of the Scottish archdiocese that the cardinal had inappropriate sexual relations with them dating back some 30 years.

Tuesday's letters from Cushley state that Pope Francis has asked the Vatican's Congregation for Bishops to send Maltese Auxiliary Bishop Charles Scicluna to "listen to and report the testimony offered by past and present members of the clergy ... concerning any incidents of sexual misconduct committed against them by other members of the clergy whomsoever."

Scicluna, Cushley states, will visit the archdiocese April 8-10 and "will be available to listen" on those days. The Maltese bishop, Cushley writes, has also asked those who wish to speak with him to "prepare their narrative in writing."

Dominican Fr. Thomas Doyle, a noted canon and civil lawyer widely known for his advocacy and work on behalf of survivors of sexual abuse by clergy, said in a brief interview Thursday he had "never heard" of such an investigation before.

"That's very unusual indeed," said Doyle. "I've never heard of a cardinal being investigated like this by the Holy See."

Jesuit Fr. John O'Malley, a noted church historian who has written books on the Second Vatican and Trent Councils and a history of the popes, likewise said he "could not recall" a similar instance of an archdiocese or cardinal being investigated.

Doyle said that although O'Brien is not specifically mentioned in the documents, it seems the pope is asking Scicluna to begin building evidence specific to the disgraced cardinal.

"This is just a preliminary so that they're looking around but it's pretty clear what they're doing and why they're doing it," said Doyle.

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"I'm not surprised at the way they're doing it," he said. "That makes sense to me."

The Scottish priest who provided the documents to *NCR* asked not to be named because he said he is still deciding whether to speak to Scicluna about the situation in his archdiocese. He provided the letters, which are printed on archdiocesan letterhead with Cushley's signature, in full.

In an emailed statement to *NCR* Friday, Cushley said he was "grateful" for Scicluna's appointment.

"I believe that this is a positive step towards truth and eventual reconciliation, this may not be an easy thing to do, but it is the right thing to do," said Cushley. "I am reassured by this and will be pleased to support Bishop Scicluna in any way I can."

"It is also important that the Holy See take such steps as are necessary to establish and evaluate the serious allegations which have been made

over the last 18 months or so," the archbishop continued. "In order to allow Bishop Scicluna to listen and report fully, I encourage all those concerned to cooperate serenely with him."

Scicluna is most known for being asked by then-Cardinal Joseph Ratzinger in 2005 to collect testimony regarding the serial sexual abuser and deceitful founder of the Legionaries of Christ, Fr. Marcial Maciel.

Scicluna served as the promoter of justice -- a title roughly equivalent to chief prosecutor in the U.S. -- at the Vatican's Congregation for the Doctrine of the Faith until 2012, when he was made auxiliary bishop in Malta. At the Vatican post he was known for reviewing hundreds of case files of priests who were eventually dismissed from ministry for sexual abuse.

While other cardinals and bishops have resigned following allegations of sexual abuse or misconduct, Doyle said he did not know of an instance where a pope had actively and publicly investigated a cardinal regarding those matters.

In one other example, Austrian Cardinal Hans Groër resigned as archbishop of Vienna in 1995 following allegations he had sexually abused a number of young men. The late pontiff is not known to have investigated Groër, instead reacting to news accounts of his behavior.*

In the second of his letters Tuesday, Cushley asks his clergy to "see in this action the Pope's affectionate and fatherly concern for us." He also asks the clergy to "take courage."

"I believe the Holy See is examining the 'lie of the land' and trying to establish more precisely the veracity of various assertions now before it," Cushley writes.

"I would therefore ask you to put your faith in the process and encourage any of you who have something of significance to say about misconduct of individuals in the clergy, to get in touch with Bishop Scicluna," he writes.

Cushley also states he has spoken directly to the pope and to Cardinal Marc Ouellet, the prefect of the Congregation for Bishops, on the matter. Ouellet, Cushley writes, "assured me at length the clergy ought not to be afraid of the process."

Ouellet, Cushley writes, added that "he is confident that the enquiry now being launched is the best method available of establishing the truth of the assertions and the way that will ultimately lead us to renewed peace and to the end of this long and difficult road for us and our people."

"I would therefore urge you to cooperate serenely with Bishop Scicluna, in so far as you may have something to contribute to his findings, so that we may see clearly the way ahead to the renewal of the Church that we pledged our lives to serve," Cushley writes.

The priest in Edinburgh who originally provided the documents said he was "quite happy that the church has seen fit to act."

Members of the archdiocesan staff, he said, had previously told him that "no one wanted to deal with" the allegations against O'Brien.

"They told us that only the pope himself can deal with it," said the priest. "Now it looks like Francis has acted on it."

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**The original version of this story incorrectly characterized Groër's ecclesiastical status following his resignation as archbishop of Vienna, Austria.*

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