



National Review Board for the Protection of Children and Young People

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2019 Progress Report to the Body of Bishops

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Good morning your Eminences and your Excellencies.

For the last year, the Church in the United States has been experiencing a period of intense suffering. We find ourselves at a turning point, a critical moment in our history which will determine in many ways the future vibrancy of the Church and whether or not trust in your leadership can be restored. Because of the actions or inactions of some bishops, some in the general public have lost confidence in the body of bishops, despite the sincere efforts of many of you. I have no doubts that the Holy Spirit will transform your work during this meeting and beyond to create a Church that is more accountable, more committed to a genuine reform that rests on a change in the culture of leadership, and more willing to embrace, what Pope Benedict XVI termed, the co-responsibility of the laity for the Church.

Last November, the National Review Board proposed a series of recommendations to this body. Those recommendations were made to help restore credibility and improve dioceses' methods to protect and heal. The NRB is grateful for those of you who worked diligently with your staff to address some of the concerns we raised.

Some of you have worked with external experts and lay-led review boards to conduct file reviews and publish lists of credibly accused clergy. Some have held listening sessions, responded to the questions and concerns of the faithful, and considered their input. Policies regarding allegations, including those involving misconduct with adults, were reviewed and improved with the help of local boards and outside consultants. Masses and other opportunities for survivors to receive God's unconditional love were offered. Ongoing support for therapy and counseling was also provided.

You opened lines of communication with the people of God regarding what has already been done, and what still needs to be done concerning abuse in the Church. Some of you issued statements calling for transparency and accountability at the national level, taking concrete steps to ensure those principles were embraced in your own dioceses. In some instances, independent lay boards have been established to address allegations of misconduct by the bishops in the diocese. We commend those bishops who have taken steps on their own within their dioceses in response to the dual crisis of the last year. Those efforts have provided hope as you exhibited a new style of leadership. However, until there is a uniform response and mechanism across all dioceses, regardless of who the ordinary may be, we cannot be confident that the response to this dual crisis is adequate or sustainable over time.

In November, the NRB also offered recommendations to this body that could only be addressed at the national level. Among them were improvements to the audit and *Charter*. Despite ongoing challenges, positive momentum has been evident in the Church since the initial approval of the *Charter* and the audit. Any delay in revising the *Charter* or implementing an enhanced audit would not only put children at risk, but could signal a step backward in the Church's efforts.

Specifically, the audit should be more thorough and independent, and the *Charter* should be revised immediately to explicitly include bishops and demand for greater accountability.

The audit is the primary means of holding yourselves accountable in fulfilling your responsibilities to protect and heal. It is also a means for establishing your credibility with the faithful.

For the last few years, an Audit Workgroup, composed of three bishops from the Committee on the Protection of Children and Young People and three lay members of the National Review Board, has been developing a framework for an improved audit which would potentially be utilized during the next audit cycle beginning in 2021.

Among the key deliberations of the Audit Workgroup, from the perspective of the NRB, was the need for the audit process to be truly independent.

Your dioceses have received the same basic audit for close to 10 years. A more thorough and independent audit process would more effectively ensure the accountability of your diocesan procedures in conformity with the *Charter*. A strengthened audit would provide a means for improving your diocese's existing methods to protect and heal. Virtually all your dioceses, including those where problems came to light under the microscope of the media and attorney generals, have easily passed the audit for years since the bar currently is so low. Now is the time to raise the bar on compliance to ensure the mistakes of the past are not repeated.

While more thorough, such an audit should not be a "gotcha" audit. Common standards and guidelines should be developed by the auditors for what is meant by compliance for each Article. There should be standards for compliance that are uniformly and clearly understood across all dioceses.

Article 9 of the *Charter* states that the audit's method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee on the Protection of Children and Young People. While the final approval is issued by the Administrative Committee, as much latitude as possible should be given to the auditing firm in terms of developing and implementing the audit process. The audit process itself should be developed by the audit vendor, not bishops. Auditors should have the independence to ask the questions that need to be asked, examine the documents they determine need to be examined, and probe where they feel they need to probe to answer questions, resolve issues, and determine compliance with each article of the *Charter*.

For the sake of increasing credibility and transparency, as well as nurturing a culture of protection, the NRB strongly urges you to support an independent and improved audit process immediately. If dioceses are handling the implementation of the *Charter* adequately then there should be no objection to an enhanced audit process. Any delay in implementing a new audit process would be detrimental. We cannot afford another crisis as we have just experienced.

The audit is only as strong as what it is measuring compliance with – the *Charter*. The 2018 *Charter* revisions, which were minimal despite the more substantive recommendations of the NRB, included a statement calling for its review in 7 years. With all that has happened over the last year, we cannot wait until 2025. The NRB was happy to hear of Cardinal DiNardo's support for intensifying the *Charter* in his statement following the February meeting in Rome. This is particularly important in light of the passage of the recent Motu Proprio, *You are the Light of the*

World. Special care must be taken to ensure the *Charter* mirrors, to the extent possible, the language and spirit of that document, while at the same time reflecting our reality in the United States.

Revisions that were proposed by the NRB in the past should also be reconsidered, such as the need for all allegations of sexual abuse of minors to be reported to diocesan review boards, the need for those review boards to meet annually to assist with diocesan policy reviews, a consideration of ongoing supervision and monitoring of offenders who have not been laicized, and the inclusion of parish audits. These revisions, among others, will help your dioceses enhance their processes through greater lay participation, and provide you with additional mechanisms for effectively managing allegations and offenders. While it has been argued that the *Charter* should not be prescriptive, we have seen too many instances where the looseness of the *Charter* has allowed for problems that could have been avoided. The principles of high reliability, which have been introduced to dioceses across the country, can also serve as a lens through which the *Charter* can be analyzed. The NRB looks forward to assisting in the *Charter* revision process immediately.

The Motu Proprio *You are the Light of the World*, as well as the forthcoming document, *Acknowledging Our Episcopal Commitments*, begs the question of whether these new processes, which involve bishops' accountability, should be audited as well. Why should allegations involving priests and deacons be subject to the audit but not those involving bishops? Common sense, especially after experiencing the events of last year, tells us that oversight of these processes is necessary. Bishops should be held to the same standards as other clerics.

Last November, several Action Items designed to hold bishops accountable were developed by the USCCB. The NRB recognizes the amount of preparation and work that went into producing these concrete measures and is extremely grateful for the expedient efforts of all involved. They included the creation of standards of accountability for bishops, a third-party reporting system, and the establishment of a special lay commission to review allegations against bishops. The NRB also supports the more recently developed protocols regarding non-penal restrictions on bishops. The NRB did not support the concept of the metropolitan model for handling allegations against bishops that emerged from the assembly floor.

While the NRB commends the Holy See for taking such a strong step forward in terms of holding all clerics accountable for abuse, the NRB remains uncomfortable with allowing bishops to review allegations against other bishops as this essentially means bishops policing bishops. The metropolitan will gain greater credibility if a lay commission is established when allegations come forward to assist in the process as has been the case with lay review boards on the local level. Lay involvement is key to restoring the credibility of the Church which includes a commitment to transparency. Not involving laity with competence and expertise in leading the review process would signal a continuation of a culture of self-preservation that would suggest complicity. We already have specific examples of the effective use of a lay board to investigate allegations against a bishop in the Diocese of Wheeling-Charleston in West Virginia and the Archdiocese of New York.

Article 13 of the Motu Proprio cites that the bishops of the province *may* include qualified persons including laity in the investigatory process. The NRB urges that this *must* be the case in the United States through the establishment of an ad hoc lay commission, either on the national or local level.

Furthermore, there is no reference in the *Motu Proprio* to the role of the laity in assessing the credibility of allegations and providing advice on the suitability of an accused bishop for ministry. The *Essential Norms for Dealing with Allegations*, which are particular law for the Church in the United States, as well as the *Charter*, call for a majority lay review board to review allegations against priests and deacons. A similar requirement should be in place regarding allegations against bishops.

You have a great opportunity to lead by example and help show dioceses and Episcopal Conferences around the world not only how important it is for lay involvement to ensure greater accountability and transparency, but also how laity and the episcopacy can be co-responsible for the Church's well-being.

A review board whose membership includes laity must be tasked with the review of allegations against bishops to restore the trust of the faithful in the bishops and even in the Holy See's own processes for holding bishops' accountable. All allegations should be immediately reported to the civil authorities first and subsequently to a third-party reporting system.

The Metropolitan should not be the sole gate-keeper of allegations that come forward. This could lead to the same type of mishandling of an allegation as we saw in the case of the former Archbishop McCarrick.

The NRB remains hopeful that this body will demonstrate its commitment and desire to embrace the principles of transparency, accountability, and independence – even while abiding by the new *Motu Proprio*. In fact, there is nothing within the *Motu Proprio* itself that limits the ability of the USCCB to do so. Fortunately, the Holy See seems to have allowed for flexibility in the specific implementation of these standards at the local level.

I cannot end my presentation without addressing what remains on the minds of the entire Church in the United States – the McCarrick situation.

During last year's November meeting, a resolution was proposed in which the bishops of the USCCB would have recognized the ongoing investigation of the Holy See into the case of former-Cardinal McCarrick, but at the same time encouraged the Holy See to release soon all the documentation that could be released consistent with canon and civil law regarding his misconduct.

It was the type of symbolic statement that would have helped to restore the laity's confidence in the body of bishops. It was also the type of statement the laity needed to hear at that time. Mainly, that like them, their bishops wanted the truth to emerge regarding the allegations of abuse involving Theodore McCarrick.

As we all know, the resolution was ultimately rejected. Some bishops raised concerns about what type of signal this resolution would send. Some thought the resolution would make it seem as if the bishops of the United States were creating divisions, especially with the Holy See. Some also thought it would show distrust in the Holy See, including Pope Francis.

The salvation of souls is the supreme law of the Church. It is more important to heal the rift with the people of God than any perceived divisions you might have with the Holy See, as the Holy Father himself stated "you must be shepherds who smell like your sheep." Care for your people must be at the forefront when dealing with this issue.

While Msgr. Figueiredo's recent disclosures has shed some light on this situation, we still await the conclusions of the Holy See's investigation as we approach the one-year mark of the eruption of this crisis. Perhaps they will soon emerge. Until then, questions remain unanswered. Who knew what, and when? How did McCarrick rise to the rank of a Cardinal? An update on the status of the investigation is much-needed.

In his *Motu Proprio*, the Holy Father called for "a continuous and profound conversion of hearts [...] attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church's mission. This becomes possible only with the grace of the Holy Spirit poured into our hearts, as we must always keep in mind the words of Jesus: *'Apart from me you can do nothing'* (Jn 15:5). Even if so much has already been accomplished, we must continue to learn from the bitter lessons of the past, looking with hope towards the future."

On behalf of the National Review Board, I thank you for the privilege and opportunity to assist you in addressing this crisis. The NRB is grateful to the commitment and leadership of many of you this past year, especially as you took concrete action, and called for meaningful reform including the active participation of the laity. We pledge to use our expertise and knowledge to provide advice, counsel, and support to you as you continue to address this issue in a way that will give people confidence in your leadership. We will continue to pray for you as you carry out your ministries to the faithful. Thank you.