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Archdiocese Chancellor: Pennsylvania Grand Jury report flawed, fails to highlight Cardinal Wuerl's record on child protection

The following is a *Catholic Standard* interview with Kim Viti Fiorentino, Chancellor and General Counsel of the Archdiocese of Washington, regarding the Pennsylvania grand jury report on alleged Catholic clergy sex abuse cases in that state.

The Pennsylvania grand jury report that was recently issued includes troubling accounts of sexual abuse allegedly committed by clergy, allegations of action or inaction of Church officials, and the impact on the abuse survivors. Following the recent abuse allegations against retired Washington Archbishop Theodore McCarrick in New York and New Jersey, Washington Cardinal Donald Wuerl said the first concern in such cases must always be for healing for survivors and their families. What would you say to abuse survivors and other members of the Catholic community who find it painful to learn about the contents of the Pennsylvania report?

To survivors, I would extend my own profound sorrow and sadness for the pain they have had to endure. Child sexual abuse leaves scars and loss that can painfully impact survivors for their lifetime. I want each survivor to know of the prayers of the Church; our continued contrition for the sins committed; and our steadfast commitment to protect all of those – especially the most vulnerable – entrusted to our care.

As Cardinal Wuerl emphasized in his statement to the Grand Jury, and as he has stated numerous times publically to survivors and advocates for child protection: “Children are a precious gift entrusted to us by God. The sexual abuse of children by some members of the Catholic Church has been a terrible tragedy. The physical, mental, and spiritual damage inflicted upon the most vulnerable among us is a grave wrong and, to the extent possible, must be righted.”

Of course, the Archbishop McCarrick allegations; the findings in New York; and the disclosure of settlements in dioceses in New Jersey, as well as the reports in the media from other survivors, have also profoundly saddened us, and are causing us to reflect on whether more could have been done – and what more must be accomplished – to eliminate abusive behavior and to restore the bonds of trust within our faith community and beyond.

The grand jury report involves Pennsylvania, but from your perspective as general counsel for the Archdiocese of Washington, what is your reaction to the report's process and its findings?

It's important that we put this report in context. It is a report that looks back over 70 years. In that time more than 5,000 diocesan priests served the Commonwealth of Pennsylvania. In

Pittsburgh alone more than 1,800 diocesan priests served the faithful there. The report references allegations against 32 priests during then-Bishop Wuerl's time in Pittsburgh. Many were allegations of conduct that occurred before he arrived in 1988. That record is not made clear in the grand jury report.

What people need to know is that during his time in Pittsburgh, including when he traveled to Rome to challenge successfully a Vatican decision to reinstate a priest removed from ministry as a result of substantiated child abuse claims, Cardinal Wuerl established strong policies that addressed the needs of abuse survivors, removed priests from ministry, and protected the most vulnerable in the community.

This also raises another issue with the report. As with many things, the terminology of the Catholic Church is different from the terminology used in the legal or business world. In this case, the grand jury process uses a different definition for the term “removed” in the context of how the diocese responded to claims of abuse.

When a diocese says it “removed” a priest, it means the priest was removed from his role at a parish or school and the priest never returned to a ministry involving minors. Under the grand jury's definition of “removed” that action does not count.

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They need to know that 32 priests from the Diocese of Pittsburgh were referenced in the excerpts of the grand jury report provided to Cardinal Wuerl. The Diocese of Pittsburgh promptly investigated allegations of child sexual abuse during Bishop

Wuerl's tenure and took appropriate actions, including removal of priests from ministry. The other thing to keep in mind is that over the 18 years of Bishop Wuerl's tenure, psychological, medical and civil and Church understandings of child sexual abuse evolved significantly, but Pittsburgh always sought to implement child-protection policies that kept pace with or were ahead of that evolution.

The Attorney General made no effort to investigate any other organization or public institution about allegations of child sexual abuse – no public or non-Catholic private schools; no athletic programs; no medical or health care professions; no foster care; no day care facilities; no juvenile detention centers. The Attorney General made no inquiries to any other religious organizations or faith-based programs. We hear news of child sexual abuse that occurs throughout our society, as recent local matters, as well as high profile cases in both Pennsylvania and Michigan, have revealed.

In short, it's clear that then-Bishop Wuerl acted decisively to protect young people.

The reader of the report gets a different, far more negative view. With this kind of context, many of the assertions in the grand jury report about appearances of delays in response to abuse claims should be questioned.

Why have some media, reflecting on the Grand Jury procedure, called it "defective"?

The short answer is the investigation and report narrowly targeted the Catholic Church in six dioceses in Pennsylvania and was generated in a process that suffered from significant legal flaws as the Supreme Court of Pennsylvania recently ruled.

The report issued on August 14, 2018 was the result of a Grand Jury convened by the Attorney General in Pennsylvania for the exclusive purpose of investigating just these six Catholic dioceses. The Attorney General of Pennsylvania subpoenaed documents spanning a 70-year period from each diocese and, as a result, much of the report discusses allegations of abuse that occurred decades in the past.

Many individuals who were accused in the report are deceased, and others were given no opportunity to present any evidence or defend against the allegations made. In fact, the Supreme Court of Pennsylvania specifically found that, although the report is

couched as an "investigative process," the language used in the introduction and throughout the report, in effect, appears to assert evidentiary findings – when, in fact, no trial-like evidentiary process with its procedural and due process safeguards and assurances took place.

The flawed process also fails the survivors, because rather than a report that can help bring some closure and contribute to the healing process – and perhaps encourage other institutions to strengthen their child-protection policies – we have a report that leaves just as many questions as answers it purports to address.

Cardinal Donald Wuerl, now the archbishop of Washington, who served as the bishop of Pittsburgh between 1988 and 2006, is among Pennsylvania's Catholic bishops mentioned in the report. How would you summarize then-Bishop Wuerl's child protection efforts in Pittsburgh and his work on a national scale to strengthen the Church's child protection efforts, and does the grand jury report accurately reflect that?

Cardinal Wuerl has consistently been recognized as a local and national leader in the area of child protection. As the Bishop of Pittsburgh, he was instrumental in strengthening child protection policies; in removing priests from ministry who were credibly accused of abuse, and for establishing reporting requirements that were at the forefront of legal standards then in place.

In 2002, Cardinal Wuerl was a forceful voice advocating strict reporting standards among U.S. Catholic bishops at the Dallas conference, which established the *Charter for Child Protection* that instituted rigorous child protection policies throughout the United States.

The Grand Jury report, as issued, does not note any of these accomplishments – or disclose then-Bishop Wuerl's significant efforts to protect the faithful. It dismisses his appealing to Rome to ensure a priest accused of abuse remained out of ministry. It fails to mention his work to protect children and extend pastoral support, including his many visits with survivors and their families, where he heard, firsthand, the pain and suffering they endured. The Grand Jury report is silent on Cardinal Wuerl's expression of contrition and sorrow for the sins committed – and his unwavering commitment to protect those entrusted to the Church's care.

Are there aspects of the report that appear to you to be inaccurate or misleading?

I mentioned the inaccuracies of timelines and actions created by the different terminologies in the report. But we are also aware of other inaccuracies, including an error in attributing certain statements to then-Bishop Wuerl which the Attorney General and his deputies were made aware was inaccurate and, yet, they refused to take any action to correct the record before the report was released.

The report does not make a full disclosure of facts – it fails to acknowledge repeated, meaningful steps to protect children and to proactively respond to allegations of abuse.

The vast majority of the allegations mentioned in the report are from many decades ago and the report fails to acknowledge the

evolution of both civil legal standards related to the reporting of allegations and the Church's own significant developments and proactive steps to implement increasingly rigorous child protection policies and mandatory reporting to civil authorities in a transparent and effective manner.

The report fails to point out the Church's heartfelt outreach to survivors and their families, as well as the Church's commitment to the protection of children. So while we acknowledge the sinful, disgraceful, and abhorrent conduct that occurred, the Church has dedicated itself to contrition and adherence to the highest standards of child protection – including ensuring children are taught to understand the signs of a safe environment and that all church employees and volunteers who work with children undergo background checks and related training.

What legal objections have been raised to the grand jury report?

Cardinal Wuerl took no legal action to delay or block the release of the report. A number of legal challenges were made prior to the issuance of the report by various individuals who asserted the report conveyed erroneous information about them and made inaccurate conclusions, while denying them the opportunity to provide accurate information to defend themselves. These individuals raise serious due process issues. One brief filed with the Pennsylvania Supreme Court argued that the report itself went beyond the scope of the law in Pennsylvania, which limits these types of investigative grand juries to investigations involving public corruption and organized crime. These arguments are currently pending before the Supreme Court of Pennsylvania.

Of the very few criminal charges brought as a result of this investigation, none are of persons in the Pittsburgh Diocese. There are numerous reports that the main purpose of the Office of the Attorney General's effort was to change the laws in Pennsylvania so that criminal charges and civil suits could be brought for events that allegedly took place decades ago.

The grand jury report has been criticized for singling out the Catholic Church for alleged past instances of child abuse, but shouldn't religious entities be held to a higher standard when it comes to protecting children?

Six Catholic dioceses in Pennsylvania were the only religious organizations targeted for review by the Attorney General of Pennsylvania.

The Attorney General, however, made no effort to investigate any other organization or public institution about allegations of child sexual abuse – no public or non-Catholic private schools; no athletic programs; no medical or health care professions; no foster care; no day care facilities; no juvenile detention centers. The Attorney General made no inquiries to any other religious organizations or faith-based programs. We hear news of child sexual abuse that occurs throughout our society, as recent local matters, as well as high profile cases in both Pennsylvania and Michigan, have revealed.

All of this makes us reflect as to why the sole target of this investigation was the Catholic Church – and why a more comprehensive and meaningful organizational and public review was not undertaken in support of survivors.

And, yes, the Catholic Church should and does hold itself to a higher standard – both from a moral and legal perspective – and our actions over the past 30 years have demonstrated our commitment to child protection efforts.

From my own experience working with the Archdiocese of Washington, I know that many of our policies are, in practice, more rigorous and comprehensive than those in some of our local public schools. The executive director of our Office of Child Protection is a highly-experienced professional who brings both her licensed social work expertise and work with investigative agencies and law enforcement to the Archdiocese to ensure the highest standards of protection and reporting. Our Child Protection Advisory Board, comprised of therapists, social workers, law enforcement professionals and others with expertise in child protection, meets regularly to advise and make recommendations as we work together to implement the highest standards of child protection. And beyond our internal efforts, we have offered to freely share our resources and expertise to ensure that all children in our community are ensured the most rigorous levels of protection.

What do you think everyday Catholics should take away from this grand jury report and the reaction to this report?

You cannot read the Grand Jury report without feeling a profound sadness and anger for the sinful, even criminal, conduct that survivors of this horrendous abuse and atrocious breach of trust endured. The Church, and those of us who work for the Church, will never cease in expressing our sorrow and contrition for the unbearable pain caused. I hope that Catholics in Pennsylvania and here in the Archdiocese of Washington will also be confident that our Church, including its priests and the many devoted lay professionals who work together, is committed to ensuring an environment where abuse is not possible – and in the rare instances it occurs, abuse is not tolerated and is fully reported to civil authorities – and that survivors are compassionately and pastorally supported at all times.

My experience working for the Catholic Church gives me great confidence that this commitment to protecting children is real and has resulted in longstanding effective policies that do just that.

You've noted the concerns you have about the fairness and accuracy of the Pennsylvania grand jury report, but do you hope it can have a positive impact in spurring the Catholic Church, other institutions and our society to strengthen efforts at protecting children and to bring help and healing to abuse survivors?

I hope the report will draw attention to the evolution in the law that has occurred in our society over the past 70 years – including an evolution in reporting requirements and in medical standards of care for evaluations that previously did not exist.

I hope the report makes people realize how the Catholic Church has been at the forefront of drafting, implementing, and adhering to strict policies to ensure the highest levels of protection for children. And, importantly, I pray that the report draws attention to the fact that the Catholic Church, in a spirit of contrition and determination, has committed herself to ensure that children are safe and that stories like the ones conveyed in the report will never happen again. And to survivors, I say again that your pain will always be our grief, and that the Church will unceasingly strive to assist you and your families and to do all we can to protect the children entrusted to our care.