

**COMMONWEALTH OF PENNSYLVANIA
40TH STATEWIDE INVESTIGATING GRAND JURY**

IN RE SUBPOENA 797

SUPREME COURT OF PENNSYLVANIA
2 W.D. MISC. DKT. 2016

COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY
CP-02-MD-571-2016

NOTICE: 1

**CARDINAL DONALD WILLIAM WUERL'S
STATEMENT IN RESPONSE TO 40TH STATEWIDE INVESTIGATING GRAND JURY**

I, Cardinal Donald William Wuerl, make this submission in response to the Subpoena sent by the Pennsylvania 40th Statewide Investigating Grand Jury (“Subpoena”) to counsel for the Diocese of Pittsburgh on February 9, 2018. Pursuant to the instruction of Senior Deputy Attorney General Daniel J. Dye, this statement addresses the “actions . . . taken to address child sexual abuse within the Diocese of Pittsburgh and any statement [I] feel relevant to [the] diocese’s historical response to the issue of child sexual abuse.” I served as Bishop of the Diocese of Pittsburgh from February 1988 until May 2006, when I became the Archbishop of the Archdiocese of Washington.

I. OPENING REMARKS

1. 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. The Church can never express enough our deep sorrow and contrition for the abuse and also for the failure by some to respond as promptly and completely as they should have when it came to light. I continue to offer my apologies, my prayers, and my resolve

that I will use whatever power I may have to ensure that no children will suffer because of those to whom they are trusted for care and guidance.

2. The Church in the United States has attempted to confront child sexual abuse, taking responsibility for the wrongs of the past and committing to doing all that we can to prevent the tragedy of abuse from happening again. Over the past three decades, bishops in the United States have put in place strict requirements for reporting allegations to civil authorities because we recognize that abuse is not only a sin, but also a serious crime.

3. While I served as Bishop of the Diocese of Pittsburgh, and as our understanding of child sexual abuse deepened, the Diocese worked to strengthen our response and repeatedly amended the Diocese's safeguards and policies. The Diocese worked to meet or exceed the requirements of the United States Conference of Catholic Bishops and the reporting requirements of Pennsylvania law. We showed pastoral concern by reaching out to victims and their families, while reporting allegations to the authorities so they could investigate crimes. The Diocese's goal was to be transparent and accountable to the public, and to our faithful, for what had occurred within the Church.

4. To fulfill the Gospel teachings it is necessary that we repent, not only so that we receive the Lord's pardon, but also so that those who have been harmed by these failures might be healed. In attempting to heal and restore, we must remember that the abusive behavior of individuals does not destroy the value of the Church or her teachings. All of this I tried to explain in more detail in a June 2002 Pastoral Letter that I wrote to the clergy, religious and laity of the Diocese of Pittsburgh, entitled "To Heal, Restore and Renew." I affirmed "that a priest who has abused a child can never again serve the Church in priestly ministry."

II. DIOCESE OF PITTSBURGH'S PRINCIPLES FOR ADDRESSING ALLEGATIONS OF SEXUAL ABUSE

5. I was born in Pittsburgh on November 12, 1940, the second of four children of my parents. I received my early education at St. Mary of the Mount Church in the Mount Washington neighborhood of Pittsburgh. I began my ministry when I was ordained a Catholic priest for the Diocese of Pittsburgh on December 17, 1966. I received my first assignment to a parish in Pittsburgh's Greenfield neighborhood. After completing various assignments for many years outside of Pittsburgh, including in Rome and Seattle, I returned to Pittsburgh as the Bishop of the Diocese on February 11, 1988.

6. From the day of my appointment as Bishop until the day my tenure ended on May 16, 2006, the Diocese's policies for handling allegations of child sexual abuse were constantly being evaluated and strengthened to respond to this grave issue. As the specifics of our policies evolved, alongside the changing medical and scientific understandings of this offense, the following core principles guided the Diocese:

- Prioritization of the victim. As the Diocese's policies evolved, the Diocese consistently chose to err in defense of the flock, as opposed to the shepherd. The physical, mental, and spiritual well-being of victims was (and, I understand, is) at the forefront of how the Diocese responded to allegations.
- Protection of the vulnerable. One instance of abuse is too many. The Diocese was at the forefront of adopting policies that protected the most vulnerable and aimed at preventing any abuse by those representing the Church. I had to address the faithful and tell them that the Diocese was doing everything it could to address any past incidents of abuse and prevent any future occurrences.
- Transparency. The only way to reform the Diocese credibly was to do so out in the open. From the beginning of my tenure, I advocated for greater openness as a solution. The Diocese did not announce changes to policies in a darkened room. We made it an open process. We solicited outside help. And, we publicly debated, developed, and released the policies to the Diocesan community.
- Compliance with laws. The laws dealing with the crime of child sex abuse evolved over time during my tenure as Bishop. While I had responsibility to address these problems in a moral, pastoral, and canonical manner, the Diocese

also was charged with keeping pace with the applicable laws relating to these issues, and in some cases adopted stricter provisions that went beyond compliance with the laws.

7. I strongly supported timely responses to allegations, prompt investigations, and the resolution of allegations of child sex abuse. I tried to ensure that victims received effective assistance, that allegations were reported promptly to the appropriate authorities, and that clergy (i.e., priests and deacons) were removed from ministry so that additional harm could be averted.

III. THE DIOCESE OF PITTSBURGH'S POLICIES FOR RESPONDING TO ALLEGATIONS OF CHILD SEXUAL ABUSE FROM 1988-2006

A. The Origins of the Diocese's Pastoral Response to Allegations and the Creation of the Diocesan Review Board.

8. Shortly after I arrived at the Diocese, and even though the Diocese had formally adopted a policy in 1987 for clergy sexual misconduct, I learned the deeply painful news that priests in the Diocese had been accused of child sexual abuse and civil lawsuits were filed relating to that abuse. Despite being warned that it could negatively affect the Diocese's position in litigation, Diocesan officials and I, in 1988, visited with the family of two brothers after the brothers reported that they had been physically abused by Diocesan priests.¹ I was their Bishop, and I needed to respond to their pain. I was responsible for the Church's care for the victims and their family, and the only way I could do that was to go see and listen to them.

9. Diocesan officials and I emerged from that meeting profoundly impacted. I had a deepened, permanent resolve that this should never happen again. The visit also underscored the urgency and caused me to review and strengthen the Diocese's policy for handling child sex abuse allegations. The importance of protecting children was highlighted as a critical priority for the Diocese. The Diocese publicly declared that no priest who had abused a minor could expect

¹ The priests were removed from public ministry in response to the allegations, and none of the priests ever returned to public ministry. Two of these priests were imprisoned.

to return to ministry. As Bishop, I adopted a policy and practice of meeting and/or speaking with all victims who desired to speak with me, in order to facilitate the healing process—a practice I understand that current Bishop David A. Zubik continues to this day.

10. In the fall of 1988, I convened a mandatory meeting of every priest under my jurisdiction in the Diocese. I reiterated and underscored the policy for responding to allegations of clergy misconduct. We pointed out that sexual contact with a minor was not just a grave sin and a moral offense, but also a serious crime that would result in permanent removal from ministry and possible imprisonment.

11. We also clearly declared that any allegation of improper conduct against a Church employee or priest involving a current minor must be reported to the proper legal authorities. I further directed all Diocesan clergy and employees to inform Diocesan officials immediately of any allegations or suspicious behavior by anyone at Diocesan parishes and schools.

12. I asked the priests to be alert, to be on the watch for abuse, and not to be silent. Our message was clear: We cannot protect those who hurt other people. Publicly, I expressed profound concern and dismay for the problem of child sexual abuse, shared feelings of sorrow, and indicated an immediate pastoral concern for any child who was abused or harmed in any way.

13. The Diocese also required the removal of clergy from ministry in the event of an admitted or established accusation of child sexual abuse. We tried in good faith to confirm that the accusation was made without ulterior motive and was corroborated in part by an inquiry into the facts and the clergy's ministry. If so confirmed, we acted to protect the victim and remove the offender from ministry.

14. The following year, in 1989, the Diocese created a committee to review Diocesan policy on how to respond to allegations of abuse. (*Bishop to form committee "to heal" harm of allegations*, The Pittsburgh Catholic, Oct. 28, 1988.) That committee became the Diocesan Review Board. The Board reviewed allegations and advised me of their evaluation and recommendations regarding allegations made in the Diocese, provided advice on the prevention of sexual abuse, and offered healing and assistance where abuse occurred.

15. The Diocesan Review Board (now known as the Independent Review Board) included experts on child sexual abuse, and was comprised mostly of professional lay people with some clergy. Shortly after its creation, parents of abuse victims were appointed to the Board. Lay members of the Board were not required to be Catholic, but were chosen based on their expertise and experience. For example, one longtime Board member was a former chief prosecutor and United States Attorney for the Western District of Pennsylvania.

16. As one Board member has noted, the Diocesan Review Board has "extreme independence" and the "freedom to reach whatever decisions we wanted to reach, based on the best evidence." (Ann Rodgers, *Zero tolerance for abuse: Pittsburgh Bishop Donald Wuerl's approach to abuse survivors was, "I'm their bishop, and I need to respond to their pain,"* Catholic Standard, Nov. 30, 2016.)

17. Since 1993, the Diocese of Pittsburgh has maintained a roster of individuals who have been appointed to serve on the Board for five-year renewable terms. For each case in which there is an allegation against a clergy member, five individuals were chosen from the roster to review the case. Four of the individuals are lay people, and one is a priest. Of the four laypersons, one must have expertise in evaluating the sexual abuse of minors. The priest must be a pastor.

18. The creation of the Diocesan Review Board is one example of the Diocese's commitment to addressing allegations of abuse fully by engaging the community and eliciting expertise in dealing with these issues.

B. *Revisions to The Diocese's Written "Policy: For Clergy Sexual Misconduct," The Hiring of the Diocesan Coordinator, and the Creation of the Office for the Protection of Children and Young People.*

19. During my tenure, the Diocese's Policy: For Clergy Sexual Misconduct ("the Policy") was formally amended three times—in March 1993, October 2002, and August 2003. All revisions to the Policy were released to the public.

20. By 1993, I came to understand that people who sexually abuse children could commit the offense again, despite seemingly being remorseful. The Diocese aggressively wanted to keep pace with the evolving medical understanding of this offense. Accordingly, in March 1993, the Diocese announced changes to the Diocesan Policy at a press conference and published the revised Policy "so that no one underestimates the seriousness with which we take such allegations and how quickly and with what sensitivity we try to respond to them." (March 8, 1993 Pastoral Letter on the Diocesan Policy on Clergy Sexual Abuse.)

21. The Diocese made various enhancements to the Policy, including formally encouraging victims to report allegations to the appropriate civil authorities. In some instances, the Diocese reported allegations to the civil authorities over the objection of the person bringing the allegation.

22. Moreover, the Policy instituted a two-pronged approach to handling allegations of child sexual abuse—namely "The Pastoral Response" and "The Administrative Process." The Policy also prescribed the investigation to be conducted to assess the credibility of the allegations and expressly called for assistance to be provided to the victim and his or her family. The Policy

also allowed the Bishop to remove an offending priest from ministry, regardless of whether there was a criminal conviction or finding of civil liability.

23. Also, in 1993, the Diocese reconfirmed the requirement that Diocesan officials be notified immediately of any complaint of sexual misconduct with a minor. We also required two priests from the Clergy Office, in addition to the Diocesan Assistance Coordinator, to interview any individual making an allegation of abuse and then, separately, interview the accused clergy member. This led to the removal of priests from active ministry. The Diocese further encouraged and supported individuals bringing all allegations of child sexual abuse to the proper authorities.

24. Additionally, the Diocese hired a Diocesan Assistance Coordinator, who was charged with marshalling the resources of the Diocese to provide services to victims who alleged child sexual abuse and to serve as liaison between the victim and the Diocese during the investigation of the allegations of abuse and after. The Diocesan Assistance Coordinator was responsible for receiving allegations of misconduct, assisting and reviewing actions taken in response to allegations of sexual misconduct, updating accused clergy's personnel files, and serving as staff to the Independent Review Board. Later, in 2004, the Diocese established a toll-free hotline that directly connected to the Diocesan Assistance Coordinator's office. The hotline number was published repeatedly in the Diocese newspaper and in parish bulletins. The express mandate to provide support to victims, and the hiring of a Diocesan Assistance Coordinator to ensure access to this support, was the formal embodiment of the Church's immediate pastoral concern for victims of abuse, their parents, and family.

25. Also in 1993, I challenged the Vatican on its request that I reinstate a priest who had been credibly accused of child sexual abuse. The Vatican's Highest Court, the Supreme

Tribunal of the Apostolic Signatura, ordered that I return the accused priest to ministry, give him an assignment, allow him to say Mass publicly, and to wear a priest's clothing and collar. I refused. Instead, I petitioned the Vatican court for a rehearing. I also went to Rome to state my views. It took two years for the appeal to be decided, but the Signatura reversed its prior decision, finding that I had the power to remove the priest. That decision provided an example for fellow bishops to deal effectively with sexually abusive priests.

26. In 1995, the Diocese established an educational program for students in grades 6 through 12 containing units designed to prevent child sexual abuse.

27. By the early 2000s, the Diocese strengthened its policy even further. We began the practice of reporting allegations made by adults who were abused as minors, no matter how old, to the appropriate authorities if there was any semblance of truth. We also would remove the clergy from ministry, even if the Diocese's inquiry was inconclusive. This was an uncompromising policy, but I implemented it because the Church must be held to a higher standard. It is essential that no priest serve in a parish assignment, remain in ministry, wear a collar, or call himself "Father" if there is a credible allegation of abuse against that priest. It was imperative that our policies were designed to weigh heavily in favor of protection of children entrusted to our care.

28. In April 2002, officials from the Diocese met with the District Attorneys from Allegheny County and other counties in Western Pennsylvania to discuss the handling of allegations of child sex abuse and the treatment of victims. We realized that civil authorities, who have access to expertise and resources, are better suited to investigate and prosecute such crimes. Sex abuse is a sin, but it is also a serious crime. The Diocese reiterated that concern for the victims who suffered abuse and their families was the chief priority and that the Diocese

continued to offer pastoral and spiritual support, as well as professional counseling. I personally renewed my invitation to anyone abused by a priest to meet with me so that I might express the depth of my sorrow and the sincerity of my desire to promote healing and reconciliation.

29. In June 2002, the United States Conference of Catholic Bishops (“USCCB”) held a conference in Dallas on the issue of clergy abuse. Proposed reforms were circulated before the conference, including one which would have allowed someone credibly accused only once to return to ministry if he was not diagnosed as a pedophile, if he received treatment, and if a review board approved of his return to ministry. I vehemently opposed an exception for a single credible accusation because it is impossible to know whether a priest with one offense had indeed committed only one offense. I believed it was essential to be able to assure the Catholic faithful that there is no priest in a parish assignment against whom there is a credible allegation of abuse of a minor.

30. At the conference, I led a floor debate pressing for this stronger policy. I publicly advocated for putting the well-being and safety of young people first, above the credibility of the Church and the future ministry of an accused priest. Doing so served both the people and the Church. Additionally, I advocated for the nationwide mandate requiring that no priest who abused a child remain in ministry. As I said at the time, “I believe the document has to say if you abuse a child, you cannot serve in a priestly ministry. From the bishops I’ve talked to, there is strong support for a strong policy.” It was important to arrive at a common pastoral practice, in which there is no priest assigned who has ever abused a child.

31. I also supported a broad definition of what constitutes “sexual abuse” to include any contact or interaction between a child and an adult where the child is used as the object of

sexual gratification for the adult. I did this because the Catholic Church must have a higher standard for priestly conduct than the civil law.

32. This meeting in Dallas of the USCCB resulted in adoption of the *Charter for the Protection of Children and Young People* (“the Charter”) in June 2002. The Charter was a comprehensive set of procedures for addressing allegations of child sexual abuse by Catholic clergy. The Charter also included guidelines for accountability, reconciliation, healing, and prevention of future acts of sexual abuse.

33. The Charter made clear that the civil authorities determined whether a crime was committed, while the bishop determined fitness for ministry. No priest was fit for ministry if he had abused a minor; our principles required that he be permanently removed from ministry. Additionally, the Charter provided policies to promote the healing and reconciliation with the victim. Later that year, I was named to a five-member committee with the purpose of creating a system to ensure bishops were accountable for the protection of minors. The committee adopted a statement of commitment and presented it to the USCCB for a vote. It was overwhelmingly adopted, applying to all dioceses in the United States.

34. Following the Dallas conference, the Diocese reviewed its policies to ensure conformity with principles of the Charter. We committed to meeting or exceeding the principles set forth in the Charter. In October 2002, the Diocese issued a revised Policy, declaring the following guiding principles:

- ***Children come first.*** The safety of anyone entrusted to the care of a priest, especially children, is the first priority in any pastoral assignment.
- ***Concern for the victims.*** We are always concerned about the victims who have suffered abuse and their families. The Diocese offers pastoral and spiritual support to victims and their families as well as psychological counseling.

- ***All allegations reported.*** All allegations of sexual abuse of minors are turned over to the proper civil authorities.
- ***Suitability for parochial ministry.*** No cleric against whom there is an admitted or established allegation of sexual misconduct with a minor may serve in any ministry. It is the role of the Church alone to determine the suitability of a cleric for ministry.

(Policy: Clergy Sexual Misconduct, October 2002). The core of the Revised Policy was that we cannot risk harm to even one child. Further, the Policy stated that allegations “cannot be received in confidence given the obligation and/or need to report this information to proper civil authorities[.]” *Id.* The Diocese committed to reviewing the Policy “every two years to ensure its effectiveness.” *Id.*

35. In June 2003, the Diocese adopted a similar written policy to address allegations of sexual abuse of minors by church personnel—including employees and volunteers—other than clergy. That policy required the prompt reporting of allegations of the sexual abuse of minors to the appropriate authorities, as well as compliance with all legal obligations. Specifically, any mandatory reporter in the Diocese under State law who received an allegation from or regarding a minor was also obligated to comply with the requirements of the Child Protective Services Law. This policy also reaffirmed the Diocesan’s commitment to encouraging the person making the allegation to independently report the allegation to authorities.

36. From 2003 until my departure from the Diocese in 2006, the Diocese was subjected to an onsite audit by an independent auditing firm each year to ensure that it was compliant with the Charter. As part of the audits, the Diocese submitted volumes of information regarding the Diocese’s actions prior to the auditors visit; Diocesan officials, including myself,

were subject to interviews by the auditors; and the auditors visited Diocesan parishes and schools of their selection without advance notice.

37. In August 2003, the Diocese of Pittsburgh published its “Code of Pastoral Conduct” (the “Code”), which set forth the standards and expectations for all bishops, priests, deacons, religious, and lay members of the Diocese who provide pastoral care in the name of the Diocese of Pittsburgh. Provisions of the Code specifically address interactions with children and young people.

38. Thereafter, in 2004, the Diocese also began implementing safe environment programs designed to prevent the abuse of children. Among other things, the Diocese subjected all Diocesan clergy, staff, and volunteers to background checks and required them to attend child protection training on the identification, avoidance, and reporting of possible child predators. All clergy and personnel were required to know the mandatory requirements and sexual misconduct policies of the Diocese. These policies are further described in the Diocese’s “Policy: Safe Environments for Children.”

39. While I left the Diocese of Pittsburgh in May 2006 to assume my duties in the Archdiocese of Washington, I understand the Diocese has worked continuously to strengthen its child protection policies further.

IV. CLOSING REMARKS

40. While I was Bishop of the Diocese of Pittsburgh, the Diocese tried to respond in a vigorous manner with policies to address the grave problem of child sexual abuse to ensure that such a tragedy will not happen again. The Diocese put into place strong standards for reporting allegations to the civil authorities, who are best placed to investigate. We instituted new safeguards and continually revised our policies in an open and transparent manner, to identify and remove perpetrators and to help protect children. The Diocese worked with victims and their

families to heal their injuries. We offered counseling to survivors of child sex abuse. I also worked at the national level to enact new policies to address the problem of abuse. The Diocese then incorporated those policies locally.

41. While I was Bishop, the Diocese of Pittsburgh treated allegations of child sex abuse seriously. The Diocese's public, evolving policies helped expose wrongdoing, promoted cooperation with appropriate authorities, and worked to help heal and protect children. The Diocese worked to address the past harms visited upon children by certain members of the clergy and other representatives of the Church, and to institute policies, educational programs, and processes designed to prevent such abuses from ever happening again. I implemented a policy that priests who had engaged in the evil of child sexual abuse were to be removed from ministry.

42. The Diocese's efforts when I was Bishop to address and prevent child sexual abuse were significant. However, I understand painfully that the Church can never fully remedy the harm that was caused. The Diocese strove, and the Church will continue to strive, to improve its protection of children so this great tragedy will not occur again. We will continue to offer prayers, help, hope, and support to all those who have been abused.

I express my gratitude for the invitation to submit this statement.

Respectfully submitted,



His Eminence
Cardinal Donald William Wuerl
Archbishop of Washington

Date: March 7, 2018