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Cardinal Marc Ouellet, P.S.S.
Prefect, Congregation for Bishops
00120 Vatican City State
Europe

Re.: Request that the Congregation for Bishops investigate the behavior the United States Conference of Catholic Bishops (USCCB) for possible violations of canons 1389 and 1399 of the *Code of Canon Law* within the context of clergy sexual abuse of minors and vulnerable adults.

Dear Cardinal Ouellet,

We, members of the Catholic Whistleblowers Steering Committee, recognize our duty and our right to bring to your attention the request presented above because it involves the good of the Catholic Church and the good of the society at-large.

Summary of our concern

Why would the USCCB establish a commitment to Zero Tolerance and then work against its own commitment? What motivates such behavior?

The USCCB is to advance efforts that further the protection of minors and vulnerable adults from sexual abuse within the Church. The bishops commit to this as it applies to priests and deacons by saying: "Diocesan / eparchial policy is to provide that for even a single act of sexual abuse of a minor – whenever it occurred – which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state."¹ This establishes Zero Tolerance as a USCCB policy.

¹ See Article 5 of the *Charter for the Protection of Children and Young People*. Also see Norm #8 of the related *Essential Norms*.

However, in a deliberate and ongoing way, the USCCB reneges on its commitment. The Conference does not exercise the leadership necessary to assure that known sexually abusive priests and deacons are removed from the community and that the community is warned about the sexually abusive priests and deacons.

Three stunning realities focus our concern and explain the need for an investigation by the Congregation for Bishops into the behavior of the USCCB.

First, Pope John Paul II and Pope Benedict XVI changed the statute of limitations (prescription, as it is called in the *Code of Canon Law*) in the Congregation for the Doctrine of the Faith (CDF) so that in effect cases of sexual abuse of a minor or of a vulnerable adult by a priest or a deacon cannot be barred from a Church court because of a failure to report the abuse within a prescribed time frame. Moreover, canon law provides that such cases can address both the crime of sexual abuse of a minor or of a vulnerable adult as well as the reparation for damages that result from the crime.

Furthermore, at various times state legislators have attempted to bring about changes to their state's statute of limitations for criminal and civil actions in cases of child sexual abuse. *The USCCB and its member bishops should follow the example of Pope John Paul II and Pope Benedict XVI by working to change the states' statutes of limitations. It's about protecting minors and vulnerable adults from sexual abuse, and about protecting their moral right to reparation.* More details on this point are presented later in this letter.

Second, the USCCB established a particular law for the dioceses, eparchies, clerical religious institutes, and clerical societies of apostolic life of the Conference with respect to all priests and deacons in the ministry of the Church. But, in reality, *an important rule within that particular law dilutes the Church's process to identify those allegations of sexual abuse of a minor or of a vulnerable adult by a priest or a deacon that are required by universal Church law to be submitted to the CDF. In addition, we also are concerned that the required preliminary investigations could be held open indefinitely as a way to withhold sending cases of clergy sexual abuse to the CDF. As a result, some priests and deacons who ought to be removed from ministry might still be in ministry, thus continuing to be a danger to minors and vulnerable adults.* Our argument on this point, including the technical details, is presented later in this letter.

Third, the USCCB engages the services of an independent consulting firm to audit the dioceses and eparchies for compliance with USCCB-established policies and procedures intended to provide a safe environment within the Church. Yet, *this audit process is flawed, thus furthering the risk of harm rather than providing protection.* For example, the USCCB prevents the auditors from verifying that all sexual abuse cases that should be sent to the CDF actually are sent. Some diocesan bishops or major superiors might not send cases to the CDF and this would go undetected. Another example is that some diocesan bishops forbid the auditors from conducting onsite parish reviews – and they get away with it. The minors and vulnerable adults who need protection are in the parishes, not in the diocesan offices. But,

these bishops are able to discard onsite parish audits, a step that would help to provide protection. Additional examples of the flawed audit process are explained later in this letter.

Consequently, we say that the USCCB hinders both the removal of sexually abusive priests and deacons from the community and the warning of the community about sexually abusive priests and deacons. In turn, minors and vulnerable adults are harmed because of the risk that is created. Throughout it all, the USCCB creates scandal.

Our concern is in the present time, right now, and could mean that minors and vulnerable adults are at risk now and into the future. Also, our concern demonstrates a systemic behavior of Church hierarchy.

Why would the USCCB establish a commitment to Zero Tolerance and then work against its own commitment? What motivates such behavior?

An investigation by the Congregation for Bishops is needed.

Necessary judicial process to hold bishops accountable

“.... and bishops will be held accountable when they abuse or fail to protect children” (Pope Francis speaking at a meeting of bishops on September 27, 2015 at St. Charles Borromeo Seminary in Philadelphia).

In June 2015 Pope Francis announced the formation of a new Judicial Section within the CDF to address the abuse of office by bishops within the context of clergy sexual abuse of minors.

The crime of sexual abuse of a minor or of a vulnerable adult, while perpetrated by individual priests, has been compounded by bishops who have purposefully failed to protect minors and vulnerable adults. These bishops must be held accountable by the new CDF Tribunal.

In addition, we contend that the behavior of the USCCB supports those bishops who have failed to protect minors and vulnerable adults and, therefore, the USCCB also should be held accountable by the new CDF Tribunal.

Our approach to explain our concern

We present our concern in the following eight sections.

- I. The canonical status of the USCCB;
- II. Statutes of limitations reform;
- III. The *Charter*, the *Essential Norms*, and the *Statement of Episcopal Commitment*;
- IV. Reporting allegations of sexual abuse of a minor or of a vulnerable adult by a priest or a deacon to the CDF;
- V. Flawed audit process;

- VI. Harm caused;
- VII. Scandal created; and
- VIII. Conclusion.

I The canonical status of the USCCB

The USCCB is a juridic person² and thus is a subject³ in canon law that possesses rights and obligations. Hence, we are requesting an investigation by the Congregation for Bishops into the behavior of the USCCB for what we consider to be a failure to fulfill its obligations. What are these rights and obligations?

A conference of bishops has the right and the duty to jointly exercise certain pastoral functions in view of promoting a greater good⁴.

The USCCB explains this right and duty in its General Mission Goals, part of which identifies one key responsibility: “To act collaboratively and consistently on vital issues confronting the Church and society.” The USCCB General Mission Goals can be found at: <http://www.usccb.org/about/usccb-mission.cfm>

The USCCB serves this end through committees and staff, including the Secretariat of Child and Youth Protection which is an office whose responsibilities include: “To assist each diocese and eparchy (eastern Rite Churches) in implementing ‘Safe Environment’ programs designed to ensure necessary safety and security for all children as they participate in church and religious activities.” See: <http://www.usccb.org/about/child-and-youth-protection/who-we-are.cfm>

While the USCCB has the duty to protect minors and vulnerable adults from sexual abuse, it has failed to protect them by hindering both the removal of sexually abusive priests and deacons from the community and the warning of the community about the sexually abusive priests and deacons.

Hence, we believe that the USCCB has used its ecclesiastical power in such a way that through its culpable negligence its actions, or lack of action, have harmed various persons, all within the context of clergy sexual abuse of minors and vulnerable adults.

² Canon 449, §2: A legitimately erected conference of bishops possesses juridic personality by the law itself.

³ Canon 113, §2: In the Church, besides physical persons, there are also juridic persons, that is, subjects in canon law of obligations and rights which correspond to their nature.

⁴ Canon 447: A conference of bishops, a permanent institution, is a group of bishops of some nation or certain territory who jointly exercise certain pastoral functions for the Christian faithful of their territory in order to promote the greater good which the Church offers to humanity, especially through forms and programs of the apostolate fittingly adapted to the circumstances of time and place, according to the norm of law.

As a result, we think that this use of ecclesiastical power has violated canon 1389 of the *Code of Canon Law*⁵. Moreover, we contend that the USCCB is responsible for the creation of scandal which is against the divine law and thus violates canon 1399 of the *Code of Canon Law*⁶.

II Statutes of limitations reform

The Catholic Church, in effect, no longer has a statute of limitations for cases of clergy sexual abuse of a minor or of a vulnerable adult, and bishops in the United States should strive in a similar way to reform states' statutes of limitations.

Indeed, on its website the USCCB says: "Regardless of when the abuse occurred, a cleric against whom there is an established or admitted act of child sexual abuse is permanently removed from the priesthood. There is no statute of limitations for removing a cleric who has sexual {sic} abused a minor from public ministry in the Catholic Church" (emphasis by underscore added).⁷

How did this come to be? In 2003 Pope John Paul II authorized the CDF to use as the statute of limitations in cases of clergy sexual abuse of a minor that the victim's age at the time the allegation is made known to the Church would be no more than 38 years (thus, 20 years after the person's 18th birthday). He also empowered the CDF to raise the victim's age limit in the statute of limitations beyond age 38 if necessary, on a case-by-case basis. For example, if at the time of making an allegation known to the Church the victim's age is 45, for that case the age in the statute of limitations can be changed to no more than 45 years.

In 2010, Pope Benedict XVI formalized into Church law the authority that Pope John Paul II had granted to the CDF in 2003.⁸

⁵ Canon 1389, §1: *A person who abuses an ecclesiastical power or function is to be punished according to the gravity of the act or omission, not excluding privation of office, unless a law or precept has already established the penalty for this abuse. §2: *A person who through culpable negligence illegitimately places or omits an act of ecclesiastical power, ministry, or function with harm to another is to be punished with a just penalty.* [Note: this canon does not specify the meaning of "a person", thus a juridic person is subject to this canon as is a physical person.]*

⁶ Canon 1399: *In addition to the cases established here or in other laws, the external violation of a divine or canonical law can be punished by a just penalty only when the special gravity of the violation demands punishment and there is an urgent need to prevent or repair scandals.*

⁷ Secretariat of Child and Youth Protection, United States Conference of Catholic Bishops, "Did you know ... ?", 2013, <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Did-You-Know-2013-2.pdf> [See: #13]

⁸ This change in the statute of limitations is explained in an important Vatican document issued in 2011: "Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics". This document can be found at:

In addition, these changes are retroactive.⁹

Furthermore, the change in the Church's statute of limitations concerns both the crime of sexual abuse of a minor or of a vulnerable adult and also actions to recover compensation for damages incurred because of the crime, thus regarding both "criminal" law and "civil" law, as we would say in the United States.¹⁰

Hence, Catholic bishops in the United States should support comparable changes to states' statutes of limitations. Doing so would help to protect minors and vulnerable adults from sexual abuse, while also helping to protect their moral right to reparation.

III The *Charter*, the *Essential Norms*, and the *Statement of Episcopal Commitment*

In 2002 the USCCB adopted two important yet distinct documents: (1) the *Charter for the Protection of Children and Young People (Charter)*; and (2) the *Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Essential Norms)*.

While the *Charter* is not actually Church law, it does stand as a moral commitment on the part of the USCCB and presents a series of practical and pastoral steps to provide a safe environment within the Church for children and young people, and to prevent sexual abuse of minors in the future. However, the *Charter* applies only to the dioceses and eparchies of the USCCB; it does not apply to clerical institutes of consecrated life and clerical societies of apostolic life that are authorized by bishops to operate within the various dioceses and eparchies of the USCCB.¹¹

http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_abuso-minori_en.html [See: II., 2nd paragraph]

⁹ A review of some specific clergy sexual abuse cases shows the laicizations of priests (removing them from the ranks of the clergy) were granted in 2004 or later where the publicly alleged crime of clergy sexual abuse of a minor took place more than five years before the processing of the case by the CDF. Thus, these cases of older crimes, so to speak, have been processed according to the changes established in 2003, not according to prior rules. Hence, the USCCB website statement says: "Regardless of when the abuse occurred"; and Article 5 of the *Charter* says: "whenever it occurred".

¹⁰ Canon 1729 of the *Code of Canon Law* provides that within the penal trial itself an injured party can bring a contentious action to repair damages incurred as a result of the crime. Thus, the change in the statute of limitations (referred to as "prescription" in Canon Law) applies to both the crime of sexual abuse of a minor or of a vulnerable adult by a cleric and also to the damages incurred because of the crime.

¹¹ See the final paragraph of the Conclusion to the *Charter*: "This *Charter* is published for the dioceses / eparchies on the United States". There is no mention of clerical institutes of consecrated life and clerical societies of apostolic life.

The *Essential Norms*, however, is Church law and was established as particular law for the dioceses, eparchies, clerical religious institutes, and clerical societies of apostolic life of the Conference with respect to all priests and deacons in the ministry of the Church¹² to ensure that procedures are in place to respond promptly to all allegations of sexual abuse of minors. So, the *Essential Norms* does apply to the priests and deacons of clerical religious institutes, and clerical societies of apostolic life, even though the *Charter* does not apply to them. This should be changed so that both the *Charter* and the *Essential Norms* apply to all the priests and deacons of the territory of the USCCB.

Of course, bishops are not subjects of the *Essential Norms* (which also should be changed), but the USCCB did author the *Essential Norms* and is responsible for its enforcement.

Furthermore, in its *Statement of Episcopal Commitment*, which the USCCB presents as an addendum to the *Charter* and the *Essential Norms*, the USCCB proclaims, in part: “Let there be no doubt or confusion on anyone’s part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve”.

We agree and we add that this obligation has rested with all the bishops of the Church beginning with the Apostles; this obligation did not commence with the USCCB authoring their statement.

We also note, as mentioned above, that in Article 5 of the *Charter* and in Norm #8 of the *Essential Norms* the USCCB commits to Zero Tolerance meaning that any priest or deacon against whom an allegation of sexual abuse of a minor is admitted or is established after an appropriate process in accord with canon law will be permanently removed from ministry and, if warranted, dismissed from the clerical state.

But one sentence in the third paragraph of the Preamble to the *Essential Norms* challenges the USCCB’s proclaimed commitment to protect: “These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law”. However, as we now explain, an important rule within the *Essential Norms* does not comply with a universal Church law, and minors and vulnerable adults could be at risk.

We wonder if Zero Tolerance is a true commitment.

The *Charter*, the *Essential Norms*, and the *Statement of Episcopal Commitment* can be found at <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/2011-Charter-booklet.pdf>

¹² See *Essential Norms* End Note #1. Apparently, clerical secular institutes are not included (e.g., the Secular Institute of Schoenstatt Fathers); these institutes should be included.

IV Reporting allegations of sexual abuse of a minor or of a vulnerable adult by a priest or a deacon to the CDF

In 2001 Pope John Paul II promulgated *Sacramentorum sanctitatis tutela* (SST) as universal Church law. In 2010 Pope Benedict XVI revised this universal law using the same title, and this universal law still is in force. The Articles of SST (2010 version) can be found at:

http://www.vatican.va/resources/resources_norme_en.html

Article 1 of SST notes that the CDF judges grave delicts (crimes) against morals, and Article 6 establishes clergy sexual abuse of a minor as a grave delict. Article 6 also establishes that a vulnerable adult (a person who habitually lacks the use of reason) is equivalent to a minor.

Accordingly, Article 16 of SST reads, in part: “Whenever the Ordinary or Hierarch receives a report of a grave delict, which has at least the semblance of truth, once the preliminary investigation has been completed, he is to communicate the matter to the Congregation for the Doctrine of the Faith”¹³. So, after the preliminary investigation (not a full trial), if the allegation “has at least the semblance of truth”, the case must be sent to the CDF.

Hence, the CDF is to determine the action to be taken in judging cases of clergy sexual abuse of a minor or of a vulnerable adult, not dioceses, eparchies, clerical institutes of consecrated life or clerical societies of apostolic life.

As mentioned above, in 2002 the *Essential Norms* was established as particular law and this particular law was revised in 2006. This revised particular law still is in force. And the 2006 version of the *Essential Norms* is not changed by the promulgation of the revised version of SST in 2010.¹⁴

Essential Norm #6 reads, in part: “... When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified.”.

Here is the problem. We contend that *Essential Norm #6* differs from Article 16 of SST in a substantial way.

What is the directive for sending cases of sexual abuse of a minor or of a vulnerable adult to the CDF? According to SST Article 16 it is that the allegation “has at least the semblance of truth”. But, in *Essential Norm #6* it is “there is sufficient evidence that sexual abuse of a minor has occurred”.

¹³ This statement also can be found in Article 13 of the 2001 SST.

¹⁴ Canon 20: A universal law, however, in no way derogates from a particular law or special law unless the law expressly provides otherwise.

Does “there is sufficient evidence that sexual abuse of a minor has occurred” equal “has at least the semblance of truth”? We think not. We think that “there is sufficient evidence that sexual abuse of a minor has occurred” calls for a higher level of certitude, one that the person making the allegation might not be able to establish in a preliminary investigation. More is being asked for in *Essential Norm #6* than in *SST Article 16* which is universal Church law. As a result, priests or deacons who should be removed from ministry might not actually be removed.

Indeed, because Essential Norm #6 is requiring more of the person making the allegation than is necessary to establish the “has at least the semblance of truth” standard in the preliminary investigation, as required in SST Article 16, the possibility exists that some allegations that should be forwarded to the CDF will not be sent, thus allowing priests or deacons who should be removed from ministry to actually continue in ministry. And this could endanger minors and vulnerable adults right now as well as in the future.

We realize that the *Essential Norms* stands as particular law, having received the required *recognitio* from the Congregation for Bishops before being promulgated by the USCCB. However, this particular law needs to be changed for the protection of minors and vulnerable adults, all of which would help to rebuild trust of bishops among God’s people.

Statements from the independent auditor’s report help to focus the problem.

The USCCB engages the services of StoneBridge Business Partners, a business consulting firm based in Rochester, New York, to audit diocesan and eparchial compliance with the *Charter* (but not the *Essential Norms*, a point we will discuss later in this letter).

The auditor’s report is within the USCCB “2014 Annual Report on the Implementation of the Charter for the Protection of Children and Young People”, which can be found at <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/2014-Annual-Report.pdf>.

According to the StoneBridge audit report and information supplied by the USCCB Secretariat of Child and Youth Protection, all allegations of sexual abuse of a minor by a priest or a deacon are assigned to one of five categories (see pp. 5, 8, and 12 of the 2014 Annual Report):

- (1) substantiated – describes an allegation for which there is enough evidence to prove that the abuse occurred;
- (2) unsubstantiated – describes an allegation for which enough evidence exists to prove that the abuse did not occur;
- (3) investigation ongoing – describes an allegation that is still being investigated, and for which a determination of credibility has not yet been made;
- (4) unable to be proven – describes an allegation for which there is not enough evidence to determine whether the abuse occurred; or
- (5) other – investigation not yet begun or referred to another diocese/eparchy for investigation.

Which of these five categories would or could hold an allegation that “has at least the semblance of truth”? It appears that the first category would contain such an allegation and that categories three and four could contain such an allegation.

But, according to *Essential Norm #6*, only cases in the first category would be sent to the CDF, even though cases in categories three and four could have an allegation that has passed the “has at least the semblance of truth” standard of *SST Article 16* and, thus, should be sent to the CDF.

Therefore, it is quite possible that allegations of clergy sexual abuse of a minor or a vulnerable adult that ought to be forwarded to the CDF because the “has at least the semblance of truth” standard has been met are not sent to the CDF because there is not “enough evidence to prove that the abuse occurred”. To the extent that such priests or deacons still are in ministry, minors and vulnerable adults are at risk.

A very important additional point concerning categories three and four, “investigation ongoing” and “unable to be proven”, is that the investigation might have passed the “has at least the semblance of truth” standard of SST 16 even though the diocesan or eparchial bishop, or a major superior of a clerical religious institute or of a clerical society of apostolic life, has not formally concluded the preliminary investigation. Indeed, not concluding the preliminary investigations but keeping them open indefinitely would provide a way to prevent sending cases to the CDF as required by SST 16. This is a major concern that the Congregation for Bishops should investigate.

There is more.

V Flawed audit process

Comments in the StoneBridge audit report raise five issues of great importance in the protection of minors and vulnerable adults. These issues, which are systemic in nature, further challenge the sincerity of the USCCB’s *Statement of Episcopal Commitment* and its Zero Tolerance policy, and these issues are in the present time, going on right now.

- (a) *Essential Norms* is not audited; only the *Charter* is audited (see Article 9 of the *Charter* that authorizes an audit of the *Charter* but with no mention of auditing the *Essential Norms*; also see “Objective” on p. 7 of the 2014 Annual Report saying that the audit is of the *Charter* but with no mention of auditing the *Essential Norms*). As a result, no one checks to verify that all the allegations of clergy sexual abuse of a minor or of a vulnerable adult that ought to be sent to the CDF actually are sent – regarding priests and deacons of dioceses, eparchies, clerical religious institutes, and clerical societies of apostolic life of the territory of the USCCB. The requirement to send cases to the CDF is found only in the *Essential Norms* (Norm #6); it is not stated in the *Charter*. So, since the *Essential Norms* is not audited, a diocesan or eparchial bishop, or a major superior of a clerical religious institute or a clerical society of apostolic life, could be holding

back one or more such cases and this deception would go undetected by the auditors. The *Essential Norms* must be audited.

[Note: as mentioned above, the *Essential Norms* applies to priests and deacons of clerical religious institutes and clerical societies of apostolic life, even though the *Charter* does not apply to them.]

- (b) Actually, only part of the *Charter* is audited, not the entire *Charter*. StoneBridge reports that Articles 8 through 11 of the *Charter* are not subject to the audit (see pp. 17-18 of the 2014 Annual Report). The USCCB says that these Articles are not to be audited. What are these Articles? They are a section of the *Charter* entitled: “To Ensure the Accountability of the Procedures”. That is, these four Articles are the responsibility of the USCCB itself, not the responsibility of the dioceses or eparchies. And the USCCB refuses to allow StoneBridge to audit those four Articles of the *Charter* that deal with USCCB accountability. What would an audit of these four Articles reveal? The entire *Charter* must be audited.
- (c) One diocese and five eparchies refused to participate in the StoneBridge audit (see “Failure to participate” on p. 11 of the 2014 Annual Report). And they got away with it. Are the *Charter* and the *Essential Norms* being followed by that diocese and those eparchies? Who Knows? That does not say much for committing to protect minors and vulnerable adults from sexual abuse within the Church. This option must not be allowed.
- (d) StoneBridge says: “As in prior years, most dioceses and all eparchies opted not to have StoneBridge conduct parish audits or surveys” (see “Scope Limitations” on p. 10 of the 2014 Annual Report). The children and young people, as well as the vulnerable adults, who are to be protected from sexual abuse are found in parishes, not in the diocesan offices. Yet, most dioceses and eparchies opt to exclude parish audits. It is very surprising that they even have the option, if the independent audit process is to have integrity and is to help rebuild trust of bishops among God’s people. Parish compliance must be audited.
- (e) Some bishops choose to not receive the auditor’s Management Letter (see. P. 10 of the 2014 Annual Report, the right column). This letter communicates to the diocesan or eparchial bishop any suggestions that the auditor wishes to make based on the findings during the onsite audit. During the 2014 audit, eight bishops of the fifty-nine dioceses where there was an onsite audit chose not to receive a Management Letter upon the completion of the audit. The auditor might have important suggestions to better protect minors and vulnerable adults from sexual abuse but these bishops chose not to receive written communication and documentation about those suggestions. There are no winners in this approach and we wonder if in the future any person will be sexually abused when it could have been avoided.

VI Harm caused

To endanger contradicts to protect. Whoever fails to protect a person by creating or allowing an unnecessary risk to a person’s physical, emotional, or spiritual well-being endangers that person and disrespects the gift of life that the endangered person has received from God (cf. *Catechism of the Catholic Church*, #2288). Such disrespect and endangerment violate the Fifth Commandment of the Decalogue.

Allowing a known or suspected sexually abusive person to have access to a minor or a vulnerable adult harms the person because of the risk of endangerment that is established.

The USCCB, because of the various rules, policies, and procedures that are cited above, behavior that is rooted in culpable negligence, has supported bishops who failed to protect minors and vulnerable adults. This is harmful behavior. This is a violation of canon 1389 of the *Code of Canon Law*.

The USCCB must be held accountable.

VII Scandal created

The USCCB has created scandal. The *Catechism of the Catholic Church* teaches that scandal is an attitude or behavior which leads another to do evil, and that scandal is a grave offense if by deed or omission another is deliberately led into a grave offense (#2284). In addition, the *Catechism* teaches that anyone who uses power at his or her disposal in such a way that it leads others to do wrong becomes guilty of scandal and is responsible for the evil that is directly or indirectly encouraged (# 2287).

Furthermore, scandal is a violation of divine law (cf. Mt. 18:6-7; Mk. 9:42; and Lk. 17:1-2), and a violation of divine law is a violation of canon 1399 of the *Code of Canon Law*.

As expectations that the Catholic Church would protect minors and vulnerable adults from sexual abuse were not met because of the behavior of the USCCB; as trust that had been placed in the Church as a moral leader was diluted by the weak leadership by the USCCB; and as the failure of individual diocesan and eparchial bishops to deal with the clergy sexual abuse crisis was not countered by the USCCB, scandal was created.

This scandal has been noted as many victims / survivors and members of their families, along with many Catholics in the pews, so to speak, stopped going to Mass, withheld children from receiving the sacraments, withdrew children from Catholic schools and parish religious education programs, and ceased participating in parish activities. This scandal has been caused by abuser priests and by bishops, individually and collectively in the USCCB.

The USCCB must be held accountable.

VIII Conclusion

Clergy sexual abuse of minors and vulnerable adults permanently alters the life trajectories of the victims and for many the harm and the pain caused by the abuse never fade away.

The obligation presented in the USCCB *Statement of Episcopal Commitment* is not unique to bishops. Rather, we observe that this obligation also is found in human nature, although not perfectly lived, in

that most parents and most adults would never allow a minor or a vulnerable adult to be near a person who is known to sexually abuse or is even suspected of being a sexually abusive person. And the parents and adults also would warn people about the threat of sexual abuse. Minors and vulnerable adults would be protected. This seems to be an instinct that most parents and most adults have and live.

In addition, throughout the United States civil governments have acted to protect minors and vulnerable adults by enacting laws so as to incarcerate those who commit the crime of sexual abuse against them, and also by establishing sexual offender registries to warn people about these criminals. In short, these governments have removed sexual abusers from the community and they have warned people of the community about sexual abusers. Indeed, protecting minors and vulnerable adults from sexual abuse is so important in human life that legislators have created laws to protect that value and those laws have been enforced.

But, the USCCB has failed to behave as most parents and most adults would behave. And this harmful and scandalous behavior is going on right now and will continue into the future, unless halted.

Why would the USCCB establish a commitment to Zero Tolerance and then work against its own commitment? What motivates such behavior?

Thank you for your attention to our request that the Congregation for Bishops investigate the behavior of the United States Conference of Catholic Bishops for possible violations of canons 1389 and 1399 of the *Code of Canon Law* within the context of clergy sexual abuse of minors and vulnerable adults.

We look forward to your prompt response.

Sincerely yours in Christ,

Rev. James E. Connell

Reverend James E. Connell, J.C.D.

A Senior Priest of the Archdiocese of Milwaukee

Other members of the Catholic Whistleblowers Steering Committee who endorse this letter are:

Robert M. Hoatson, Ph.D., (West Orange, NJ); Rev. Ronald D. Lemmert (Peekskill, NY); Sr. Sally Butler, OP (Brooklyn, NY); Rev. Patrick Winchester Collins, Ph.D. (Douglas, MI); Sr. Maureen Paul Turlish, SNDdeN (New Castle, DE); Sr. Claire Smith, OSU (Bronx, NY); Rev. Thomas P. Doyle, OP, J.C.D. (Vienna, VA); Helen Rainforth, (Lincoln, IL)

cc.: Archbishop Carlo Maria Viganò, Apostolic Nuncio to the United States
Members of the United States Conference of Catholic Bishops
Members of the news media