

An Addendum to my Open Letter to All Roman Catholics and All Other Interested Persons

(Dated: June 17, 2010)

June 22, 2010

Dear Friends,

The crux of the concern that I raise in my Open Letter is that the use of an incorrect standard of proof by the Diocesan Review Board of the Diocese of La Crosse could mean that more proof is demanded of the person making an allegation than is required by church law, and that, as a result, some priests or deacons could still be in active ministry who would not be there if the correct standard of proof were used.

The following link is to my Open Letter where my concern is explained.

http://media.journalinteractive.com/documents/LaCrosse18_061810_5.pdf

Naturally, I want the Catholic Church to do all that it can to assure that other dioceses do not use an incorrect standard of proof. So, on June 21, I contacted Mr. William A. Gavin, the President of the Gavin Group, Inc. He is the person who heads the Charter related audit work and I wanted to express my request for a review of the audit procedures themselves, as they relate to the functioning of the diocesan review boards. However, what I learned shocked me.

To appreciate the important legal distinction that I now make, it must be remembered that two separate yet related documents are the fruit of the United States Conference of Catholic Bishops (USCCB) work in June 2002: the Charter for the Protection of Children and Young People, and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons. The Charter is a well constructed statement of mission, expectations, principles, and tasks that is morally binding but does not stand as law itself. However, the Essential Norms are particular law in the United States.

In a telephone conversation on June 21, Mr. Gavin explained that the scope of the audit work, as established by the USCCB, is the Charter only, not the Essential Norms. In other words, **the USCCB prevents the auditors from verifying compliance with that which is legally binding, according to church law, on the dioceses and their bishops, the Essential Norms.** What else does the USCCB stop the auditors from looking at? Actually, I wonder how many of the bishops understand the true scope of the audit work.

As a result of this limited audit scope, a bishop could comply with the Charter but not with the Essential Norms, and this would not be discovered by the auditors. For example, a bishop could comply with Charter yet still have his diocesan review board use a stand of proof that is not in line with the church law, as I have pointed out about the Diocese of La Crosse, and the auditors would never know it.

The following link is to the Charter (page 1), the Essential Norms (page 25), and the Decree of Promulgation regarding the Essential Norms (page 22) as they appear on the USCCB website. The canonical references and requirements are in the Essential Norms. These documents were revised in 2005. <http://www.usccb.org/ocyp/charter.pdf>

Consequently, neither the Gavin Group nor anyone else will review diocesan review boards to see what standard of proof they use in their deliberations (e.g., “semblance of truth” or “moral certitude”). In other words, no one is in a position to see that no other diocese establishes a standard of proof norm as was done in the Diocese of La Crosse. And, as I discuss in my Open Letter, that could result in children being at risk.

I remembered that I had read Mr. Gavin’s letter to the USCCB some weeks ago, so I reread the letter, but now in light of this new development. On March 1, 2010, Mr. Gavin issued a letter to Cardinal Francis George, OMI, the President of the USCCB, and to Ms. Diane Knight, the Chair of the National Review Board.

The opening sentence of the first paragraph of this letter says, “The 2009 audit of each participating diocese and eparchy in the United States to determine their compliance with the *Charter for the Protection of Children and Young People* was again conducted by The Gavin Group, Inc.”

The opening sentence of the second paragraph of this letter says, “The protocol for the 2009 audit process for the dioceses and eparchies was decided by the United States Conference of Catholic Bishops, which mandated full on-site audits of one-third of all dioceses/eparchies for the years 2008, 2009, and 2010.

The second from last paragraph of this letter says, “The leaders of the Catholic Church in the United States made a most admirable and necessary decision in 2002 to draft the *Charter for the Protection of Children and Young People*. The implementation of the Articles of the *Charter* and the courage to have an independent audit of the performance of each diocese and eparchy is a tribute to the openness and transparency of the process developed by the USCCB, and no doubt has been responsible for the identification of abusers and the courage of victims/survivors to come forward.”

The following link is to this letter as it appears on the USCCB website.
http://www.usccb.org/ocyp/annual_report/4_gavin.pdf

My initial reaction to this letter was pleasure that the USCCB has engaged the services of a highly regarded consulting firm to verify that dioceses are in compliance with the Charter. This USCCB effort, it seemed to me, ought to provide people with at least some sense of assurance that the bishops are trying to protect the young people. Or so I would have thought.

However, after my telephone conversation with Mr. Gavin on June 21, I no longer feel confident in this USCCB endeavor. Indeed, when I reread Mr. Gavin’s letter, I immediately noticed that he only mentions the Charter. He never refers to the Essential Norms. I suppose that in my earlier reading I took “Charter” to be referring to the complete package, both the Charter and the Essential Norms. But I was mistaken.

I don't fault the Gavin Group because they did what they were hired to do. Actually, on more than one occasion during our telephone conversation, Mr. Gavin mentioned that the total effort has to be about the children and that he is disappointed about the restrictions placed on the auditors.

But I do fault the USCCB. **Why prevent the auditors from looking at that which is legally binding?** I feel deceived by the USCCB. I thought that the Gavin Group was engaged to do an independent audit of everything related to the Charter and the Essential Norms. That is the understanding that I had about the audit, as it was packaged and presented to the public by the USCCB.

Had I known about this reality earlier, I would have included it in my Open Letter of June 17, 2010.

What next? Let's keep praying that whatever is next will come to light soon.

Sincerely yours in Christ,

Rev. James E. Connell

Reverend James E. Connell, JCD

(Reverend James E. Connell is a priest of the Archdiocese of Milwaukee. He currently serves as the pastor of Holy Name of Jesus Parish and Saint Clement Parish, both in Sheboygan, Wisconsin. Father Connell also is a canon lawyer and a member of the Archdiocese of Milwaukee Review Board.)