

A History of the National Review Board

By Michael R. Merz

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Preface

The United States Conference of Catholic Bishops commissioned this history in November, 2009, “to serve as an internal chronology” of the National Review Board. Its intended audience is present and future members of the Board, the Bishops’ Committee on Child and Youth Protection, and members and staff of the Conference.

Because of a policy of rotating NRB members, there were no members in 2009 whose personal memories covered the entire history of the Board. Those changes, as well as appointment of new bishops and new members of the CPCYP and staff at the Conference make this history necessary. Hopefully it will be useful as an index to the people who have served on the NRB, the issues they have confronted, and their interactions with the Conference and its bishop members.

The author served on the Board from October 2004 until June 2009, acquiring many personal experiences and reactions to events in the NRB history, many of which are reflected in this history, which ends with the June 2009 meeting of the Board. Nevertheless, this is not an interpretive history; the author was cautioned not to editorialize.

Although this is a straight factual chronology, the author believes readers will be able to draw useful lessons from it so that the Board’s successes during its first seven years can be built upon and its less successful approaches can be avoided.

Sources

Information for the period from the adoption of the *Charter* to November 2004 is taken from the Board's archival files at the USCCB and from Justice Anne Burke's papers from her Board work, on deposit at DePaul University. The author joined the Board as Justice Burke left and has relied on his own papers, which largely duplicate material on file with the Conference, for the period from November 2004 to June 2009. This history builds on the chronology developed by Dr. Michael Bland and presented at new member orientations since 2005.

Background

Publicly revealed incidents of sexual abuse of minors by clerics dot the history of the Church, always causing scandal and often drawing the stinging rebuke of Church fathers. For example, Saint Peter Damian, an eleventh century cardinal who was part of the Gregorian Reform, wrote scathingly of sexual abuse by clerics and was particularly incensed about victimization of the young.¹

Doubtless over time there have been far more incidents kept secret than publicly revealed, because sexual abuse of minors has always been considered gravely sinful by the Church and a crime in most civil societies, leading offenders to make great effort to keep their victims silent. Even when victims spoke up, the audience was likely to have been small and local. Even if an incident received press attention, it would likely be relegated to the inside pages, below the fold. Bishops, like other supervisors of large staffs, would undoubtedly have had to deal with abuse incidents more than once in a career, but probably would have thought of it as a case-by-case occasion for discipline, penance, or treatment, perhaps like the occasional embezzling church employee or the itinerant defrocked priest raising money fraudulently, and not as part of a national or international phenomenon requiring the collective attention of all bishops.

All this changed in 1984 with the civil and criminal trials of Father Gilbert Gauthe in Southwest Louisiana for sexual abuse of children. Attorney J. Minos Simon represented the Gastal family in the civil suit and actively involved the press, a pattern which would be followed

¹Peter Damian, *The Book of Gomorrah* (1051), English translation by Pierre Payer (Waterloo, Ontario, Canada 1982).

successfully in subsequent litigation.² After the Gauthé case, the USCCB began to focus as a body on clerical sexual abuse of minors, including it on their Spring 1985 general assembly agenda.³ Despite the discussion, no national plan was adopted.

More national public attention came in 1992 with the cases of James Porter in Fall River, Massachusetts, and Rudy Kos in Dallas, Texas. In 1992, then USCCB President Archbishop Daniel E. Pilarczyk recommended that bishops apply the following Five Principles in dealing with these cases:

1. Respond promptly to allegations of abuse.
2. If the allegations are supported by evidence, remove the offender and refer him for evaluation.
3. Report abuse to civil authorities as required by law.
4. Reach out to victims.
5. Be as open as possible with the community.

Some dioceses created child protection plans based on the Five Principles and some did not.

To give continuing national attention to the problem, the Conference created the Ad Hoc Committee on Sexual Abuse, originally chaired by Bishop John Kinney, then by Lafayette, Louisiana, Bishop Harry Flynn, later Archbishop of St. Paul-Minneapolis. During the period 1993-1996, the Ad Hoc Committee gathered together a number of volumes of material on

²See Timothy Lytton, *Holding Bishops Accountable* (Harvard University Press 2008.)

³Around the time of this meeting, Fathers Thomas Doyle and Michael Peterson, with Ray Mouton, the attorney who had represented Gauthé, gave some bishops a confidential report on the likely scope and possible consequences to the Church in the United States of widespread attention to the abuse. They warned of possible losses to the American dioceses of over \$1 billion and suggested creating a national response team. Fr. Doyle published the report in 2006 in *Sex, Priests, and Secret Codes*.

dealing with these cases and released them to the Bishops under the title RESTORING TRUST. Again, some dioceses adopted practices recommended in the RESTORING TRUST volumes and some did not. The Conference does not have the authority to impose policy for dealing with these cases on local ordinaries⁴ and did not purport to do so in promulgating the Five Principles or the RESTORING TRUST volumes.

On January 6, 2002, The Boston Globe began reporting on the criminal case then pending against John Geoghan, a former priest of the Archdiocese of Boston on trial for sexual abuse of children.⁵ As the Globe reporters tell the story, they found from court documents filed by the Archdiocese of Boston that there were far more reported incidents of sexual abuse by Geoghan during his career and numerous reports to archdiocesan authorities of abuse by other priests.

With The Boston Globe reports, sexual abuse of children by Catholic priests and the handling of these cases by bishops became a national story with the intensity of a “firestorm.” One psychologist who later became a member of the National Review Board reports he was called by the press for comment on this story virtually daily for six months. Leadership of the USCCB concluded that a much stronger national policy was needed and that it would require agreement from the entire body of bishops for implementation. The Ad Hoc Committee on Child Sexual Abuse began in March 2002 to draft the *Charter* for the Protection of Children and Young People and the bishops began to prepare for their June 2002 general meeting in Dallas which was devoted exclusively to this issue.

⁴The authority of national bishops conferences to adopt policy binding as a matter of law is limited by the Code of Canon Law, particularly canons 447-459.

⁵Geoghan, who had been removed from the priesthood in 1998, was convicted, sentenced to prison, and murdered there in August, 2003.

At the Dallas meeting, the bishops heard impassioned addresses from several perspectives on the issue, including from Dr. Michael Bland, a therapist and survivor of clerical sexual abuse as a minor. After debate under intense media scrutiny, the bishops virtually unanimously adopted the *Charter* for the Protection of Children and Young People, Essential Norms for Diocesan Policies on Sexual Abuse, and a Statement of Episcopal Commitment to carry out the *Charter*.

The Board Gets its Beginning

As adopted in Dallas, Article 9 of the *Charter* relating to the National Review Board reads:

The work of the Office for Child and Youth Protection will be assisted and monitored by a Review Board, including parents, appointed by the Conference President and reporting directly to him. The board will approve the annual report of the implementation of the *Charter* in each of our dioceses/eparchies, as well as any recommendations that emerge from this review, before the report is submitted to the President of the Conference and published. To understand the problems more fully and to enhance the effectiveness of our future response, the National Review Board will commission a comprehensive study of the causes and context of the current crisis. The Board will also commission a descriptive study, with the full cooperation of our dioceses/eparchies, of the nature and scope of the problem within the Catholic Church in the United States, including such data as statistics on perpetrators and victims.

Then President of the Conference, Bishop Wilton Gregory, began constituting the National Review Board immediately by appointing a core committee consisting of Frank Keating, Governor of Oklahoma; Anne Burke, a justice of the Illinois Court of Appeals; Robert Bennett, an attorney with the Skadden, Arps law firm; and Dr. Michael Bland, who is identified above.

This core committee met in late June 2002 and chose additional members to recommend to Bishop Gregory. On July 24, 2002, he accepted their recommendations and appointed the remaining members of the original National Review Board. They were William Burleigh, Chairman of the Board of Scripps-Howard; Nicholas Cafardi, a canonist who was then dean of the Duquesne Law School; Jane Chiles, former executive director of the Catholic Conference of

Kentucky; Alice Bourke Hayes, president of San Diego University; Pamela Hayes, an attorney from New York who is also a board member of the National Catholic Reporter; Justice Petra Maes⁶ of the New Mexico Supreme Court; Dr. Paul McHugh, a psychiatrist from Johns Hopkins Medical School; Leon Panetta, a former Congressman and Chief of Staff in the Clinton White House; and Ray Siegfried, chairman of Nordam Industries.

The First Meeting, July, 2002, Washington, D.C.

The full National Review Board met for the first time at Conference offices in Washington on July 30, 2002. Governor Keating announced that Bishop Gregory had named Justice Burke as vice-chair and she would be preparing agendas for the meetings. Thus Justice Burke had a leadership role from the beginning of the Board's work. Her papers from that work reflect her diplomatic skills, attention to detail, and passionate commitment to the Board's work.

Also present were Archbishop Flynn; Bishop Gregory, and Conference staff: Msgr. William Fay, General Secretary,⁷ Msgr. David Malloy and Bruce Egnew, Deputy General Secretaries; Msgr. Frank Maniscalco, Communications Director; Mark Chopko, General Counsel; and Fr. J. Cletus Kiley, Executive Director of the Office of Priestly Life, who provided principal staff support to the Ad Hoc Committee.

Bishop Gregory advised the Board to speak with one voice to the press. He asked them to help choose an executive director for the Office of Child and Youth Protection; applications had

⁶Justice Maes delayed taking her seat until August, 2002, when she received appropriate judicial ethics clearance to do so.

⁷The General Secretary is the chief staff officer of the Conference. Msgr. William Fay, a priest of the Archdiocese of Boston, served in that position from 2001 to 2006. He was succeeded by Msgr. Malloy who continues in that position as of this writing.

already been received. He noted the two studies the Board was to commission and advised them to avoid areas of Church life not related to child protection, stating “It is not a time to redesign the Church.” He said bishops were pursuing a way to hold one another accountable, a matter not addressed in the *Charter*.

In discussion, the Board noted the difference between the *Charter* and the Essential Norms. The *Charter* is essentially an agreement among the bishops while the Essential Norms, which were then awaiting Vatican *recognitio*, have the force of canon law for the United States. Bishop Gregory commented that the Dallas meeting had empowered many victims to come forward for the first time, some of them with cases thirty or forty years old. Mr. Bennett commented that the zero tolerance policy in the *Charter* and Norms might have an untoward impact on the due process rights of accused priests. Archbishop Flynn commented that the Ad Hoc Committee had had psychiatrists, victim survivors, attorneys, and psychologists as members along with bishops. He noted that, as the *Charter* provided, the Ad Hoc Committee would be reviewing its provisions over the next two years.⁸

The Board then met with Barbara Blaine, David Clohessy, and Peter Isely, leaders of the Survivors Network of those Abused by Priests (“SNAP”). The group’s request that they be given a seat on the NRB was declined; the Board decided it should not have members serving as “representatives” of other groups.

The Board created an executive director screening committee (Bennett, Cafardi, McHugh, and Pamela Hayes) and noted that the Conference was beginning an immediate survey of the dioceses to learn what had already been done to implement the *Charter*. Msgr. Fay

⁸The Conclusion of the *Charter* reads “It [the *Charter*] is to be reviewed in two years by the Conference of Bishops with the advice of the National Review Board created in Article 9 . . .”

announced that Fr. Kiley would be Deputy General Secretary of the Conference for Child and Youth Protection.

September, 2002, Oklahoma City, Oklahoma

In September, 2002, the Board met in Oklahoma City. Meeting first with SNAP and Link-Up, another survivors group, they heard frustration that some abusers were still in ministry because the bishops were waiting for Vatican *recognitio* of the Essential Norms. A proposal to release the names of deceased priest abusers was opposed by Pamela Hayes because they would be unable to defend themselves. Fr. Kiley reported that the Ad Hoc Committee had been reconstituted to consist of bishops only. He noted that the Conference officers would shortly visit Rome to discuss the Essential Norms and he expected the zero tolerance policy to be approved. The Board resolved to ask the major superiors of religious orders of men to adopt the *Charter* and to ask each diocese to furnish the Board with the names of its diocesan review board members and victim assistance coordinator.⁹ The Board also asked the AD Hoc Committee to formally endorse the independence of the NRB. The Board created a number of committees at this meeting. The Safe Environment committee (Jane Chiles (chair) Ann Burke, Petra Maes and Michael Bland), would begin preparing to make recommendations for safe environment programs by listening to experts. The Research Committee was to be chaired by Robert Bennett and include Alice Hayes, Leon Panetta, Nicholas Cafardi, Paul McHugh, Michael Bland, and William Burleigh. Mr. Bennett agreed with Dr. McHugh that the nature and scope study should

⁹The *Charter* in Article 2 requires each diocese to have a review board to act as a confidential consultative body to the bishop for these cases and to have a victim assistance coordinator.

be epidemiologically structured and would require a request for proposals, but believed the causes and context study should be done by having Board members conduct interviews. Dr. McHugh stated he believed “that the huge change in American sexual mores in the late ‘60’s had implications for celibate people that are completely underestimated.” Members debated how to handle press contacts, as they wanted to maintain an “independent voice” but also collaborate with the USCCB Communications Office which handled press relations – quite voluminous at this period – for the Ad Hoc Committee and Bishop Gregory. Committees on canon law (Dean Cafardi and Dr. Bland), communications (Mr. Burleigh and Mr. Panetta), and establishment of the Office of Child and Youth Protection were also created.

October, 2002, Santa Barbara, California

By the Board’s October 2002 meeting in Santa Barbara, Kathleen McChesney had been hired on a two-year contract as the first executive director of the OCYP. She had retired as the third-highest ranking official of the Federal Bureau of Investigation to accept the position. The Board had learned that there was no common process for local diocesan review boards to follow and Dean Cafardi’s canon law committee was deputed to draft one. The Board adopted Mr. Bennett’s suggestion that the causes and context study be done internally, with Research Committee members conducting interviews. The Safe Environment Committee reported that it wanted to promulgate standards and disseminate best practices for diocesan safe environment programs.

November, 2002, Washington, D.C.

At the Board's November, 2002, meeting, Bishop Galante from the USCCB Canonical Affairs Committee reported on the differences between the original text of the Essential Norms and the text agreed upon by the Mixed Commission of American and Vatican bishops; the major difference was inclusion of religious orders in the revised text.¹⁰ The NRB decided to write to Bishop Gregory on a mechanism for bishop accountability.

December, 2002, Cincinnati, Ohio

The Board met in Cincinnati in December, 2002. By then, Sr. Andree Fries had replaced Fr. Kiley as Deputy General Secretary to oversee the Office of Child and Youth Protection. As Director of the Priestly Life Office, Father Kiley continued to provide staff to the Ad Hoc Committee. Kathleen McChesney had begun her work on December 1. Fr. Kiley announced that the Essential Norms as re-drafted had received the *recognitio*¹¹ of the Vatican and had been formally promulgated to be effective March 1, 2003. Bishop Gregory suggested that NRB members serve three-year terms with one-third rotating off in each year, beginning in 2003, and the Board agreed. The Board learned that Cardinal Egan opposed Board attendance at the Knights of Malta dinner in New York and Dr. McChesney's planned talk to a New York parish,

¹⁰The USCCB is an association of bishops only. The Conference of Major Superiors of Men is a somewhat parallel organization for religious superiors of male religious communities. The authority of bishops over religious order priests and institutions within their dioceses is a very complex matter, beyond the scope of this history to explain.

¹¹While not technically "approval" as a matter of canon law, the "*recognitio*" serves a roughly equivalent purpose. The *recognitio* was required for the Essential Norms to become effective as canon law in the United States.

but resolved she should give the talk anyway. The Board agreed that both the mandated studies would be pursued by external requests for proposals and expressed concern that the budget for these studies was too small; a committee to consider outside fundraising was created.

The Board formally resolved that it and Bishop Gregory should request data from dioceses on victims, offenders, and money spent on the crisis. Kathleen McChesney suggested that the first annual report of her office be published in November, 2003. Bishop Gregory asked that the Board remain cognizant of the budget established for it by the USCCB. If problems were identified in individual dioceses, the OCYP should advise the local bishop and bring them to Bishop Gregory if not resolved in that way. Mr. Bennett reported that subject matter experts were being interviewed for the internal causes and context report.

January, 2003, New York City

The Board met in New York City in January, 2003, where it learned that only priests could sit on tribunals to conduct criminal trials of accused priests which might lead to their dismissal from the clerical state. Dr. McChesney reported that she would give an estimate to the Administrative Committee¹² of \$10.5 million for both of the studies to be commissioned and the initial audits. In a letter the next month to Frank Butler at FADICA¹³ she estimated the Nature and Scope Study would cost \$288,000, but the external Causes and Context Study would cost \$3 million and take 18-24 months to complete. Also in February, Bishop Gregory wrote to all the bishops with guidelines for safe environment programs and applied to the Raskob Foundation for

¹²As a matter of civil law, the USCCB is organized as a not-for-profit corporation of the District of Columbia. Its board of directors is called the Administrative Committee.

¹³“FADICA” is an acronym for Foundations and Donors Interested in Catholic Activities, Inc.

funding Causes and Context with an estimated cost of between \$2 and \$6 million and a request to Raskob of \$3million.

The Board met by teleconference on February 24, 2003, and reviewed proposals from the John Jay College of Criminal Law for the Nature and Scope Study and from the Gavin Group for conducting the audits. By this time a clear distinction was being made between the preliminary causes and context report being prepared internally and the external study to be done under a request for proposals.

The Board determined that:

1. The “Studies” Subcommittee headed by Robert Bennett is exploring the causes of the current crisis in the context of the conduct of Church leadership. This information, gathered through conversations with Bishops, victims, offenders and other subject matter experts is expected to provide the basis of the Board’s report to the USCCB as the Board’s opinion of the cause of the current crises [sic] as it relates to administrative conduct.
2. The “Commissioned Study” is to be conducted by a professional research organization and will attempt to determine the epidemiology of the causes of the current crises [sic]. The NRB has reviewed the extensive proposal for preparation of “Requests for Proposals” forwarded by the Urban Institute. The NRB considered this proposal to be more extensive than necessary and will inform the Office of Child and Youth Protection to withhold action on this proposal until after discussion at the NRB meeting in March.

March, 2003, Santa Fe, New Mexico

At its March 2003 the Board heard a report from Dean Cafardi that non-priests would now be allowed to serve on penal tribunals and bishops would be allowed to take particularly

disturbing cases to the Pope, who can dismiss a priest *ex officio, i.e.*, without going through the canonical trial process. The Board agreed not to make any commitment at this time to the research methodology or time frame for the external causes and context study.

June, 2003, in Pittsburgh

In June 2003 the Board met in Pittsburgh. Sr. Fries reported that Father Ronny Jenkins,¹⁴ a canonist from Catholic University of America, had been hired by the Conference to assist with training canonists who would manage the tribunal processes for removing priests under the Essential Norms.

The Board had learned that the Conference was receiving correspondence about the NRB which was not being shared with the Board and asked for an end to this practice.

Collection of data for the Nature and Scope Study had begun, but the Catholic Conference of California was declining to provide data because of concerns about protecting the identity of priests involved. After a conference call with the NRB and Bishop Gregory, it was decided that Dr. Hayes would chair a meeting in St. Louis with the California Bishops and John Jay research to resolve differences. Bishop Gregory was at this meeting with other NRB members.

The Board resolved that there should not be a separate USCCB committee on the Nature and Scope Study and that any concerns to be communicated to John Jay College should go through the Board. Mr. Bennett reported that the interviews for the Causes and Context Phase I

¹⁴As of June 2010, Msgr. Jenkins was an Associate General Secretary of the Conference.

Report were complete and the only additional cost would be transcription. A meeting was set later in the month with the Lilly Foundation to seek funding for the Causes and Context Study. The Board resolved to ask Msgr. Fay for additional administrative help for the coming year. During conference calls with Bishop Gregory and Dr. Terry from John Jay, the Board learned the difficulty with California dioceses had been resolved, but that Fabian Bruskewicz, Bishop of Lincoln, Nebraska, was refusing to participate.

On June 16, 2003, Governor Keating resigned from the Board. Concerned that new leadership might disrupt the Board's processes, the NRB asked Bishop Gregory not to appoint a new chair. In responding to the Board's correspondence on this point, he told them he would have to consult others and that they should nominate at least three persons for chair and for the thirteenth Board member.¹⁵ He eventually appointed Justice Burke as Interim Chair, a title she carried until she left the Board in November, 2004.

In June 2003 the Washington Post quoted James Post, President of Voice of the Faithful,¹⁶ as saying he was an ardent admirer of Kathleen McChesney, but that she had the same problem all compliance officers have: "too few resources and too many expectations."

¹⁵Letter from Bp. Gregory to Justice Burke, July 2, 2003 (copy in the Burke papers).

¹⁶ Voice of the Faithful is an association of Catholics, mostly lay, formed in the Boston area to respond to the crisis. It quickly became national in scope, with varying degrees of acceptance by bishops. Various meetings have been addressed by Board members, but sometimes the local bishops have been critical.

July, 2003, Chicago, Illinois

On the first anniversary of its formation, the Board prepared a report “To the Catholic Faithful of the United States.” The Board had begun with study and progressed to a work program. It had determined that “to establish credibility for our actions we had to operate with independence and transparency.” It noted that the Board had met “at least monthly . . . [and] far more frequently in subcommittees. . . .” It reported on progress on five major goals:

- 1. Establish an Office of Child and Youth Protection.** The letter noted the hiring of Kathleen McChesney and her deputy, Sheila Horan, also a former high-ranking FBI official, and their organization of the diocesan audits.
- 2. Establish Safe Environment Standards.** The letter noted the dissemination of “state-of-the-art guidelines sent to the nation’s dioceses for creating safe environment programs, the work of Jane Chiles’ committee.
- 3. Audit the Nation’s Dioceses/Eparchies to Determine Compliance with the Dallas Charter.** The letter noted the hiring of William Gavin’s group to conduct the audits and reported that he was also a retired FBI agent who had hired 54 law enforcement and auditor personnel to complete the task. Thirteen regional workshops had been conducted to train diocesan staff to prepare for the audits. By July, thirty-one audits had been completed and all were expected to be done by November, leading to the first annual OCYP report. It noted that the Board was fully prepared “to name those dioceses/eparchies ‘not in compliance with the provisions and expectations’ of the *Charter*.”
- 4. Commission a Descriptive Study of the “Nature and Scope” of the Crisis.** The letter noted the “puzzle” that “no accurate statistical snapshot had ever been taken over decades of the

number of offending priests, the number of youthful victims and the financial cost to the Church.” The Nature and Scope Study was intended to fill that gap. The Report indicated two-thirds of dioceses had responded, most dioceses and religious orders were expected to cooperate, and the study would be released early in 2004.

5. Commission a Comprehensive Study of the Causes and Context of the Crisis. The letter noted this as the most critical and complicated part of the Board’s work. To avoid paralysis by complexity, the task was divided in two:

Causes and Context Phase I: This report “will render the board’s consensus view of the causes of the crisis” and will be published in early 2004.

Causes and Context Phase II: This more analytic assessment will be undertaken by an academic institution, will require several years to complete, and will cost upwards of \$4 million. A request for proposals was promised to be issued by the end of 2003. The Report noted that approaches were being made to foundations for funding

The Board reported its own goal to be “a Church cleansed of scandal, secure for the young, and reunited in holiness.”

There were objections to the letter from Conference staff or bishop members, who believed the NRB should report only to the Conference President and not to the public. The minutes note that the Board had requested a meeting with the Apostolic Nuncio, but had been turned down.

The Board also learned Bishop Gregory wanted to appoint a permanent chair, rather than appointing Justice Burke at this time. The Board responded by writing to Archbishop Flynn that it understood it was to pick its own chair and had voted that Justice Burke should complete Governor Keating’s term as “chair,” not “interim chair.”

September, 2003, Baltimore, Maryland

The Board met in Baltimore September 21-22, 2003. It supported Dr. McChesney's proposed reorganization and expansion of the OCYP staff to six positions.¹⁷ Justice Burke reported that she had met with Archbishop Flynn regarding new members for the NRB to replace those who would rotate off in 2004.

Mr. Bennett presented an initial draft of Part I of the Causes and Context Report Phase I. Dr. McHugh "commented on the agent, host, and environment of sexual abuse," emphasizing his analysis that it is an epidemic we are dealing with. Dean Cafardi was asked to draft a paragraph for the report on zero tolerance and canon law. Dr. McHugh was to draft a section dealing with nine different topics. There was much discussion of release strategy for the reports.

October, 2003, Tulsa, Oklahoma

At the October, 2003, meeting, Deputy Director Sheila Horan reported to the Board that the report from the first compliance audits would be completed by January 6, 2004. Part of the reorganization plan mentioned in September was to create a national "communications manager" who would keep track of offenders, especially those who had been dismissed

¹⁷This expansion never happened. As of this writing, the Secretariat of Child and Youth Protection still has only four staff people. However, the same people have also provided staff for the CPCYP since it became a permanent committee in 2005.

It was also reported that several NRB members had briefed the Administrative Committee in September about activities of the Board and progress by John Jay on the Nature and Scope study.

The Board decided the audit report would be released separately from the Nature and Scope and Causes and Context Phase I Reports. Dr. McHugh believed the latter report should not be released until there has been time to study the Nature and Scope results.

November, 2003, Washington, D.C.

In the November 2-3, 2003, meeting in Washington, D.C., Dr. McChesney reported as proposed initiatives for 2004

- (1) to create training programs for diocesan review board members, victim assistance coordinators, and safe environment personnel;
- (2) to create a *Charter* implementation manual;
- (3) to explore the use of Choice Point to keep track of volunteers who do not pass background checks; and
- (4) to begin an initiative to include vulnerable adults in the *Charter*.

December, 2003, Chicago, Illinois

In December, 2003, the Board met in Chicago and resolved to do on-site audits for all dioceses in 2004 (to be done again by the Gavin Group) with cyclic audits, one-third of the dioceses each year, to begin in 2005. The first set of audits had been completed at a cost of \$1.5

million, paid by the dioceses. The audits report diocesan, not parish, compliance and say nothing about the effectiveness of the programs adopted. The Board believes parish compliance and effectiveness of safe environment programs must also be measured.

Dr. McChesney reported the cost of the Nature and Scope Study had increased to \$423,000; 174 dioceses participated fully; 17 did not respond to one of more parts. 110 religious orders also participated.

Fr. Kiley said a joint committee of the NRB and Ad Hoc Committee would be created to work on the *Charter* review promised for 2004. He also spoke of the possibility of using Choice Point to establish an internal national database to track offenders.

February 8-9, 2004, Indian Wells, California

On February 8-9, 2004, the Board met in Indian Wells, California. A press conference for release of the Causes and Context Phase I and Nature and Scope Reports was set for February 27, 2004, in Washington. Bill Gavin reported on the recently completed 2003 audits and the need for approval of the 2004 audit process by the Administrative Committee. The minutes state “The Board was also advised of Cardinal Francis George's recent refusal to discuss the circumstances involving a priest in the Archdiocese of Chicago. The priest was suspended from ministry for abuse issues but is now making presentations to students at a Catholic School and having considerable contact with children. According to his Chancellor, Cardinal George will only respond to questions that are submitted in the form of a letter from Bishop Wilton D. Gregory.”

Father Kiley reported that the Ad Hoc Committee is recommending its name be changed to the Committee for the Protection of Children, that the *Charter* review process be extended for one year to permit thorough consideration, and that only 50% of the dioceses be audited in 2004 with the balance submitting “self audits.” He noted that the bishops are concerned about the forthcoming reports and that they will not get advance copies before public release.

Minutes reflect that as of this date per the audits, 1,444 priests had been removed for sexual abuse of children, both before and after the *Charter*.

The Board Releases its First Reports

The Nature and Scope and Causes and Context Phase I¹⁸ Reports were released to the public on February 27, 2004. They had been given to the bishops two days earlier, who were upset at having so little time to read the reports before their public release. At some point a person whose identity is still unknown leaked the figures from Nature and Scope Study to CNN.

¹⁸This internal Causes and Context Report is sometimes referred to as the “Bennett Report” after Robert Bennett, chair of the Research Committee at the time.

The Causes and Context Phase I Report

The Causes and Context Phase I Report,¹⁹ which was intended to be the first response of the NRB to its charge to commission a study of the causes and context of the crisis, resulted from interviews by Board members with over eighty persons with relevant information about the crisis. Particularly prominent among interviewees were Cardinals Arinze (Vatican - Divine Worship), Bevilacqua (Philadelphia), Egan (New York), George (Chicago), Keeler (Baltimore), Law (Boston), Lopez Trujillo (Vatican - Family), Mahony (Los Angeles), Maida (Detroit), McCarrick (D.C.), O'Malley (Boston), Ratzinger (Vatican - Congregation for the Doctrine of the Faith²⁰), and Stafford (Vatican - Sacred Penitentiary); and a number of victim advocates and professionals who had treated offenders.

The Report contains twenty-five detailed recommendations for further study and analysis; enhanced screening, formation, and oversight of seminarians; increased sensitivity and effectiveness in responding to allegations of abuse; greater accountability of bishops and other church leaders; improved interaction with civil authorities; and meaningful participation by the Christian faithful in the Church. The Report was signed by all members of the Board; several members who participated have told the author how difficult it was to reach agreement on a final text.

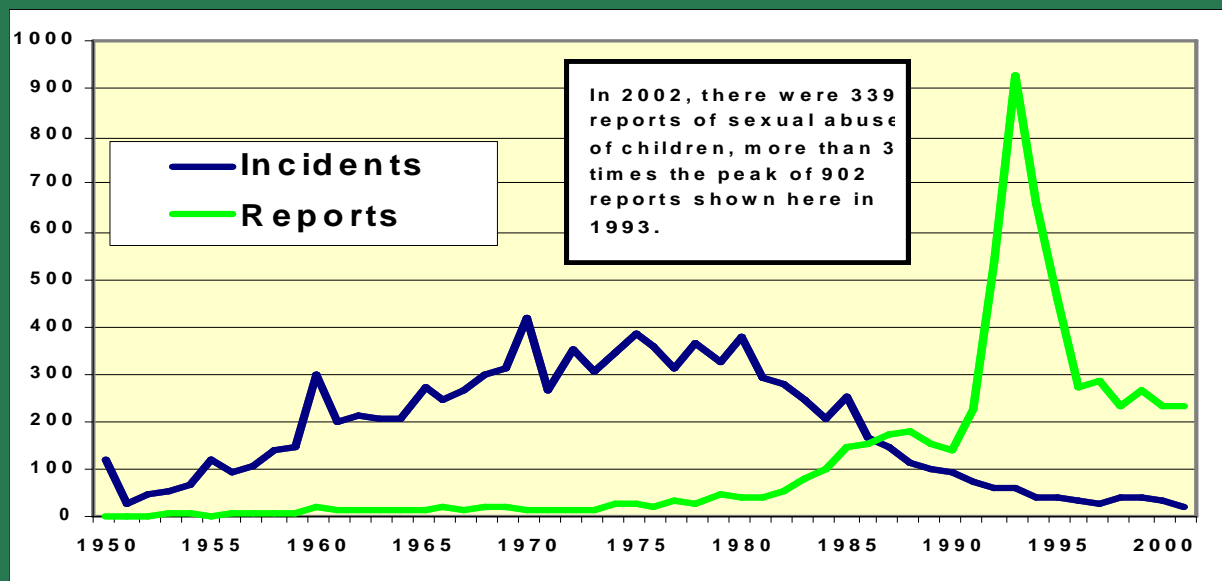
¹⁹ The Causes and Context Phase I Report and the Nature and Scope Study are available in print from the USCCB and on the USCCB website.

²⁰ Exclusive worldwide jurisdiction over canonical cases brought against priests for the sexual abuse of minors was vested in the CDF at Cardinal Ratzinger's request well before the Dallas *Charter*.

The Nature and Scope Study

John Jay's work was published as "The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States." As commissioned, this is a descriptive work, not intended to provide recommendations for changes of policy. Its most important findings are displayed graphically in the following chart.

Joint Distribution of Events and Reports, 1950–2001



As the reader can see, the incidence of abuse rose steadily from the 1950's until 1980 and then declined steeply to the point that the reported incidence in 2000 is virtually the same as in 1950.²¹ This data has set the key questions the Board has wanted to answer with the external Causes and Context Study: Why did the rate of incidence climb so steeply from the 1950's to 1980? Why did it decline even more rapidly thereafter? Would this pattern change when reports were received in years after 2002? Why was so much of the abuse that happened in the 1960's and 1970's not reported until after the crisis of 2002?

March, 2004, Washington, D.C.

At the Board's meeting on March 26, 2004, Jane Chiles reported that Link-Up was shifting its focus to creating a restorative mediation program. Board members reported receiving many reactions to the Causes and Context Phase I and Nature and Scope Reports; most were very supportive, but some victims' groups wanted names of offenders, not numbers.

Kathleen McChesney reported that Charles Pritchard had been retained to provide recommendations on background investigations; Sheila Kelly,²² Sr. Sharon Euart, and Don Johnson had been retained to assist on a project "regarding diocesan review boards & the development of model programs"; and Mary Lentz "is working [on a contract basis] on a study

²¹ The peaks in the data for the years 1960, 1970, and 1980 are artifacts of the data collection because some victims reported that the abuse happened "in the sixties" or "in the seventies," which was recorded as happening in the decennial year. As the text box shows, the peak for reporting in 2002 would have been almost four times as high as that for 1993 if the graph had been extended to the year 2002.

²² Sheila Kelly, former personnel director for the Archdiocese of Baltimore, later succeeded Sheila Horan as deputy director; Sr. Sharon Euart, a canonist, is a former Associate General Secretary of the Conference.

regarding a web-based victim survey.” She noted that the Administrative Committee had not yet decided on future audits or funding for Causes and Context Phase II. In her mind, critical issues facing the Board were continuation of the audits and their extension from compliance to effectiveness. The minutes reflect that the terms of office of Justice Burke, Bob Bennett, Bill Burleigh, and Leon Panetta would end in June, 2004. The Board formally endorsed “establishment of a mechanism of accountability of Bishops through fraternal correction.”

Justice Burke had met with the Administrative Committee in March and reported to the Board that they had decided to postpone any action on the Board’s recommendations until after consideration at their November meeting. The Board understood this to mean they could not go forward with the request for proposals for the causes and context study and also that there would be no diocesan audits in 2004. This provoked a very strong letter from the Board to Bishop Gregory. He responded by saying he thought he could get the recommendations on to the June meeting agenda.²³ Bill Burleigh counseled the Board against any disruptive public protest such as mass resignations. He said he believed the key question was “How best can we position the board so that it endures into the future as a fairly independent group of lay people in a position to oversee the safeguarding of children from clerical [sexual] abuse?”

In late April, Justice Burke wrote to Bishop Gregory with a list of nominees for the Board to replace those whose terms were ending. Of those submitted, only Patricia Ewers was eventually chosen.

²³The June meeting of the bishops was scheduled to be a retreat-like special assembly at which business is not usually done. It required considerable work by Bishop Gregory and Conference staff to get an exception to this “no business” rule.

June, 2004, Monterey, California

At the June 27-28, 2004, meeting Sr. Fries reported she would be leaving her position as Deputy General Secretary supervising OCYP in July and that proposed names of replacement NRB members would go to the Administrative Committee at its September 2004 meeting. Father Kiley reported that the June general assembly meeting of the bishops had agreed to continue the audit process for 2005 and had approved the request for proposals for Causes and Context Phase II and funding for additional analysis by John Jay of the Nature and Scope data. On review of the *Charter*, he reported it will possibly include revisions centering around the definition of sexual abuse, investigations as described in Article 5, and the tasks of the National Review Board and its composition. Fr. Kiley and Dr. McChesney will develop a review instrument, and the Ad Hoc Committee and the National Review Board, some Bishops and other groups will provide comment on the revisions before they are presented to the full body of bishops at their Spring Assembly in 2005. [This appears to represent a change from the prior suggestion that there would be a joint working group of the Ad Hoc Committee and the NRB on *Charter* review.]

Dr. McChesney reported the total cost of the 2004 audits would be \$2.4 million. She also asked that, "in the interests of consistency, continuity and contract management, the OCYP should be involved in the solicitation and work of the study on the "causes and context" of the crisis as mandated by the *Charter*."

Justice Burke reported receiving a letter from Cardinal Ratzinger reporting that the dicastery (the Congregation for the Doctrine of the Faith) did not feel it was important to meet again with the NRB, but emphasizing the importance of lay involvement in this work. Bishop

Gregory said he was awaiting prioritization of Board nominees from the NRB and the Ad Hoc Committee; he recommended term limits, that the board should be entirely lay, and the Board should recommend a new chair who should be an existing member.

September, 2004, Washington, D.C.

At the September meeting, Dr. McChesney reported on the status of the 2004 audits, the diocesan review board and Lentz projects, and a grant for a victim assistance coordinator symposium. She said contracts would be let for John Jay to do additional study of the Nature and Scope data and for the Center for Applied Research in the Apostolate (CARA) to collect data for future years parallel to that collected for the Nature and Scope Study.

Father Kiley reported that Michael Bland and other NRB members “will participate in the review of the *Charter*, once a draft revision is completed by the Ad Hoc Committee.” This represented a further change of the process which had previously been set. Also in September Archbishop Flynn reported to the Administrative Committee that the Ad Hoc Committee intended to complete its draft by November, request comments on the draft by NRB, the National Advisory Council,²⁴ the Council of Major Superiors of Men, and “other appropriate groups.” The Board called on the Conference to set aside \$1 million for the Causes and Context Study as the Conference’s contribution to the projected \$4 million cost. An Action Item indicates “[a]dditional funds would be solicited by Dr. Alice Hayes and others on behalf of the NRB and the USCCB.” Because the Causes and Context Phase I and Nature and Scope studies

²⁴The National Advisory Council is a USCCB body comprising bishops, priests, and laity. It reviews the agendas of the USCCB meetings and advises the general assembly of bishops on issues to come before it.

are voluminous, the Board requested preparation of summary pamphlets by the Communications Department.

After the meeting, on September 17, 2004, Bishop Gregory wrote to the Board²⁵ that he intended, with the strong encouragement of the Administrative Committee, to appoint Sister Carol Keegan, chair-elect of the Catholic Health Association, to the NRB. On the same date, Justice Burke wrote to the Board that of all those nominated, only five remained eligible, either because they had withdrawn their names or their bishop had declined to grant a *placet*.

Transition to New Membership

November, 2004, Washington, D.C.

The Board next met in Washington on November 14-15, 2004, when it welcomed new members Patricia O'Donnell Ewers, Dr. Angelo Giardino, Ralph Lancaster, Joseph Russoniello, and Judge Michael Merz, the author. Retiring members Justice Anne Burke, Bob Bennett, Pamela Hayes, Alice Hayes, and Bill Burleigh also attended. Dean Cafardi had been named chair in the meantime to serve until June, 2005.²⁶

Father Kiley reported that *Charter* review was ongoing in the thirteen episcopal regions, and would be discussed at a future joint meeting of the Ad Hoc Committee and the NRB which Dr. Bland will coordinate. He also said recommendations made in the Causes and Context Phase

²⁵September 17, 2004, letter from Bp. Gregory to the Board (copy in the Burke Archives).

²⁶ The author does not know whether the Board recommended Dean Cafardi as Bishop Gregory had suggested would be appropriate.

I Report “have been forwarded to the appropriate USCCB Committees and Offices for comment and/or action by March 31, 2005.”

Sr. Andree Fries reported that a search team for a new executive director consisting of herself and representatives from the Ad Hoc Committee and the NRB would be formed, since Dr. McChesney’s contract would expire in December 2004. Resisting that direction, the Board directed Dean Cafardi to advise Msgr. Fay the Board believed it was the Board’s sole responsibility to choose a new executive.

Dr. McChesney reported that the Diocesan Review Board Resource document was complete and had been sent to the Canonical Affairs Committee of the Conference for comment. The Board felt the survey proposed by Mary Lentz was open to manipulation by responders and should not go forward, but Dr. McChesney indicated Bishop Gregory had already announced it publicly.

Committee assignments included Justice Maes to chair the audit committee, joined by Dr. Ewers & Mr. Russoniello; Judge Merz to be on *Charter* Review; and Dr. Giardino to be on Research.

Charles Pritchard reported he had completed the four projects for which he had contracted: a guide on background investigations, a proposed pointer system to track priest transfers, a review of issues on foreign-ordained priests, and review of national legislation to allow non-profits to use FBI background checks.

Bill Gavin reported on the audits that compliance was better than in 2003, that Bishop Bruskevicz had again refused to participate, and that the principal compliance problems were with Article 12 (safe environment training) and Article 13 (background checks). The Board indicated it wanted to hear from victims.

December, 2004, Chicago, Illinois

The Board met in December 2004 in Chicago. Alice Hayes announced that letters of intent to bid on the Causes and Context Study, Phase 2, were due by January 10, 2005. The Audit Committee believes that even though a one-third per year cyclical scheme for audits was previously agreed on, full on-site audits should be conducted in 2005.

Fr. Kiley reported that the Canonical Affairs Committee had disapproved of the Diocesan Review Board Resource document. The Mixed Commission²⁷ will meet in Rome in late January to discuss the revised *Charter* draft. Based on Archbishop Flynn's comments, the Board agreed that the Lentz survey could go forward.

SNAP representatives met with the Board, supported full on-site audits, and again requested a place on the NRB. Dean Cafardi noted that nominations for NRB replacement members for those rotating off the Board in 2005 must be presented to the Administrative Committee at its March meeting in order to be appointed by June; he indicated he would nominate Milann Siegfried, wife of original Board member Ray Siegfried, who had resigned because of ill health. Each nominee must have a background check and receive the written approval ("*placet*") of his or her local bishop.

The Board had several suggestions for revisions of the *Charter*. Members emphasized that the *Charter* as adopted in Dallas should stand as an historic document and any self-congratulatory tone based on the last two years should be avoided. Article 5 should clarify when

²⁷The American members of the Mixed Commission were Cardinal Francis George, Archbishops Harry Flynn and William Levada, and Bishops Thomas Doran and William Lori. The Vatican members were Cardinal Hoyos (Prefect, Congregation for Clergy), Abp. Heranz (Council for Legislative Texts), Abp. Bertone (Secy., CDF, now Secretary of State), and Abp. Monterisi (Secy., Congregation for Bishops).

a priest is to be removed temporarily from ministry and perhaps should have a stronger statement of the presumption of innocence prior to any investigation. There should be consistent practices for the work of diocesan review boards. The Board remains committed to an annual audit process and believes coordination of the work of the Ad Hoc Committee and the Board should be spelled out. Fr. Kiley suggested a mid-February joint meeting of Ad Hoc and NRB on *Charter* review, since all comments are due from the thirteen episcopal regions by mid-January.

February, 2005, Washington, D.C.

In early February 2005 the OCYP issued its second annual report of audits which had occurred between July and December 2004, together with data on new allegations gathered by CARA. Of the 194 dioceses audited, 74.2% were in compliance at the time of the audit and 43 of the remaining 50 brought themselves into compliance by year end. CARA reported 1092 credible allegations were newly made in 2004. The majority of these offenses began between 1965 and 1974, thus fitting the incidence curve reported in the Nature and Scope Study. 80% of the offenders identified in these new reports had already been dismissed, laicized,²⁸ died, or were missing.

In February, 2005, the Board met in Washington. Dr. McChesney reported that the Apostolic Visitation of Seminaries would soon begin with Archbishop O'Brien of the Military Vicariate at its head. She said the NRB should receive the results of this and prior visitations. The Board invited Archbishop O'Brien to attend its next meeting. [Note: The meeting with

²⁸Dismissal from the clerical state is a canonical penalty, imposed after trial. Laicization removes a person from clerical status at the person's request. "Defrocking," often used by the press, is not a term in the 1983 *Codex Juris Canonici*.

Archbishop O'Brien never happened and the Board did not receive the results of past visitations or the one Abp. O'Brien chaired.]

Twelve letters of intent were received on the Causes and Context study; proposals were to be reviewed by the Research Committee and its consultants (Archbishop Stefan Soroka and Bishop Nicholas Dimarzio) in New York at the end of May. The Board resolved to write to the Prefect of the Congregation of Bishops about Bp. Bruskewicz's refusal to participate in audits. [So far as the author knows, this letter was never sent.] Dean Cafardi, Dr. Bland, Jane Chiles, and Ralph Lancaster will interview the top five candidates for executive director at the end of the month.

After those interviews, the group strongly recommended Teresa Kettelkamp who was hired and began on April 1, 2005. Ms. Kettelkamp, a retired colonel from the Illinois State Police, continues as executive director through the publication of this history.

April, 2005, Washington, D.C.

The April 2005 Board meeting focused entirely on reviewing the proposals received for completing the Causes and Context Study. The Research Committee set a meeting with its consultants in New York City for late May to reach a decision, after applicants responded to questions the Board formulated.

Bishop William Skylstad Appoints Patricia Ewers to Chair the Board

Bishop William Skylstad had been elected President of the Conference in November, 2004, when Bishop Gregory's term expired. With the consent of the Administrative Committee, Bishop Skylstad appointed Milann Siegfried, Thomas DeStefano, Joseph Rhode, and William McGarry as new members of the NRB for three-year terms. Dean Cafardi's term expired June 1, 2005, and Bishop Skylstad appointed Dr. Patricia Ewers as chair for a three-year term beginning June 1, 2005.²⁹

The Revised *Charter*

At its June 2005 meeting in Chicago, the General Assembly of bishops approved the revised text of the *Charter*. With respect to the National Review Board, the revised *Charter* provides:

ARTICLE 10. The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.

The Committee for the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Office of Child and Youth Protection on the implementation of this *Charter* in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.

²⁹ The Board had been asked to nominate a new chair and forwarded three names to Bishop Skylstad. Dr. Ewers was not among them.

The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines to be developed by the Board in consultation with the Committee for the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines are to set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

The Board will offer its advice as it collaborates with the Committee for the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee for the Protection of Children and Young People will meet jointly several times a year.

The Board will review the work of the Office of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.

The Board is to oversee the completion of the study of the causes and context of the recent crisis. The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.

The revised text of the National Review Board article reflects some of the tensions which had arisen between the original Board and some bishops. The Board was specifically denominated as "consultative," rather than having any independent functions. The Administrative Committee was given a veto over appointments to the Board by the Conference President and each local bishop a veto over selection of someone from his diocese, changes in practice already in place for the 2004 and 2005 nominations even before *Charter* amendment.

Although the Board was to adopt guidelines for its own operation, these required approval of both the CPCYP and the Administrative Committee.

June, 2005, Chicago, Illinois

The Board next met in Chicago in June 2005 with Msgr. Fay, the Conference General Secretary, as a guest. The Board expressed to him the need for more staffing for the NRB which he said was unlikely because of budget constriction and contemporaneous strategic planning for the Conference. He apologized for the fact that the NRB had been given little chance to comment on the revised *Charter* and had not been shown the final text submitted to the assembly of bishops and passed in June. [Note: the joint meeting of AD Hoc and NRB on the proposed revisions never happened; the *Charter* review committee to which the author was appointed in November 2004 never met.]

The bulk of the meeting involved discussion of John Jay College's proposal to do the Causes and Context study. The Research Committee had recommended choosing John Jay and the Board approved the text of a proposed letter to John Jay prepared by Dr. McHugh.

After meeting with Msgr. Fay, the Board met in executive session (i.e., without staff present). It was decided that to facilitate the Board's work, it would meet four times each year on a schedule to be developed annually. Agendas and meeting materials would be distributed two weeks in advance. Lack of sufficient staffing for the OCYP was again discussed. The Board noted that its process had been "highly reactive" for the past nine months because of membership and leadership changes in the Board and OCYP. Often requests for reaction to documents (e.g., the revised *Charter* and Board nominees) came too close to meetings to permit

thorough consideration. The Board believes it should set its own agenda and describe its status as “separate” from the USCCB rather than “independent.” Decisions on Board committee structure were postponed until the July meeting.

July, 2005, Chicago, Illinois

The Board next met in July 2005 including an orientation session for new members. Michael Bland presented his chronology on the crisis and the USCCB response. Dr. McHugh presented the results of the Nature and Scope Study, emphasizing the curve of incidence as the most important result and the data that needs to be explained in the Causes and Context study. Fr. Kiley reported that, because the revised *Charter* converts Ad Hoc to a permanent committee with the new name “Committee for the Protection of Children and Young People”, its chair would now be elected by the bishops for a three-year term, starting in November, 2005. Importantly, the elected chair would be an *ex officio* member of the Administrative Committee.

Dr. Ewers reported that the Administrative Committee had set aside \$ 1 million as the Conference’s contribution to the Causes and Context study, but the money could only be released when the balance of the cost was raised from outside sources. Board members expressed concern as they did not believe they could do that sort of fundraising. Michael Bland reported that the Lilly Foundation had, in 2003, indicated an interest in funding up to 40% of the cost, but their interest had waned more recently. The Board requested a joint letter by Dr. Ewers and Abp. Flynn to the Administrative Committee to request release of \$133,000 from the set-aside funds so that work could begin on the Study.

Ms. Kettelkamp reported that Mary Lentz had completed her victims' survey. Board members noted that failure to include the Board in preparation of the survey resulted in some of the difficulties which had been anticipated last year. Copies of the full survey results will be sent to all Board members. After some discussion of victim intervention programs, it was decided to invite representatives of the Healing Alliance and Link-Up to the November meeting.

Drs. McHugh and Ewers accompanied Ms. Kettelkamp to John Jay College at the end of June to discuss their proposal for the Causes and Context Study. They concluded that present John Jay personnel can readily handle the sociological aspects of the study, but additional researchers are needed for the psychological research.

As a goal for 2005-2006, all recommendations previously made by the Board were to be gathered into one document with a list of persons or groups responsible for reaction or implementation. [Although Fr. Kiley had told the board that the recommendations in the Causes and Context Phase I Report had been parceled out to various Conference committees for action and report back by March 31, 2005, in fact only the Canonical Affairs Committee had reacted to recommendations in its area of competence.]

Dr. Rhode asked whether conduct involving child pornography is covered by the *Charter* and Teresa Kettelkamp indicated that the bishops had not yet decided that question.

Justice Maes was elected vice-chair. The Audit and Best Practices Committees were repopulated. The revised *Charter* calls for the Board to be governed by guidelines (essentially by-laws) developed by the Board and approved by the Administrative Committee. Dr. Bland, Dr. McGarry, Mrs. Siegfried, and Judge Merz were appointed to prepare a draft.

November, 2005, Washington, D.C.

The November meeting of the Board was held in Washington, D.C., in conjunction with the general assembly meeting of the bishops. It was preceded by a joint meeting with the Ad Hoc Committee which heard a presentation from Karen Terry and Maggie Smith on the follow-up analysis of the Nature and Scope data.

At the Board meeting, Bill Gavin reported on emerging audit issues: dioceses receiving a “focused audit” based on their non-compliance with Articles 12 and 13 in prior years were resisting showing compliance with other articles of the *Charter* during the current audit process. In addition, some dioceses had been dealing with Article 12 (safe environment training) by distributing pamphlets to parents for parents to do the training. Ms. Kettelkamp had advised all dioceses that this was not compliant and a number of bishops and advocacy groups had objected. The timeline for approving a request for proposals for the 2006 audits did not schedule consideration by the Administrative Committee until its March, 2006, meeting. To avoid that delay, Mr. McGarry proposed extending the 2005 contract with the Gavin Group through 2006 to allow time for an effective selection process for the 2007 audits, and the Board agreed.

The Guidelines committee presented a draft which was approved for forwarding to the CPCYP and the Administrative Committee. Anticipating approval, the Board elected Michael Bland as secretary for a one-year term. Fr. Kiley advised that Abp. Timothy Dolan on behalf of the Committee on Priestly Life asked the Board’s opinion on process for so-called “chartered priests”: priests removed canonically from ministry but sentenced to a “life of prayer and penance”, as opposed to dismissal from the clerical state. The Conference of Major Superiors of

Men has adopted the concept of creating individualized “safety plans” for these men, but the USCCB has resisted that step.

On November 18, 2005, Dr. Ewers reported to the Board that Bishop Gregory Aymond of Austin, Texas, had been elected chair of the re-named Committee for the Protection of Children and Young People. The general assembly of bishops voted to release the initial \$133,000 for the Causes and Context Study and spoke of the problems of actually getting 100 % of children to attend safe environment training, since many are sporadic in attending religious education classes or are transient. Several days later Dr. Ewers reported on an initial lengthy conversation with Bishop Aymond who said he was eager to work cooperatively with the NRB and scheduled several joint meetings of the NRB and CPCYP for 2006. She asked the Board’s agreement to a proposal that the next audit period be for eighteen months, rather than doing a full audit for the six months ending June 30, 2006.

Bishop Aymond had reviewed the draft Guidelines and requested two modifications: (1) make it clear that only the Board chair speaks on behalf of the Board (a point which had caused past difficulties), and that all NRB expenses are covered by the Board’s budget from USCCB. He agreed to ask Abp. Soroka, Bp. DiMarzio, and the head of CMSM to continue as consultants to the Research Committee.

December, 2005, Teleconference

The Board met by teleconference on December 8, 2005. Dr. McHugh had written a letter critical of the proposed methodology for the Causes and Context Study which was discussed. Justice Maes indicated the agreement of the Audit Committee with the 18-month proposal which

Bishop Aymond believes the bishops will accept. This will enable future audits to end on June 30 at the same time as diocesan fiscal years. Bill McGarry, picked to succeed Justice Maes as head of the Audit Committee, will coordinate the request for proposal process for bids on doing future auditing. The draft of Operating Guidelines was approved except for some needed revision on the role of the chair as spokesperson, which Dr. Ewers said she would draft with Judge Merz.

Dr. Ewers appointed Mr. Lancaster and Judge Merz to monitor responses to Board recommendations. It was noted that, with Mr. Burleigh's rotation off the Board, there was no one with expertise in communications; which the Board felt was an important gap to fill with new members.

At the invitation of Bishop Aymond, the Board met in Austin, Texas, in February 2006. In January, the Chicago press had reported on the case of Father Daniel McCormack, a priest who had been promoted despite an arrest for sexual contact with a minor. Dr. Ewers had discussed the case with Cardinal George; based on that conversation, the Board agreed it would have no public comment until the investigator hired by the archdiocese had reported. The Board called for that report to be made public as soon as it was released to the archdiocese.

Ms. Kettelkamp provided the Board with a list of the 111 safe environment programs being used in the dioceses in 2005. Because dioceses are calling her to ask for recommendations, the Best Practices Committee may wish to look at this issue. Sheila Kelly, Deputy Director of OCYP, advised of her efforts to identify core concepts of safe environment training and of the interest of CPCYP to have this material integrated into religious education textbooks.

The 2005 Annual Report of OCYP will be released at a press conference on March 30, 2006.

Regarding the Operating Guidelines, it was agreed that Board members will contact the chair before responding to any media inquiries and will speak to the media only for attribution and on the record.

Because eight members' terms are scheduled to end in 2007, some adjustment was necessary to ensure continuity. The Board agreed to ask Bishop Skylstad to extend Justice Maes' term to June, 2007, to allow the terms which end in June 2007 to expire, to extend the terms scheduled to end in November 2007 to the following June, and to extend the June 2008 expirations to June, 2009. The amended Guidelines were then adopted for forwarding to CPCYP and the Administrative Committee.

Mr. DeStefano presented the Diocesan Review Board Resource document for endorsement by the Board. The Board agreed that the document should be presented as a tool for local review boards, not a standard for them to meet. The Board also asked that the document be clarified to distinguish between the preliminary and full investigation stages.

The Board approved a contract with CARA to survey bishops on their experience with the audits so far and to prepare a request for proposals for bids for auditing for 2007-2009. Bill Gavin advised the Board that auditing is difficult because auditors lack access to priest personnel files. He noted there is often a communications gap between diocesan personnel preparing audit documents and the bishop, which means the bishop first hears "bad news" of noncompliance in a letter from the Gavin Group.

Bishop Aymond then met with the Board for his first conversation. He identified the role of the NRB as challenging bishops and calling them to accountability for implementation of the

Charter, hopefully in charity and without rancor. He believes regular joint meetings of the NRB and CPCYP are important. When the two bodies meet in June, the question of standards of *Charter* implementation will be on the agenda.

Dr. McHugh reported on results of the follow-up data analysis by John Jay. Dr. Giardino followed by reporting on the status of the Causes and Context Study. He agreed to press John Jay for a development (funding) plan. John Jay will convene a meeting with the major treatment centers to enlist their involvement in the study.

Dr. Ewers had requested Judge Merz and Mr. Lancaster to prepare a response to Abp. Dolan's request on "chartered" priests. Discussing the draft, the Board decided it would not comment on the issues of sustenance and the meaning of a "life of prayer and penance" as a canonical sentence.

Judge Merz reported that the Catholic Medical Association had publicly announced its intention to conduct a study of the effectiveness of safe environment training programs. The Board agreed to advise CMA of our interest and willingness to collaborate with them; Judge Merz was named as the contact point.

Members raised a question about the role, if any, of the diocesan review boards in dealing with allegations of child sexual abuse by women religious.

June, 2006, Los Angeles

At the joint NRB/CPCYP meeting in June, Msgr. Maniscalco and Fr. Kiley, both of whom were leaving the Conference, were thanked for their work. Mr. McGarry reported that three firms had submitted bids to do the 2007-2009 audits and all would be interviewed. Dr.

Giardino reported that John Jay has contacted the 85 FADICA foundations to seek funding and was exploring doing the work in segments while continuing to raise funds. John Jay has noted it is necessary to keep key researchers interested. It was decided to proceed by asking the Administrative Committee to approve an expected six-segment outline with timeline and costs.

Judge Merz presented the draft Operating Guidelines. It was agreed that in the event a Board vacancy occurs, the Board will nominate not fewer than two persons as possible replacements. It was also agreed that NRB meeting discussions would be confidential, but minutes would be publicly available. Bishops requested that Board members consult the OCYP or the local bishop before accepting speaking invitations with groups such as Voice of the Faithful. The CPCYP then approved the Guidelines as presented; they will be presented to the Administrative Committee for final approval in September.

Bishop Stephen Blaire, chair of the Safe Environment Working Group, reported it had met in June with experts in the field to address some of the issues. Jane Chiles and Thomas DeStefano are serving as NRB members of this group. He noted that not all teachers feel competent with this material and some parents object that it intrudes into their responsibility. He will write to the Catholic Medical Association about the study they are undertaking.

Bishop Aymond announced that a joint working group consisting of bishops from CPCYP and members of the NRB would be appointed to vet possible new NRB members. Judge Merz and Mr. Lancaster were appointed to this group, which will also prepare a profile for selecting NRB chairs.

Cardinal George joined the Board at its own meeting to discuss the McCormack case.

Drs. McHugh and Giardino suggested the Board consider a model of causal analysis being used with medical and product failures called “root cause analysis.” Using a “sentinel

event” – an extraordinary occasion which alerts parties to the existence of a serious problem – analysts work backward to the root causes and then share results with other interested parties. This method has worked to reduce medical malpractice claims drastically; it was also used to analyze the Challenger shuttle disaster. Cardinal George heard the presentation and agreed the approach might be helpful. It was agreed Dr. Ewers would meet with a representative of the Joint Committee on Health Care Accreditation, headquartered in Chicago, to pursue this concept. Cardinal Mahony joined the Board for breakfast and also heard Dr. Giardino’s presentation on root cause analysis.

Ms. Kettelkamp reported on the upcoming Anglophone Conference in Rome, an annual gathering of bishops’ conference representatives from English-speaking countries involved in dealing with child sexual abuse matters.

The revised Essential Norms have received the required *recognitio* from the Congregation of Bishops, this time without a time limitation, and were promulgated in mid-May.

Maggie Smith from John Jay reported on Causes and Context progress: (1) researchers have been identified for each segment of the study, (2) the John Jay Institutional Review Board has approved standards to use with interviewees, (3) John Jay expects a response from the Lilly Foundation on funding within 7-10 days; (4) they have written to all treatment centers which used consistent testing instruments. A working hypothesis on differences between clerical and non-clerical abusers has not yet been formulated, but will be sent to the NRB Research Committee by the end of the summer. The major obstacles at this point are obtaining bishops’ participation for their own diocese and funding.

Having reviewed the summary of recommendations prepared by Mr. Lancaster and Judge Merz, the Board agreed that further pursuit of all the recommendations from the Causes and

Context Phase I Report would be fruitless. Instead, the Board will concentrate follow up on recommendations made in the Annual Reports.

Justice Maes and Michael Bland were re-elected vice chair and secretary for additional one-year terms. Dr. Ewers expressed her opinion that the chair's term should be limited to two years and a chair-elect selected six months early to allow for transition.

September, 2006, Washington, D.C.

The Board met in Washington in September, 2006. Dr. Ewers reported that Mrs. Siegfried had resigned from the Board and her vacant position would be filled from this year's nominees. The OCYP is developing a file of materials for orientation of new members. Ms. Kettelkamp reported that during 2006, 19 dioceses are being audited for compliance with Article 12 and four for compliance with Article 13; eleven dioceses have requested and will receive full on-site audits. Dr. Giardino reported that John Jay had assembled a distinguished group of investigators, but that funding remained difficult; the Lilly Foundation has still not responded.

Judge Merz reported that the Administrative Committee had approved the Operating Guidelines with one change to make the replacement of resigned members consistent with appointment of new members. Since this change received email approval from the Board, the Guidelines are now fully approved. Judge Merz also reported a suggestion that follow up to Annual Report recommendations be done by something like a management letter. This suggestion will be discussed at the next joint NRB/CPCYP meeting.

Mr. McGarry reported for the Audit Committee that it recommended the Gavin Group to continue as auditor for the 2007-2009 cycle. The one-third of the dioceses to be audited each

year will be selected by the OCYP. The Committee strongly recommends expanding the audit to include parishes. The Board believes the current practice of charging all dioceses equally for audits should be re-examined and costs charged based on size.

Mr. DeStefano reported on the Safe Environment Work Group that it has been collecting surveys from dioceses about their experience in doing this training.

Further negative comment had been received from the Canonical Affairs Committee on the Diocesan Review Board Resource and the Committee will attempt to modify the draft to meet these concerns.

The Board agree to table further work on root cause analysis until June 2007 in light of other resource demands.

At the joint CPCYP/NRB meeting, the membership of the joint Nominations Work Group was announced. That group is seeking more nominations from bishops for a slate of candidates to present to Bishop Skylstad in January 2007 to ensure approval by the Administrative Committee in March, interviews in April, and appointment in time for the June meetings. New members are being sought with expertise in communications, mental health, and criminology; gender and ethnic diversity are important; geographic diversity is also being sought, but is less important

Bishop Malone and Sheila Kelly reported for the Safe Environment Work Group that a survey of diocesan safe environment coordinators is near completion. Catechists seem uncomfortable presenting this material, and textbook publishers will integrate safe environment material only if directed to do so by the Conference.

The NRB was asked, based on the McCormick experience in Chicago, to develop a protocol for diocesan contact with law enforcement and child protective services when the

diocese has not been contacted by the victim or victim's family. Bishops objected to the notion of a "management letter" with the audit report as this appears to be "audit creep" or "charter creep." [Over the course of the NRB's history, its suggestions for change in the process were often met by comments by bishops that the change was beyond what they had agreed to in the *Charter*; attempting to expand *Charter* obligations was frequently referred to as "charter creep." This objection was most significantly made when the NRB recommended expanding audits to the parish level.]

Bishop Aymond reported that the CPCYP agreed with segmentation of the Causes and Context Study with the first three segments published together. They were adamant, however, that there would be no further drawdown of USCCB funds until John Jay had raised additional money.

November, 2006, Baltimore, Maryland

The Board met in Baltimore in November 2006 in conjunction with the general assembly of bishops meeting. Dr. Ewers reported from the Administrative Committee meeting in September that Bill Gavin had again been approved as auditor for the three-year audit cycle beginning in 2007. The Committee also approved a second draw down from the \$1 million set aside for the Causes and Context Study. However, they declined to approve standardizing the process for parish audits. Instead, they asked that a protocol be developed for the parish audits, and reported back to them in November. Although the *Charter* commits approval of audit matters to the Administrative Committee, they believed the expansion to parishes was sufficiently major to require approval by the entire body of bishops.

The Communications Office had developed a media plan for the fifth anniversary of the *Charter* which calls for the NRB to release a letter to the faithful similar to the one published in 2003. Dr. Ewers acknowledged receiving one copy of the Catholic Medical Association's report "To Prevent and To Protect."³⁰ She has written to Cardinal George requesting a copy of the final report of the special investigation in the McCormick case, but has not yet received a copy. Based on the negative reaction to parish audits in the Administrative Committee, Dr. Ewers believes the NRB should use the CPCYP to identify issues which may be of concern to the bishops generally.

Bill McGarry presented the Audit Committee's proposal for parish audits. After discussion, the term "parish audit" was to be replaced with the term "parish participation in the diocesan/eparchial audit."

Judge Merz presented the report of the Nominations Work Group, along with resumes for discussion. In addition to the criteria previously discussed of diverse gender, ethnicity, and geography, the committee agreed on areas of expertise and that nominees should not be employed by the diocese. The Board agreed on ranking the nominees in the various areas of expertise. Judge Merz also presented and received approval for a profile of the chair position for use by Bishop Skylstad in selecting a chair to replace Dr. Ewers. At her suggestion, she and succeeding chairs will serve only a two-year term and Bishop Skylstad will pick a chair-elect around the beginning of 2007.

Regarding the Causes and Context Study, funding from the Lilly Foundation remains uncertain. Mr. DeStefano reported that the Diocesan Review Board Resource has been further

³⁰In contrast to the one copy sent to the Board for all thirteen of its members, CMA sent a individual copy to each bishop.

revised with suggestions from Mr. Chopko and Msgr. Jenkins and is again before the CPCYP for consideration. Based on Board discussion, the ideas for a protocol when allegations come from non-victims and of a management letter to accompany audits were both dropped.

The Operating Guidelines require the NRB to provide two nominees to the President of the Conference to fill the chair; Mr. McGarry and Judge Merz agreed to be nominated. The Board accepted both names but stated a preference for Mr. McGarry. The Board expressed its concern that Ms. Kettelkamp had been unable to attend the meeting because she was obliged to be at the simultaneous CPCYP meeting.

At the joint meeting of the CPCYP and NRB, there was much discussion of the parish audit idea. One bishop suggested it improperly intruded on the relationship of a bishop with his priests. Bishop Aymond suggested that dioceses of different sizes be invited to participate on a voluntary basis to provide some experience which might diffuse concerns. Mrs. Chiles argued that the extension to the parishes is needed to ensure accountability and one bishop responded that seeking accountability is an assumption of episcopal authority.

Bishop Aymond reported that he had met with Mary Pat Fox, President of Voice of the Faithful, to receive petitions from that group asking for a national database of credibly accused priests, suspension of the statute of limitations on victims' claims, and establishment of parish and diocesan finance councils. Bishop Aymond explained to Ms. Fox that only the first two of these are within the purview of CPCYP, but found the dialogue important.

Bishop Aymond had contacted the Lilly Foundation about the Causes and Context funding, but was not encouraged and in fact they declined to participate several days after the meeting. There was a brief discussion of possible handling of complaints of sexual abuse by women religious. OCYP staff have met with the Executive Director of the Leadership

Conference of Women Religious and were advised that each case is being handled by the appropriate religious community. (Women religious are not covered by the *Charter* or Essential Norms which apply only to clerics.) Bishop Blaire reported that the Safe Environment Work Group report will be final in January, 2007. He requested that the Catholic Medical Association Report “To Prevent and To Protect,” which calls for the repeal of safe environment training (Article 12 of the *Charter*), be reviewed by competent experts. He was advised that Dr. David Finkelhor, a leading expert on child abuse, and Dr. John Grabowski, a moral theologian, have been asked to provide reactions.

The Author Becomes Chair-Elect

The NRB met by conference call on February 16, 2007. Dr. Ewers reported that Bishop Skylstad had appointed Judge Merz as chair-elect, to become chair June 1, 2007. Dr. Ewers will draft the letter to the faithful which is to be part of marking the fifth anniversary of the *Charter*.

Dr. Giardino reported on a December conference call with John Jay which noted their primary responsibility for fundraising but that Bishop Blase Cupich had accepted Bishop Skylstad’s request that he assist in this area. The Research Committee agreed it is important to preserve John Jay’s independence in doing the Causes and Context Study, but the Committee has a duty to make sure the research gets done on time. Dr. Ewers noted that the bishops are publicly committed to the Study and may appear to be backing away from funding it, based on a misunderstanding of some comments by original board members. [Note: Dr. Alice Hayes, as noted above, had agreed to help raise funds; Dr. McHugh had agreed to help John Jay prepare an application to the National Institutes of Health.]

Mr. DeStefano presented the final report of the Safe Environment Work Group which the Board unanimously endorsed. Ms. Kettelkamp reported that two dioceses did not respond to CARA's request for data to update Nature and Scope: Lincoln, Nebraska, which formally refused, and Indianapolis, which just did not respond. In addition, the Diocese of Baker, Oregon, and the Eparchy of Newton for Melkite Catholics declined focused audits which were based on their noncompliance last year.

The Board remains committed to extending audits to the parishes. Because the Administrative Committee is not yet persuaded, the Board will examine closely the results obtained from the volunteer dioceses this year to provide supportive experience for expansion.

June, 2007, Albuquerque, New Mexico

The Board met in Albuquerque, New Mexico, in June, 2007, in connection with the bishops' general assembly meeting. The meeting began with an orientation session for new members: Ms. Diane Knight, retired executive director of Catholic Charities for the Archdiocese of Milwaukee; Dr. Emmett Kenney, a pediatric psychiatrist with experience treating abuse victims; Justice Robert Kohm, a trial judge of the New York Supreme Court; and Dr. Susan Steibe-Pasalich, Director of the Counseling Center at Notre Dame University.

As part of the formal meeting, Judge Merz articulated his vision for the Board: the last two years have been marked by institutionalization of the Board, largely due to Dr. Ewers' diplomacy and emphasis on collaboration. Operating Guidelines were adopted, meetings of the Board and joint meetings with CPCYP have been regularly scheduled and the chairs of both groups have had a good, open working relationship. The Board has good functioning

committees and has provided personnel for joint work groups with CPCYP, an arrangement which eases communication and obtains support for initiatives. Looking ahead, the NRB must now evaluate the programs in place for effectiveness.

Ms. Kettelkamp distributed the American report to this year's Anglophone Conference which had just been held in Rome. The USCCB is sponsoring a workshop on internet pornography in September which Board members are invited to attend. OCYP is working with the Catholic Legal Immigration Network to identify means to conduct background checks on foreign-born priests serving in the United States.

Dr. McHugh oriented new members to the results of the Nature and Scope Study. As to Causes and Context, Dr. Giardino reported that John Jay has not yet provided a list of hypotheses to be tested in the study and its fundraising efforts so far have been frustrating. Dr. Ewers reported on her progress with the letter to the faithful and invited comment. Ms. Kettelkamp reported that the 2007 audits will begin June 25, 2007, in Austin, Texas. Eleven dioceses have agreed to participate in parish audits and fifteen audit preparation workshops have been completed.

Judge Merz appointed chairs and members to the Best Practices, Audit, Research, and Nominating Committees. Each committee was to present a work plan at the September meeting. The Nominating Committee, which will work with bishops from CPCYP, was asked to look for a communications person, a social scientist, and a person with higher education administration experience. The Board reiterated the decision made last year: all members should be lay people not employed by a diocese. Mr. DeStefano was elected vice chair and Ms. Knight was elected secretary, both for one-year terms.

At the request of the Conference, CARA did a study of Catholic attitudes on the abuse crisis at the fifth anniversary of the *Charter* and the Board discussed the results. Surprisingly, few Catholics know what has been done: many survey respondents recommended measures which have been in place for several years. Not surprisingly, the average Catholic is more likely to trust or like the local bishop and his or her own parish priest than to trust bishops or priests in general.

At the joint meeting with CPCYP, retiring members of the Board (Justice Maes, Dr. Bland, Mrs. Chiles, and Dr. McHugh) were thanked for their service. Bishop Blaire presented the final report of the Safe Environment Work Group and announced formation of a group to chart strategy for implementation. The CARA Study and Dr. Giardino's report on the status of Causes and Context were also part of the agenda.

On July 15, 2007, the Archdiocese of Los Angeles settled its litigation with victims for over \$600,000,000.

In August, initial discussions were held with Dr. David Finkelhor about how the Board might fashion and implement a study actually evaluating the effectiveness of safe environment training programs. The Catholic Medical Association report, instead of collecting fresh data on current effectiveness, simply reviewed old literature on the topic to reach its result that the training is ineffective.

September, 2007, Washington, D.C.

In September 2007 the Board met in Washington, D.C. Ms. Kettelkamp reported on the progress of audits to date. When a small number of parishes in a diocese is audited, the fact that

some of them might not be fully compliant with Article 12 will not affect the overall compliance for the diocese. However, in a larger diocese where, for example, thirty parishes might be involved, there could be an impact at the diocesan level. A Board member noted the importance of checking background on foreign-born priests. The Board heard a presentation by Msgr. Stephen Rossetti, President of St. Luke's Institute and one of the drafters of the *Charter*. He believes John Jay's estimate of the number of offenders who had only one victim is too high; the number should probably be less than 30%. In his judgment, zero tolerance remains a necessary measure because there is not and cannot be a 100% guarantee that a priest will not offend again.

The Board also met with Father Richard Vega, President of the National Federation of Priests' Councils. He represented that the NFPC and the Canon Law Society of America both need to be heard because they believe accused priests are not getting due process, including implementation of reinstatement rescripts being issued by the Holy See. He said most priests think of the NRB as useless and NFPC believes the Board should have a number of clerical members. Diocesan presbyteral councils should be included in the *Charter* review process.

Dr. Giardino made a further presentation on the root cause analysis process. He reported that John Jay has been asked to create a grid to track progress on fundraising for Causes and Context and to designate a staff person to work on fundraising. The Board agreed to split the focus of fundraising into two pieces. The OCYP with assistance from Bishop Cupich will take responsibility for raising \$650,000 from Catholic donors; John Jay will focus on other possible sources, including government funding.

Judge Merz reported that the *Charter* will be up for review for possible amendments in 2010 and the Board agree on a process to avoid having the NRB on the sidelines as it goes

forward. He recommended the Board ask CPCYP to collaborate on a joint working group as has been done successfully with other projects.

Mr. McGarry reported on audit progress. 190 dioceses and eparchies will receive on-site audits this year; Lincoln, Nebraska, and four eparchies have declined to participate. About 140 parishes will be audited from the volunteer dioceses. No major changes are anticipated in the audit instrument.

Mr. DeStefano reported on conversations with Dr. David Finkelhor on a safe environment training effectiveness study. The Board concluded that, with the difficulty we have had raising funds for the Causes and Context Study, it should probably not attempt another study at this time.

The Diocesan Review Board Resource had been forwarded by Bishop Aymond to the Canonical Affairs Committee of the Conference for review. Abp. Meyers, chair of that group, offered to have a bishop member and a canonist consultant to the Committee work on a revision.

The Board held a lengthy discussion on how standards relate to determining quality and effectiveness. Many members are familiar with the imposition of standards by various accrediting bodies and wondered why the Church should not be doing the same thing. Indeed, as one board member noted, the Church is quite insistent on imposing standards for, e.g., celebrating liturgy. A desire by the Board over time to impose standards has been met by the response that the Conference has no standard-setting authority, that bishops are accountable only to the Pope. When the alternative strategy of recommending best practices has been suggested, general counsel has taken the position that this exposes bishops to civil liability if they do not adopt something labeled a “best practice.”

Mr. Lancaster reported on the nominations process. The CPCYP expressed a desire that a priest be appointed to the Board and that the Board discuss the question at this meeting. The call for nominations has produced three priest nominees. There will be five vacancies to fill in June. After lengthy discussion, the Board maintained the position it had taken in June: the Board should remain entirely lay, in part because of a tendency of lay Catholics to defer to clerics on boards and in part because of the need to maintain the public perception that the NRB has an independent perspective. A spirit of collaboration does not imply clerical membership on the Board.

The Board heard a presentation on Causes and Context progress from Karen Terry, Maggie Smith, and Jim Kelly, a professor at Fordham who is cooperating as an investigator. Dr. Terry reviewed the historical, seminary, leadership, and clinical segments. She agreed John Jay would focus its fundraising efforts on the victimization and situational crime segments; she and Ms. Kettelkamp will develop agreed timelines for the study completion and for fundraising.

A joint meeting of CPCYP and NRB was held on September 10, 2007. The NRB reported the conclusion of its discussion of having a priest member. After discussion, the CPCYP felt NRB should meet with priests on a regular basis, but agreed that a priest member of the NRB was inopportune at this time. In discussing *Charter* review, the group asked OCYP to develop a timeline to share at the November meeting. It was noted that the Causes and Context Study may produce recommendations which should be included in any *Charter* revision. If any change is to be made to the zero tolerance rule, the suggestion should come from the NRB and not from the bishops' committee.

In October the chair addressed, at their request, the national convention of the Voice of the Faithful in Providence. Although told to expect a skeptical and perhaps hostile audience, the chair found the group anxious to find ways to collaborate.

November, 2007, Baltimore, Maryland

The Board next met in Baltimore in November 2007 in conjunction with the general assembly of bishops. Ms. Kettelkamp reported that 100 audits have been completed to date, with 97 dioceses completely compliant. Sometimes the non-compliance finding is a surprise to the local bishop who has not been kept abreast of problems by his own staff. However, the working relationship between auditors and bishops has become much smoother. To date, there are 643 new victims reporting abuse this year, 21 of whom are still minors.

Justice Kohm raised several concerns about the thoroughness of screening of foreign-ordained priests who are coming to the United States in increasing numbers because of the shortage of native-born priests. The Conference had published Guidelines for Receiving Pastoral ministers in 2003, and he asked whether it was being completely implemented and what orientation these priests receive to American culture, particularly in the area of acceptable boundaries. Ms. Kettelkamp reported that doing background checks on foreign priests is very difficult, given record keeping practices in some other countries. It was agreed that the Audit Committee would review the audit instrument to see if changes need to be made to meet these concerns and the Best Practices Committee would review the mentioned Guidelines to see if any best practices on background checks and orientation should be recommended.

Mr. DeStefano reported on the Diocesan Review Board Resource that, although a new draft had been prepared as Bishop Aymond requested, the draft could not be released to the NRB until the Canonical Affairs Committee had reviewed it and because that Committee was not meeting until after the NRB meeting was completed, it would not be possible to discuss the matter at this meeting. This produced a good deal of anger from the Board which unanimously instructed the chair to advise Bishop Aymond the Board was prepared, after having waited three years, to publish the document without approval by Canonical Affairs. After receiving this advice, Bishop Aymond agreed to become personally involved in pushing for an agreed text.

The Board accepted the Nominations Report and forwarded 13 names for further consideration. Dr. Ewers shared her draft letter to the faithful and invited further Board input. Ms. Kettelkamp distributed a *Charter* review timeline which calls for appointment of a joint CPCYP/NRB work group in November 2008 and consultation materials released to all bishops in February, 2009.

Dr. Kenney distributed a report he had prepared on child sexual abuse in American society generally. He disputed the statement made by the John Jay researchers in their September presentation that homosexuality was not a “driving force” behind the abuse crisis.

February, 2008, Teleconference

The Board met by teleconference on February 29, 2008. Prior to the call, Mr. Russionello resigned from the Board to accept appointment as United States Attorney for the Central District of California.

The Board discussed the 2007 Annual Report which shows 50% of the allegations made by current minors involve foreign-ordained priests. The Archdiocese of Denver was found non-compliant for failure to report an incident of boundary violation to civil authorities. After discussion, the Board supported the Gavin Group's determination of non-compliance. [The Archbishop of Denver requested and received an appellate hearing on this conclusion with the CPCYP in June, 2008, in which the chair participated. CPCYP upheld the finding of non-compliance.]

Having further studied the international priest question, Justice Kohm recommended that dioceses be asked to use their best efforts to do background investigations on incoming foreign-ordained priests, to provide safe environment training to them in their native language if needed, and to review with them legal standards on what constitutes sexual abuse of minors in the local jurisdiction. He proposed four questions to be added to the audit instrument to monitor compliance. It was noted that some of the questions were beyond the *Charter*, but the Board unanimously agreed to forward the recommendations to the joint Safe Environment Implementation Group.

Judge Merz reported that all the names approved by the Board as potential replacements were approved by Cardinal George, elected new President of the Conference in November, 2007. If also approved by the Administrative Committee, they will be interviewed by the chair, Bishop Aymond, and Ms. Kettelkamp. The Board recommended that, if there are more suitable candidates than can be appointed this year, Cardinal George should be asked to appoint persons to take office a year later.

Dr. Ewers presented recommendations of the Audit Committee to press again for acceptance of parish audits, which should be done on a percentage basis. The Board agreed to

raise the issue again, based in part on the success of these audits to date in volunteer dioceses. Dr. Giardino reported that Dr. McHugh and Dr. Bland had agreed to continue as consultants to the Research Committee. Committee members will meet with John Jay in April to discuss progress and are getting monthly reports.

The Board received and unanimously approved the Work Plan for Implementation of the Safe Environment Recommendations. The Committee on Catechesis, however, disapproves of adding safe environment material to catechetical textbooks. The renamed Canonical Affairs and Church Governance Committee again rejected the revised Diocesan Review Board Resource, even though one of their members and one of their canonist consultants had prepared the revisions. Moreover, it was a flat rejection without comment about what would make the text viable. The Board voted to advise the Committee it would publish the text “as is” in October unless a text was agreed to before then.

The Papal Visit

On April 16, 2008, Pope Benedict XVI arrived in Washington to begin a visit to the United States. Members of the Board were invited to the White House lawn for the welcoming ceremony. The Board was very gratified at the attention the Pope gave to the abuse issues throughout his visit, beginning even on the flight in. CPCYP had asked for some attention to the issue, but had received no advance assurances.

June, 2008, Orlando, Florida

The Board met in June in connection with the bishops' general assembly. New members Dr. Ruben Gallegos, Al Notzon, Dr. Thomas Plante, and Judge Geraldine Rivera were welcomed; Dr. Ana Maria Catanzaro, also appointed, was unable to attend and will receive a separate orientation from the chair. Olan Horne, one of the victims who had met with the Pope in April, was scheduled to meet the Board at his request, but cancelled after the meeting had begun.

The chair reported he had received a complaint about some dioceses using "private" investigators for child abuse cases. It was agreed that the appropriate criteria are whether the investigator has training with these kinds of cases and is truly independent. A bishop has requested an opportunity to review the resumes of the auditors assigned to his diocese in advance of their assignment, which the Board decided was inappropriate. Ms. Kettelkamp advised no diocese has been found non-compliant on the basis of parish audit results; this experiment should definitely be continued.

Dr. Giardino reviewed the status of the Causes and Context Study. Work is underway on five of the six segments, but no funding has yet been received for the victimization segment. While John Jay is not concerned about this, the Research Committee is. He recommended that senior board leadership meet with the President of John Jay to get his renewed commitment and that the bishops be prepared for having to fund the balance of the study themselves.

Mr. DeStefano and Ms. Knight attended the Safe Environment Coordinators conference in Seattle. The conference indicated it will itself publish standards for safe environment if the Board does not do so. Several dioceses were reported as engaged in measuring effectiveness,

including the Archdiocese of Boston. Nevertheless, the work of Safe Environment Work Group seemed little known among the safe environment coordinators.

The Diocesan Review Board Resource was discussed further. Msgr. Jenkins had prepared a new document, but it did not seem to track the draft the Board had approved. Three Board members with experience on local review boards all stated a resource such as this would be very helpful. The Board further determined to publish on its own if no agreed language could be found. The committees were repopulated with new members with Diane Knight to become chair of Best Practices and Susan Steibe-Pasalich to become chair of Research, in light of rotation off the Board of Mr. DeStefano and Dr. Giardino.

September, 2008, Washington, D.C.

In September, 2008, the Board met in Washington. Bill Gavin reported there were 47 on-site audits with 17 including parish audits. An additional diocese, Baker, Oregon, declined to be audited. Bishop Robert Vasa, who is also episcopal moderator of the Catholic Medical Association, does not support safe environment training and reasoned there was no point being audited if the diocese would be found non-compliant on that basis.

The chair reported that he had met with Cardinal George who wants very much to appoint a priest to the Board. Judge Merz was instructed to inform the President that the Board was strongly opposed. If any change is to be made, the Board believes it should be publicly debated during the *Charter* review process.

Ms Kettelkamp reviewed the *Charter* review timeline. Judge Merz has appointed Ms. Knight, Mr. Notzon, and himself to the *Charter* review work group, with Dr. Plante as an alternate who can replace Judge Merz when his term ends.

The Board heard a panel presentation by its members who do seminary screening (Drs. Steibe-Pasalich, Plante, and Kenney) as well as Fathers Steffes and Toups from Priestly Life and Sister Mary Bendyna from CARA. The Board learned that the types of screening and psychological testing now being done were not common in the 1960's and before. Fr. Toups mentioned that Pope John Paul had added "human formation" as a major component of seminary formation.

The Best Practices Committee supported the upcoming *Charter* workshop for bishops newly appointed since Dallas. They also approved diocesan and parish self-assessment tools to supplement the audits.

Regarding the Diocesan Review Board Resource, Ms. Kettelkamp will prepare a draft which combines the Best Practices work with the more canonical draft from Msgr. Jenkins.

Dr. Steibe-Pasalich reported that the Research Committee is now meeting monthly by telephone with John Jay which will have preliminary reports on the first three segments of Causes and Context by December, 2009. As suggested by Dr. Giardino, she, Ms. Kettelkamp, and Judge Merz met with Jeremy Travis, President of John Jay in August. Major Catholic donors seem to see this Study as one the bishops should fund themselves. John Jay has two federal grant proposals pending for a total of \$800,000. By August, 2009, John Jay will know whether grant avenues have been exhausted.

At the suggestion of Mr. Notzon, the Board discussed a possible strategic planning process. Mr. Notzon and Ms. Kettelkamp will prepare to start that process at the November meeting.

November, 2008, Baltimore, Maryland

In November, 2008, the Board met in conjunction with the bishops' general assembly meeting in Baltimore. The chair reported grants for the Causes and Context Study had been received from the Sisters of Charity Ministries Foundation and from the family foundation of William Burleigh, an original Board member.

As of October 28, 2008, thirty-five full audits had been completed, with seven including parishes. One diocese had 22,000 parents opt out of the training; Deputy Director Mary Jane Doerr said this was an increasing phenomenon. In response, Dr. Kenney said he agreed with Bishop Vasa's rationale for not participating and that any safe environment training should be age appropriate. Another member had reviewed three safe environment programs and found nothing age inappropriate. Ms. Doerr also reported an increase in child pornography findings in the audits.

The Audit Committee reported its concern that religious orders do not participate in the audit process. A revised Diocesan Review Board Resource booklet was distributed which embodied Msgr. Jenkins' work. It is expected to be approved by the CPCYP for distribution. The NRB approved the document.

Only seven candidates were nominated for vacancies on the Board next year. The Nominations Work Group found five of the nominees acceptable. The Board concurred and will

present those names to CPCYP at the joint meeting. Given the Board's experience of turnover, it was agreed to change the term of office to four years in the Operating Guidelines; Judge Merz was instructed to seek Administrative Committee approval.

Diane Knight and Bishop Blase Cupich Become Leaders

As the November meeting concluded, Judge Merz solicited nominations for chair-elect. Dr. Thomas Plante and Ms. Diane Knight were unanimously nominated. The Board discussed having a fourth in-person meeting each year, but the discussion was inconclusive.

At the November general assembly of the bishops, Bishop Blase Cupich of Rapid City, South Dakota, was elected chair of the CPCYP to succeed Bishop Aymond. In December, the fifth anniversary Letter to the Faithful prepared by Dr. Ewers was published, as well as the Diocesan Review Board resource pamphlet. In early January, 2009, Cardinal George named Diane Knight to be chair-elect and become chair at the conclusion of the June, 2009, meeting.

Judge Merz published an op-ed piece in The Boston Globe in response to release of the movie Doubt. Some language in the editorial was thought by VOTF to be too laudatory of progress. Rather than trade public jabs, Judge Merz invited the VOTF leadership to meet and discuss mutual expectations. They accepted and sent Patricia Gomez, Dan Bartley, and Bill Casey to meet with Judge Merz, Diane Knight, and Teresa Kettelkamp in New York in early March, 2009. They reported their group's perspective is much broader than the NRB's: they seek more general reform of the Church, although originally focused solely on the abuse crisis. They strongly support completion of the Causes and Context Study and would like to see the NRB do a retrospective on the Causes and Context Phase I Report.

March, 2009, Teleconference

The Board held a teleconference meeting March 24, 2009. Judge Merz reported on the meeting with VOTF leadership, on the good reception the Diocesan Review Board Resource had received, and that the Administrative Committee approved asking the general assembly in June for release of the balance of the \$1 million set aside for the Causes and Context Study.

Ms. Kettelkamp reported that the 2008 Annual Report had been published. Only three audit workshops will be offered this year. She also reported that all USCCB staff were going through a strategic planning process. Information compiled from the audits which could be useful to a number of dioceses has been posted on the website. Ms. Knight reported that she and Judge Rivera attended the Safe Environment Coordinators Conference in Chicago.

The Nominations Work Group presented the names of Mike Clark, Antoine Garibaldi, and Stephen Zappala to the Administrative Committee which approved interviewing them. After interviews, two of the three will be appointed to begin this June. They will join Judge Anna Moran and Dr. Charles Handel who were appointed in 2008 to begin their terms this year.

While the Research Committee continues to meet monthly with John Jay, the researchers were late with the interim three-segment report which was due in December. Funding for the victimization segment is still \$359,000 to \$609,000 short. Because of this and concerns with the methodology proposed to be used, John Jay will substantially refocus the victimization segment.

Judge Merz reported that a *Charter* review work group meeting was held on March 23, 2009. All input to the process must go through the local ordinary and Mr. Notzon devised a ranking system for proposals to help decide which should receive further consideration.

June, 2009, San Antonio, Texas

As usual, the June, 2009, Board meeting began with orientation of new members. Judge Merz reported on the Anglophone Conference in Rome at the beginning of June: The Ryan Report from Ireland was bad, but there is worse coming. Msgr. Charles Scicluna, prosecutor of child abuse cases for the Congregation for the Defense of the Faith, met with Conference members and indicated the Vatican is concerned about the United States having “particular” law on this subject, law which is different from the universal canon law.

The Board reviewed a DVD entitled The Healing Circle which features a restorative justice exercise involving Archbishop Timothy Dolan, an offender, a victim, a deceased victim’s mother, and others.

After discussing extension of terms, the Board voted formally to amend the Operating Guidelines to extend terms to four years. Members starting in 2010 would have that as an expectation and current members would have the option of extending their terms to four years.

Ms. Knight having been appointed chair, the Board elected Dr. Plante as vice chair and Dr. Catanzaro as secretary. Justice Kohm will chair the Audit Committee, Dr. Steibe-Pasalich the Research Committee, Mr. Notzon the Nominating Committee, Judge Rivera the Best Practices Committee, and Mike Clark the Communications Committee. Mr. Notzon then facilitated the strategic planning process.

Dr. Karen Terry and Ms. Maggie Smith from John Jay presented the Preliminary Report on Causes and Context which they later presented to the general assembly of bishops.

Post Script

When I first presented this history to the National Review Board in June 2010, they asked me to summarize my personal reflections on the history and its possible lessons. Here they are.

It is difficult to build consensus for new policy in large, decentralized institutions. Leaders among the bishops knew as early as the mid-80's that clerical sexual abuse of minors was a national problem, but it took the crisis of 2002 to forge a consensus – virtually unanimous - to adopt in the *Charter* binding policy changes which had been discussed for many years.

Consensus on a new policy document does not imply consensus on its implementation. The idea of auditing compliance with the *Charter* at the diocesan level is well established, but auditing parish compliance is far from universal. Removing offenders from the clerical state, accepted by the Vatican in its *recognitio* of the Essential Norms, has required a painfully slow canonical process. The National Review Board – an innovation of the *Charter* – is now well accepted, but there has been much struggle over its role: Should it be “independent” or “collaborative”? Should it merely monitor compliance with the Charter or should it offer broad advice on protecting children in the Church? Should it be a lay board or accept clerical members?

Constituencies forged in crisis are not stable. Some constituents will try to use a crisis to leverage additional changes in an institution. Some will look to return to “business as usual” once the crisis passes. In these things the Church is not very different from other large human institutions. Recognizing these very human dynamics can help members of the Board avoid the frustration which comes when the pace of change is thought to be too slow. As of this writing, the NRB has, so far, met Bill Burleigh’s hope from March 2004: it has endured as a “fairly

independent group of lay people” well positioned to remind the American Church of its obligation to keep children safe.

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Michael R. Merz