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Adult to Adult: One Historian's Reading of the Vatican Report on Theodore McCarrick

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Abstract

On 10 November 2020, the Secretariat of State of the Holy See released the Executive Summary of the report on Vatican involvement in the case of the now defrocked and indicted former Cardinal of Washington, DC, Theodore McCarrick. For subject matter and public dissemination, the report is an unicum; as such, it represents a timely window into sexual harassment and abuse by Catholic clergy of individuals who were not minors and the way in which the clergy has sought to hide unethical and criminal activities from the faithful. “Adult to adult” was an easy rationalization for reprehensible behavior, particularly the sexual abuse of Catholic seminarians.

Adult to Adult: One Historian's Reading of the Vatican Report on Theodore McCarrick

A Mother's Appeal

“We need to get him out of our lives.”¹

As a Catholic mother from New York City walked to a mailbox outside the residence of Bishop Theodore McCarrick in Metuchen, New Jersey, she could feel her heart pounding so hard that it felt as if her chest might explode. She had chosen a beautiful, sunny day to act on her conviction that, as a priest years earlier, McCarrick had sexually abused her sons.² The resolute mother drove to Metuchen sometime in the mid-1980s, in the years when McCarrick was bishop. She parked near a branch of the Metuchen Public Library and spent the entire day inside. “Feeling pure anger,” she vented her fury in a series of brief letters she addressed to the highest ranking Catholic leaders in the United States.³ What she wrote that day reflected a profound change in her attitude toward the clergyman.

The mother first met McCarrick in the 1970s, when he was secretary to Terence Cooke, cardinal-archbishop of New York. Her husband was an Irish immigrant who worked two jobs to support the family and revered the Catholic priesthood. The couple had sacrificed to send their children to Catholic schools and assured that they attend daily Mass. After meeting McCarrick, the parents invited him to the family home for dinner. He proved a charming guest, entertaining all as he dominated the conversation. That led to renewed invitations and almost weekly visits. The priest felt himself welcomed as a member of the family. He insisted that the adults call him Fr Ted, and he urged the children to address him as Uncle Ted or Unk for short. If they spoke to him in another way, he did not hide his displeasure. Over time, Uncle Ted brought along other young boys, who regaled the children with accounts of the fun they had on overnight outings with the priest. McCarrick ingratiated himself by flattering the family as “good Catholics.”

Over time, the mother became suspicious. She found that Fr Ted had a strange interest in boys and almost no interest in girls. She verified her instincts as she observed the inappropriate ways that the priest touched her sons. He would stand behind one teenage boy, embrace him tightly, and rub his chest. On overnight trips, Fr Ted introduced her sons to alcohol. Her feelings were dramatically bolstered one evening, when the family hosted Fr Ted for dinner. While ferrying a casserole from the kitchen to the dining room, the mother caught sight of the priest sitting on the couch between two of her sons and massaging the inner thigh of each. Her shock was so great that she almost dropped the casserole. McCarrick seemed to sense that the mother's attitude was changing. When she told him that her son had chosen to attend his first dance as a freshman instead of an overnight trip with the priest, he upbraided her, told her that the family owed him, and insisted that the son should be coming with Uncle Ted. Despite her husband's objections, the mother ushered McCarrick out of their lives.

¹ “Report on the Holy See's Institutional Knowledge and Decision-Making Related to Former Cardinal Theodore Edgar McCarrick (1930 to 2017),” prepared by the Secretariat of State of the Holy See, Vatican City State, 10 Nov. 2020, 40 (hereafter cited as Vatican Report). https://www.vatican.va/resources/resources_rapporto-card-mccarrick_20201110_en.pdf.

² Vatican Report, 37-47.

³ Vatican Report, 44.

By the mid-1980s, after McCarrick had been made bishop of a diocese, the mother grew concerned that his abusive conduct was ongoing and he was harming other children. She felt that she had come upon a sure-fire way to stop him. To alert his fellow priests to the danger, she would write a letter to the hierarchical leadership. Her thinking clarified after she attended a series of lectures on sexuality that a priest-psychologist offered at her local parish. At the Metuchen Branch Library, she pulled the *Catholic Directory* from the shelf and compiled the names and addresses of the papal nuncio and all the American cardinals. She composed and handwrote a three-paragraph letter to each in which she expressed her rage for the way that McCarrick had inappropriately fondled her sons. To underline the “inappropriateness,” she used the word “children” and specified that her boys were minors (ages 13-14).⁴ To assure that her family did not suffer negative consequences, she sent each letter without a signature.

The mother’s planning culminated when the moment arrived to post the letters. She had equipped herself with the address of McCarrick’s episcopal residence and intended to mail the letters from the box nearest that address. She presumed that the bishop would one day see the postmarks. The plan was not without risk because the nearest mailbox was right outside the door of the residence. McCarrick might walk out and recognize her. She worried that her discovery would lead to negative repercussions, especially were McCarrick to make the life of her sons difficult. Despite the risk, she saw the plan through and mailed the stamped letters from the green box fronting his residence. She returned to her car with a sense of relief that she had successfully defended other children. She drove home, anticipating a swift, decisive response from Catholic leadership.

As time passed, the mother’s heart sank. Nothing changed. She began to entertain the possibility that the Catholic clergy was a closed fraternity of men who knew all about sexual abuse in their midst and chose to ignore it. Rather than confronting a single sexual abuser, she worried that she was confronting an evil web of conspiracy. From that day forward, she nurtured one daily regret, namely, that she had not acted more firmly at an earlier juncture. Nothing was ever done, and McCarrick was free to continue his behaviour. She felt nauseous because she knew that further victims were assured. The concerned mother was right, as the Vatican Report and the verdict of McCarrick’s penal procedure spell out. McCarrick was found guilty of acts against the Sixth Commandment involving both minors and adults, with the aggravating factor of abuse of power. Forty years after the mother’s attempt to alert church authorities, McCarrick was dismissed from the clerical state. No copy of the mother’s letter turned up at the US Nunciature or in the archives of the US dioceses then directed by a cardinal-bishop.

Non-anonymous Allegations

(1) Metuchen Seminarian/Priest 1

“Don’t worry – you’re next.”⁵

The Vatican Report labels the individual in question Priest 1. However, at the time of his abuse by McCarrick, he was a seminarian for McCarrick’s diocese. He began his preparation for priesthood in 1986 and was ordained for the Metuchen Diocese in 1990. Seminarian 1 first shared

⁴ Vatican Report, 44.

⁵ Vatican Report, 79.

the news of his abuse in 1993 with Bishop Edward Hughes, who had succeeded McCarrick.⁶ The revelation came after a spiritual advisor urged the priest to inform the bishop of his “sexually inappropriate relationship” with two teenage boys at his parish.⁷ In preparing his account, the priest recalled his own abuse by Bishop McCarrick. In November 1993, Bishop Hughes sent the priest to a treatment center for Catholic clergy. The Center’s Psychological Assessment included the priest’s account of McCarrick’s “misconduct” toward him as a seminarian. The two episodes were preceded by multiple phone calls from McCarrick while the seminarian was home for the summer in 1987.

McCarrick invited the seminarian to join him and two other priests for a day of fishing at a camp in Eldred on Lake Elkin. The foursome then spent the night in a motel in a room with two double beds. McCarrick and one priest (Priest 2) shared one bed, while the seminarian (Priest 1) and the other priest (Priest 7) shared the second bed. As the seminarian was lying on the bed watching television, he claimed that he saw McCarrick crawl on top of Priest 2 and the pair begin to touch intimately. While the priest sharing the bed with the seminarian assured him that everything was fine, McCarrick caught his eye and told him not to worry because he was next. In June 2006, Seminarian 1 added further details to his account in an Incident Report Form prepared by Mr. Lawrence Nagle, the Director of the Office of Child and Youth Protection for the Metuchen Diocese. Attached to the report were a ten-page, unsigned letter that Seminarian 1 wrote to Bishop Hughes in 1994 and a four-page, unsigned and undated document allegedly composed by Seminarian 1.⁸ The two documents specified that McCarrick dictated the assignments for sleeping, that the seminarian saw McCarrick and Priest 2 having sex, and that he glimpsed McCarrick sitting on the crotch area of Priest 2 and excitedly caressing the priest as he used his hands to roam all over his body. Simultaneously, the priest sharing the bed with Seminarian 1 rubbed the seminarian’s back and shoulders. On a walk with Bishop McCarrick the following morning, McCarrick told him, “Just think how fortunate you will be to hear a bishop’s confession like <Priest 2> just did.”⁹

Testimony from Priest 2 disputed elements of the account of Seminarian/Priest 1. That testimony came when Priest 2 sought to establish that he too was a victim of McCarrick. In 2018, during an interview with a New York *Times* reporter, Priest 2 was shown a copy of Priest 1’s account. He confirmed that McCarrick engaged in physical contact with him that was “extremely inappropriate” and made him uncomfortable. He denied that McCarrick sat on his crotch, lay face-to-face on his body, moved his hands all over his body or inside his underwear, and said to Seminarian 1, “You’re next.” Priest 2 also denied that, the following morning, he heard McCarrick’s confession and absolved the bishop, and he did not believe that McCarrick heard his own confession.¹⁰

Later that summer, McCarrick invited Seminarian 1 to drive to New York, where he had a scheduled meeting with businessmen. Seminarian 1 decided to accept because he anticipated that McCarrick would use the opportunity to explain his behavior during the fishing trip. In the Psychological Assessment, the seminarian disclosed that, after dinner, McCarrick took him to his New York apartment where he told the seminarian they would spend the night. After McCarrick

⁶ Vatican Report, 77-82.

⁷ Vatican Report, 77.

⁸ Vatican Report, 249-69.

⁹ Vatican Report, 253.

¹⁰ Vatican Report, 253n833.

showered, given that there was only one bed, he invited Seminarian 1 to sleep with his bishop. While in bed together, McCarrick touched the seminarian and wrapped his legs around him. Early in the morning, the seminarian jumped out of bed and told McCarrick he did not feel well. When the seminarian returned from the bathroom, McCarrick told him to put on a striped shirt and tight shorts he kept there. Seminarian 1 said that his next memory was driving home the following morning.

The documents attached to the Incident Report of 2006 again supply further details. The meal had lasted two and a half hours and featured wealthy couples and representatives from the local Teamsters Union. McCarrick did most of the talking, and the issue was money. When the meal ended, McCarrick took Seminarian 1 on a walk around Manhattan and pointed out the historic sites. By the time they finished, McCarrick noted the late hour and said they would spend the night in the city. Seminarian 1 assumed they would sleep in separate rooms in a hotel, but McCarrick instead ushered him to his apartment. When Seminarian 1 saw how small the apartment was and its sole bed, he was appalled. In bed, McCarrick moved close to the seminarian, hugged him, and rubbed his chest and crotch. The seminarian at some point leapt from the bed and excused himself to take cough medicine. After a delay in the bathroom, he returned to find McCarrick proffering the striped sailor shirt and tight shorts. He ordered the seminarian to put them on. The seminarian complied because he feared that, if he refused, McCarrick would expel him from the seminary. McCarrick touched the seminarian's body, pressed against his buttocks, slipped a leg between his two, pushed his knee up into the seminarian's genitals, and rubbed his erect penis against the seminarian's buttocks. The seminarian got up out of the bed and slept the rest of the night in a recliner. When the two separated the next day, McCarrick assured the seminarian he would be in touch. He was, calling often to the home of the seminarian's parents and his parish residence.

After learning about the two 1987 episodes, Bishop Hughes sent Seminarian/Priest 1 to a hospital, where was still being treated in August 1994. It was from the hospital in May 1994 that the priest wrote the ten-page letter to Hughes. Twelve years later, the document was attached to the Incident Report. Though the files of the Metuchen Diocese do not prove that Hughes received the letter, the Vatican investigators were convinced that he had. When the priest was transferred to a new diocese, his file from Metuchen was sent there. The letter was traced in those files, but it was missing the first four pages with the details of the two encounters with McCarrick.¹¹ The opinion of those who treated Priest 1 was unanimous that he was not an offender but a victim. In April 1995, the Center's psychologist wrote Hughes and contended that Priest 1 was a victim of sexual harassment in the seminary, in the Diocese of Metuchen, and at the hands of other priest patients at the hospital.¹² Hughes was skeptical and rejected that conclusion. He returned Priest 1 to limited ministry in November 1995. That same month, Hughes sought a second opinion from a Pennsylvania psychiatrist, Dr Richard Fitzgibbons. Fitzgibbons came to the same conclusion: Priest 1 had been victimized. Hughes remained skeptical and asked for a more detailed explanation. There is no evidence that Hughes informed any official of the Holy See about Priest 1's accusations until asked explicitly for information about McCarrick in 2000.¹³

Dr Fitzgibbons did. He was so concerned about the case that he traveled to Rome in March 1997. In Rome, he met with an official of the Congregation of Bishops, presented verbal testimony about the disturbing information on Bishop McCarrick, and, when requested, submitted a signed

¹¹ Vatican Report, 80n359.

¹² Vatican Report, 80.

¹³ Vatican Report, 82.

letter with that information. He characterized Priest 1's history as the most troubling he had encountered in twenty years of practice. Two other priests at the Center corroborated the account of Priest 1 by offering their own testimony that they had suffered sexual trauma at the hands of McCarrick. Fitzgibbons testified that he undertook the Rome trip to protect the Church. If the account of Priest 1 became public, he feared that numerous other accusations may come to light. They did, but there is no evidence that anyone ordered or conducted an investigation based upon the information that Fitzgibbons supplied.¹⁴

Church officials continued to be skeptical of the credibility of Priest 1. A memo of the Nuncio Cacciavillan characterized the priest as "psychiatrically disturbed" and therefore not a reliable witness.¹⁵ In August 2004, Priest 1 presented a petition for hierarchical recourse against his bishop to the Congregation for the Doctrine of the Faith. Because the Congregation had no prior information on the case, the members asked the bishop to assemble relevant documentation. That submission arrived in late June 2005 and included summaries of the allegations against McCarrick. In November, after Pope Benedict became aware of the new details related to Priest 1's accusations, he reversed the decision to extend by two years McCarrick's tenure as archbishop of Washington, DC.¹⁶ In 2006, lawyers for Priest 1 and the Diocese of Metuchen engaged in negotiations for a settlement of the priest's pending civil complaint. A part of the dossier for the complaint was the aforementioned Incident Report and its two attachments. In August 2007, the parties reached agreement on a settlement for \$100,000. McCarrick attempted to coerce Seminarian 1 into signing a letter attesting that McCarrick never had sexual relations or sexual contact with him nor did he witness McCarrick having sexual relations with anyone else. Seminarian 1 and his counsel refused because it would be a lie. McCarrick was infuriated with the Diocesan lawyers for not getting a firm confidentiality agreement as part of the settlement. No record shows that the Vatican received word of the final settlement at the time.¹⁷ After 2017, when a credible accusation that McCarrick had abused a minor in New York in the 1970s reached the Vatican, Priest 1 declined to give live testimony or a sworn declaration as part of the formal judicial proceedings against McCarrick.¹⁸

(2) Metuchen Seminarian/Priest 2

“<M>y experience with McCarrick made me feel extremely uncomfortable, but it stopped short of being sexual.”¹⁹

Priest 2 allowed the Vatican to identify him. His name was Robert Ciolek, and he left the priesthood around a year after ordination for the Metuchen Diocese because he had become involved with a woman. He went with Seminarian 1 on the outing to the Fishing Camp in 1987. That night, he shared a queen-sized bed with McCarrick. The details provided by Seminarian 1 and denied by Ciolek need not be rehearsed again. In all his statements about McCarrick, Ciolek maintained that the bishop engaged in physical conduct that made him most uncomfortable, but he

¹⁴ Vatican Report, 119-23.

¹⁵ Vatican Report, 143.

¹⁶ Vatican Report, 229-32.

¹⁷ Vatican Report, 268-69.

¹⁸ Vatican Report, 437n1380.

¹⁹ Vatican Report, 223n772.

did so out of view of others and without crossing the boundary to explicit sexual activity. Seminarian 1 characterized their interaction as overtly sexual.²⁰ When Ciolek petitioned for dismissal from the clerical state in September 1995, he recounted that McCarrick took him along on various trips and vacations, including one to Puerto Rico, and he added that he had stayed overnight at the Newark episcopal residence. However, in that petition, Ciolek said nothing about an inappropriate relationship.²¹ The first reference by a church authority to any mistreatment of Priest 2 came in a letter from Cardinal O'Connor to the Apostolic Nuncio Gabriel Montalvo. The letter was dated 28 October 1999. O'Connor introduced the subject as one of several concerns he had if McCarrick were to succeed him in New York. O'Connor noted that McCarrick had given much attention to the young priest he ordained and took him along on a trip to Puerto Rico. According to Montalvo's predecessor, Archbishop Agostino Cacciavillan, as written, the statement was innocuous. At that juncture, like Ciolek, O'Connor would not characterize the relationship as inappropriate.²²

Matters began to evolve when reporters from various newspapers contacted Ciolek in 2002. The contacts occurred in the weeks and months immediately after the sexual abuse scandal exploded and McCarrick emerged as a leading voice for reform. A reporter for the *Washington Post* named Caryle Murphy contacted Ciolek, who told her he had no desire to speak on or off the record. He refused to confirm her lead that Ciolek had been to the New Jersey beach house and shared a bed with McCarrick. In a later interview with Vatican investigators, Ciolek remembered receiving inquiries from three newspapers that spring and refusing to speak to any of them. However, the repeated probing led him to begin reflecting on his past experiences. For the moment, he remained focused on his young family and a new job. Two years later, everything changed.²³

In 2004, Ciolek entered into mediation with three US dioceses (Trenton, Metuchen, Newark) in lieu of a civil trial. Ciolek testified that he was sexually abused as a minor by a teacher at his Catholic High School, that he was subjected to sexual misconduct by a faculty member at his Maryland seminary, and that his interactions with McCarrick were highly inappropriate. As his bishop, McCarrick arranged sleeping arrangements on overnight trips and engaged in physical contact in bed that unnerved him. From 2004-5, the Nunciature received detailed information related to Ciolek and McCarrick.²⁴ Bishop Wuerl of Pittsburgh gave Montalvo a signed statement from Ciolek, which included his allegations of abuse in high school and the seminary, as well his mistreatment by McCarrick. The signature elevated the import. Church authorities could not summarily dismiss the accusation because it was anonymous. Ciolek testified that McCarrick took him on overnight or weekend trips to the beach house. The trips in themselves were already problematic, but the sleeping arrangements and conduct of his bishop exacerbated the impropriety. McCarrick often chose Ciolek to share his double bed. Their contact generally began by exchanging back rubs. The beach house procedures were the norm for other trips and vacations to the Fishing Camp, a night at the tiny New York apartment after a Yankees game, and the longer journey to Puerto Rico. Wuerl later testified that he knew McCarrick's behavior was inappropriate, if Ciolek recounted matters truthfully. However, Wuerl focused on the other two accusations of sexual abuse with a minor and seminarian because they had greater exigency. The allegations about

²⁰ Vatican Report, 253n833.

²¹ Vatican Report, 133n507.

²² Vatican Report, 133.

²³ Vatican Report, 222-23.

²⁴ Vatican Report, 225-28.

McCarrick did involve a cardinal, so Wuerl felt that he had to forward them to the nuncio. There is no record that Montalvo sent Ciolek's sworn statement to Rome. Montalvo was seriously ill at the time.

On 24 February 2005, Archbishop Myers of Newark wrote to Nuncio Montalvo, informing him of the mediation that had occurred between Ciolek and the three dioceses. Myers noted that Ciolek's statement was in accord with rumors about McCarrick and underlined the danger if the document became public. Ciolek's attorney had characterized yet again the sharing of beds and exchanging of back rubs as extremely inappropriate and added that such behavior by a superior might legally constitute sexual harassment. There is no indication that Myers's letter was forwarded to the Vatican. In late June 2005, Ciolek settled with the three dioceses for an award of \$80,000. McCarrick apparently sent the Metuchen Diocese a check for \$10,000 as a contribution to the settlement. Ciolek testified that the three dioceses insisted on a strong confidentiality agreement covering everything as the sine qua non for any settlement.²⁵ On 2 December 2005, a Catholic journalist named Matt Abbott described in a blog online the allegation that McCarrick and Ciolek had shared a bed. Shortly thereafter, Bishop Bootkoski of Metuchen forwarded explicit allegations against McCarrick that Seminarian 1 and Ciolek had made. The allegations included sexual contact with Seminarian 1 and inappropriate physical contact with Ciolek. Bootkoski quoted an email in which Ciolek described frequent trips to the beach house, sleeping arrangements that were always improper, sharing McCarrick's bed, and, at times, engaging in unseemly contact. Things were no different on trips to the resort in Eldred, the overnights at the small apartment, and the trip to Puerto Rico.²⁶

(3) Brazilian Priest 3

“McCarrick tried to convince me that priests engaging in sexual activity with each other was normal and accepted in the United States.”²⁷

Priest 3 allowed the Vatican to identify him as Lauro Sedlmayer, ordained in his native Brazil in 1985.²⁸ In 1986, Sedlmayer learned of a pastoral need for Portuguese-speaking priests in New Jersey. By 1988, his Brazilian bishop gave him permission to go to the United States, where he arrived with minimal command of English. His first assignment was to the Portuguese-speaking parish of St. Benedict in Newark. In early 1989, McCarrick, then bishop of Newark, received permission for Sedlmayer to stay in the United States. He combined his work at St. Benedict with ministry to Portuguese and Brazilian immigrants in the Diocese of Metuchen, where Bishop Hughes welcomed his collaboration. By 1991, Sedlmayer “began to receive special attention” from McCarrick.²⁹ Sedlmayer accepted McCarrick's invitation to the beach house in New Jersey because he assumed the two were going to discuss his apostolate. Two other priests joined

²⁵ Vatican Report, 228n783. The letter of Myers made reference to one or two previous settlements by the Metuchen Diocese, in which McCarrick played a leading role. The inquiry failed to identify any previous civil settlements, and a search of the Metuchen archives turned up no evidence.

²⁶ Vatican Report, 235-36.

²⁷ Vatican Report, 84.

²⁸ Vatican Report, 82-86, 378-89. Sedlmayer signed a certification under penalty of law in March 2012 and granted an interview to Vatican investigators in 2020.

²⁹ Vatican Report, 83.

McCarrick and Sedlmayer on the overnight stay but never said a word about what happened. At bedtime, in view of the other priests, McCarrick took Sedlmayer to his bedroom and locked the door. When McCarrick requested a back massage, Sedlmayer obliged, even though he found it “very strange” to do so in a locked bishop’s bedroom.³⁰ The massage led to “explicit sexual activity.”³¹ Maintaining an avid interest, McCarrick sent a limousine to chauffeur Sedlmayer to the Waldorf Astoria Hotel. The two retired to McCarrick’s room where they engaged in sexual activity. The third episode in 1991 again occurred at the Waldorf Astoria and again involved conduct that was sexual. Sedlmayer explained that he felt vulnerable as an immigrant and a priest when interacting with his hierarchical superior. Still, he did object to the sex. McCarrick tried to put him at ease by contending that sexual activity among American priests was normal and tolerated, particularly in the Newark Diocese.

To put an end to McCarrick’s relentless pursuit, Sedlmayer moved in September 1991 to a parish in Metuchen where he was already serving part-time. Sometime around 1993, Sedlmayer’s confessor encouraged him to report his experience with McCarrick to Bishop Hughes. Sedlmayer found an occasion in 1994 when he was meeting with Hughes to invite him to a event at the parish. In his accounting to the bishop, he acknowledged his shame but consciously used graphic language to underscore that the two engaged in sexual conduct on multiple occasions.³² Hughes gave Sedlmayer blunt advice. The priest should forget about McCarrick’s “misconduct,” and he should forgive McCarrick “for the good of the Church.”³³ Afterwards, Hughes incardinated Sedlmayer in the Metuchen Diocese. There is no record that Hughes ever told anyone what Sedlmayer had shared.³⁴ Sedlmayer next discussed his relations with McCarrick when he was in counseling in 2010.

In August 2011, Sedlmayer filed a civil complaint against the Diocese of Metuchen, the Archdiocese of Newark, and Bishop Bootkoski of Metuchen.³⁵ Although the complaint did not name McCarrick as a defendant, it described “in explicit detail” the three times they had partnered for sexual activity in 1991.³⁶ In March 2012, Sedlmayer signed a certification under penalty of law that spelled out the three incidents. The signed statement only reached the Vatican in 2020.³⁷ Neither the Diocese of Metuchen nor the Archdiocese of Newark forwarded the signed certification, the legal complaint, or the psychological assessment that The Advent Program provided based upon thirteen therapy sessions. In August 2012, Sedlmayer wrote to Nuncio Viganò in Washington. He characterized McCarrick as a sexual predator, he characterized himself as one of McCarrick’s victims who had been sexually assaulted by his Bishop, and he assured the nuncio that would go public with his information. A week later, Viganò wrote to Cardinal Ouellet,

³⁰ Vatican Report, 84.

³¹ Vatican Report, 84.

³² Vatican Report, 86. Sedlmayer testified that he could not recall the exact wording about the sexual activity, but he was sure he had also used expressions like “touched me” and “masturbation.”

³³ Vatican Report, 87.

³⁴ In cooperating with the inquiry from 2017 on, officials at the Diocese of Metuchen informed the Vatican that the Diocese had received reports of allegations by Priests 1, 2, 3, and 4. See Vatican Report, 447.

³⁵ Vatican Report, 378-88.

³⁶ Vatican Report, 378.

³⁷ Vatican Report, 423.

Prefect of the Congregation of Bishops, and he attached a copy of Sedlmayer's letter. He likewise sent copies to Archbishop Becciu, first Substitute in the Secretariat of State, and Archbishop Müller, the new Prefect of the Congregation for the Defense of the Faith. Acknowledging that Sedlmayer's initiative "may represent a grave new risk," Viganò asked Ouellet for instructions.³⁸ On 12 September, Ouellet charged Viganò to verify the personality and reliability of Sedlmayer by making a confidential inquiry with the Vicar General or the Vicar for Clergy of Metuchen.³⁹ Viganò did neither and only contacted Bishop Bootkoski. Bootkoski assured the nuncio that Sedlmayer was "neither credible nor reliable."⁴⁰ Cardinal Oulet further instructed Viganò to reply to Sedlmayer and shed light on the precise character of his accusations. Viganò never replied to Sedlmayer or followed up on the Brazilian priest's offer to supply the evaluation from his treatment at The Advent Program, his legal filings, or other documentation. The nuncio and Holy See received the civil complaint in late 2018, and the Holy See received the signed certification in 2020.

On 20 May 2013, after the election of Francis as Pope, Bishop Bootkoski wrote to Nuncio Viganò to update him on Sedlmayer's allegations.⁴¹ Bootkoski felt vindicated and declared victory. The confidential settlement negotiated between the Diocese of Metuchen and Sedlmayer included no admission of liability, the civil action was dismissed with prejudice, meaning Sedlmayer could not refile, and the calumny of Sedlmayer against McCarrick and himself was patent. Viganò sent Bootkoski's accounting to Cardinal Ouellet along with a cover letter. Ouellet decided not to bring the matter to the attention of Pope Francis since the allegation did not involve a minor.⁴²

(4) Metuchen Seminarian/Priest 4

"Oh, I'm not doing anything.... Uncle Teddy is under pressure."⁴³

Seminarian 4 became a parish priest after ordination and also held administrative positions in the Diocese of Metuchen.⁴⁴ As an administrator, he interacted with McCarrick and Hughes, McCarrick's successor as bishop. Shortly after entering the seminary in 1984, he received a call from the Diocesan Vocations Director, Monsignor Anthony Joseph Gambino, who told him that "Bishop McCarrick wants to see you."⁴⁵ Gambino instructed Seminarian 4 to go the bishop's residence on Saturday for a meeting. After conversing in the living room, the two repaired to the kitchen, where the bishop noticed a rash on the seminarian's neck and wanted to take a closer look. He then put his hands on Seminarian 4's shirt and felt his torso: "You have a strong hairy manly

³⁸ Vatican Report, 382.

³⁹ Vatican Report, 384-85.

⁴⁰ Vatican Report, 386.

⁴¹ Vatican Report, 396-98. See also *ibid.*, 405n1241.

⁴² Vatican Report, 399, 400n1222.

⁴³ Vatican Report, 72.

⁴⁴ Vatican Report, 67-77. The Vatican received the first information about Seminarian 4's experience in Aug. 2018, when Nuncio Christophe Pierre sent an account. Priest 4 gave additional information in interviews in 2019 and 2020. He admitted that he was reluctant to speak because the experiences were painful and he had little hope, based upon personal experience, that his speaking would actually make a difference. See Vatican Report, 67n300.

⁴⁵ Vatican Report, 67.

chest.”⁴⁶ McCarrick pulled the seminarian’s golf shirt over his shoulders, caressed his naked chest, and fingered the gold chain and medallion the seminarian wore as a memento of his first communion. McCarrick proceeded to wipe his fingers through the hair on the seminarian’s chest. Seminarian 4 said that he experienced McCarrick’s touching as odd or creepy but, at the time, not sexual. When visiting the seminary over the course of the following year, McCarrick tracked down Seminarian 4 in his room, sat on his bed, and, without asking, stroked his shoulders and back.

Twice in the summer of 1985, Seminarian 4 was invited to participate with other seminarians on overnight trips to the beach house.⁴⁷ Before the first trip, given McCarrick’s previous behavior, Seminarian 4 felt uneasy about going. When he consulted Monsignor Gambino, Gambino told him he “should go” because the bishop frowned upon a refusal.⁴⁸ He went, learned the layout of the house--three bedrooms, one with two double beds, a second with one bed, and McCarrick’s with one large bed--and passed an uneventful day and night that allayed his anxieties. The second trip was a vivid contrast. Group activities during the day and early evening included visiting the beach, buying food, sharing vocation stories at McCarrick’s urging, attending Mass where McCarrick officiated, and having dinner. After the meal, McCarrick “dictated the sleeping arrangements,” excusing himself for overcalculating the number of guests as opposed to beds.⁴⁹ To adjust, he said that Seminarian 4 “can come with me.”⁵⁰ The summons left the seminarian distraught. In the bedroom, McCarrick urged him to dispense with pajamas over his underwear because it was so warm. He should follow the bishop’s example, who was wearing tight white underwear and a sleeveless undershirt. McCarrick asked the seminarian to give him a back rub and then offered to rub his back. Seminarian 4 acquiesced because it was all but impossible to refuse a bishop. With the lights out, McCarrick again rubbed his back, worked his way down to the buttocks, and wrapped his body around the seminarian, who “could feel that McCarrick was sexually aroused.”⁵¹ Stunned and eager to escape, Seminarian 4 explicitly told McCarrick he did not like this sort of behavior. McCarrick assured him he was not doing anything, he was under pressure, and it was fine. As McCarrick’s anger flared after repeated objections, Seminarian 4 fled downstairs and slept on a recliner. The next morning, McCarrick shunned him in silence.

Shortly thereafter, Seminarian 4 reported his experience to Monsignor Gambino. He expected the Vocations Director to show support. Instead, Gambino made him feel at fault and chastized him for accusing his bishop. Gambino told Seminarian 4 that he needed counseling and arranged for him to meet with Fr Edward Zogby, a Jesuit chaplain at Fordham University. After listening to Seminarian 4’s account, responding with advice, and hearing his confession, Fr Zogby tried to hug him, tried to kiss him, and did grab his crotch. Outraged that he was again under assault by a superior cleric, Seminarian 4 shoved Zogby back down into his chair and blurted out: “<Expletive> you.” Seminarian 4’s dealings with priests in authority, his Vocations Director

⁴⁶ Vatican Report, 68.

⁴⁷ Vatican Report, 69-77.

⁴⁸ Vatican Report, 69-70.

⁴⁹ Vatican Report, 70.

⁵⁰ Vatican Report, 71.

⁵¹ Vatican Report, 72.

Gambino and counselor Zogby, delivered a message to him that he was powerless and will not be believed.⁵²

In 1986, when Bishop Hughes arrived from Philadelphia to replace McCarrick in Metuchen, Seminarian 4 confided in a seminarian friend (Priest 5). The friend told Seminarian 4 that, several years earlier, a priest had accosted him. Together, they decided that it was a good idea to tell Hughes about McCarrick, Gambino, and Zogby.⁵³ Seminarian 4 was ordained in 1988 and had a meeting with the bishop near the end of his first year of priesthood. When Hughes inquired how Priest 4 was doing, he answered that he was still deeply disturbed about what McCarrick had done to him: the physical activity at the beach house was sexual ... it was an assault ... he was compelled to escape the bedroom. Hughes tersely assured the priest he would take care of it. From the way that Hughes reacted, Priest 4 was confident that the bishop knew the backstory. Priest 4 told his confidante that Hughes will finally do something. Hughes never followed up. He did nothing. There is no evidence in any file that Hughes told anyone what he had learned from Seminarian 4. The experiences with McCarrick and Hughes over time undermined the trust of Seminarian/Priest 4 in bishops. “This is real clericalism, the kind of power that may prevent others from coming forward.”⁵⁴ He only reported the incidents to the Holy See in 2018, at the time of McCarrick’s canonical process. He repeated on that occasion that he had little hope his testimony would make any difference.

(5) Seminarian/Priest 7

“The other priests laughed and joked at the Archbishop’s invitation for me to have sex with him.”⁵⁵

One more priest involved in the Vatican Report, Priest 7, remained faithful to a code of silence.⁵⁶ In that regard, he mimicked others in the report: Monsignor Gambino, Fr Zogby, the priest secretary in Metuchen who placed calls inviting seminarians to the beach house, the other seminarians who accepted the invitations, and the clerical abuser who accosted Priest 5 in his home diocese. Priest 7 was the last member of the quartet that went fishing on 15 June 1987 at Lake Elkin in upstate New York. Both Seminarian/Priest 1 and Priest 2 placed him there at McCarrick’s invitation. At the motel afterwards, the four got ready for bed. After showering, McCarrick and Priest 2 removed everything but their underwear. They were watching television. Priest 7 was lying on the bed with Seminarian 1, as McCarrick began to fondle Priest 2, or, in Seminarian 1’s version, have sex with Priest 2. As McCarrick engaged in behavior that Priest 2 deemed inappropriate, Priest 7 smiled and began to rub the back and shoulders of Seminarian 1. Priest 7 never alleged inappropriate behavior by McCarrick, and he was still in active ministry when the Report was issued.⁵⁷

⁵² Vatican Report, 73. For the account of another victim of Edward Zogby, see Paul Elie, “What Do the Church’s Victims Deserve,” *The New Yorker*, 8 April 2019, at <https://www.newyorker.com/magazine/2019/04/15/what-do-the-churchs-victims-deserve>.

⁵³ Vatican Report, 74-76.

⁵⁴ Vatican Report, 76, when Priest 4 was interviewed after 2017.

⁵⁵ Vatican Report, 251: Priest 1 writing to Bishop Hughes in 1994.

⁵⁶ Vatican Report, 251-52.

⁵⁷ Vatican Report, 252n832.

The Bigger Picture

Theodore McCarrick as Bishop and Cardinal

“I deserve New York.”⁵⁸

The Vatican Report makes an effort to document the range of activities that McCarrick undertook for the Church during his tenure as a bishop and a cardinal. That is particularly the case for the years after Benedict XVI insisted that he go into quiet retirement in 2006. McCarrick had an excellent education, honed his notable linguistic skills, and showed early success in fundraising. He began his rise in the ecclesiastical *cursus honorum* when he served from 1968-77 as secretary to Cardinal Terence Cooke in New York. The prestigious position gave him entrée into the highest circles of civil and Church power. In those years, he was repeatedly considered for promotion to bishop. In 1977, the third time proved fortunate when Paul VI named him an auxiliary bishop in New York. The major concern expressed about his possible promotion was that he might be “overly ambitious.”⁵⁹ In November 1981, John Paul II appointed McCarrick to the new Diocese of Metuchen. The two had met years before when McCarrick helped to host Cardinal Wojtyła during a pastoral visit to New York.⁶⁰ The only serious concern again expressed was McCarrick’s palpable determination to rise in the ecclesiastical hierarchy.⁶¹ From 1986 until 2000, McCarrick served as archbishop of Newark. Prior to that promotion, Nuncio Pio Laghi had expressed his concern that McCarrick let his outside commitments detract from his pastoral duties.⁶² At a memorable private dinner party in a Newark Catering Hall, after several cocktails, McCarrick let slip to his small group of guests that he deserved New York. During McCarrick’s tenure in Newark, controversy began to swirl around him. From 1992-93, six anonymous letters and one pseudonymous letter were sent to church authorities in the United States warning about a potential scandal that could explode due to McCarrick’s imprudent actions.⁶³ In response to the second anonymous letter, brought to McCarrick’s attention by Cardinal O’Connor in New York, McCarrick observed: “Thank God, I have lived a very public life and that for years my calendar has been in the hands of my priest-associates who know at all times where I am and with whom.”⁶⁴ If true, his priest associates also adhered to a code of silence. The nuncio at the time, Archbishop Cacciavillan, destroyed the two letters he received because they were sent anonymously.⁶⁵ In 1994, the US Bishop’s Conference adopted a policy not to give credence to unsigned documents, treating their accusations as derogatory gossip.⁶⁶

The controversies intensified in the late 1990s when McCarrick was considered for promotion to a Cardinalial See. They damaged his candidacy for Chicago and New York. It was

⁵⁸ Vatican Report, 91.

⁵⁹ Vatican Report, 5-6, 23.

⁶⁰ Vatican Report, 9, 18-19, 25.

⁶¹ Vatican Report, 27.

⁶² Vatican Report, 49-50.

⁶³ Vatican Report, 95-110.

⁶⁴ Vatican Report, 99-100.

⁶⁵ Vatican Report, 102n446.

⁶⁶ Vatican Report, 98-99n440.

only through the extraordinary intervention of John Paul II that McCarrick was named Archbishop in Washington, DC. As cardinal-archbishop in the nation's capital, McCarrick served on a number of committees for the US Conference of Catholic Bishops, worked hard for Catholic Charities, dealt with civic leadership in Congress and the White House, and raised significant funds for charities. McCarrick made a point of accepting no salary, but he had little trouble traveling the world in an official or unofficial diplomatic capacity and on behalf of his work for Catholic Charities and immigrants. While bishop of Metuchen, in a period of months, McCarrick went to England, Ireland, Rome six times, Austria, Poland twice, Israel, India, Tunisia, Santo Domingo, Sudan, Egypt, Morocco, Malta, and Southeast Asia. In late 2001, while archbishop of Washington, he visited Saudi Arabia, Egypt, Israel, Albania, and Bosnia and Herzegovina.⁶⁷

Among McCarrick's ardent supporters, Cardinal Hickey, his predecessor in Washington, underlined that McCarrick "went above and beyond the call of duty in supporting the Holy Father and the Church's teaching."⁶⁸ While bishop of Metuchen, McCarrick delivered a homily on priestly celibacy at a prayer service attended by most of his priests during an annual retreat McCarrick promoted. He emphasized that their calling required them to leave the comfort of sexual life in order to be of pastoral service. That calling brought trials of loneliness, a lack of affirmation, and a lack of understanding of a priest's needs. McCarrick urged his fellow priests to find their consolation by reflecting on the fact that God promised love beyond compare.⁶⁹ When the scandal involving sexual abuse of minors by American priests erupted in 2002, McCarrick was archbishop of Washington and played a significant role for the Bishop's Conference with respect to the new policies on child sexual abuse in the Church.⁷⁰ He supported the codicil requiring church leaders to hand over to the civil authorities any credible allegations against a priest or church employee.⁷¹ During the April 2002 meeting of the US bishops with John Paul II in Rome, McCarrick emerged as the primary spokesman.⁷²

In a personal letter that McCarrick wrote on 6 August 2000 to Bishop Dziwisz, particular secretary to John Paul II, he swore for the first time a solemn oath that became a mantra for the remainder of his time in church service. "In the seventy years of my life, I have never had sexual relations with any person, male or female, young or old, cleric or lay, nor have I ever abused another person or treated them with disrespect."⁷³ The oath was intended to save his candidacy to become archbishop of Washington, and it worked. When Dziwisz gave John Paul II the letter, the Pope believed McCarrick's pledge. McCarrick repeated the assurance on 16 April 2002, during a "private, on-the-record luncheon with editors and reporters from the *Washington Post*."⁷⁴ The *Post* printed his claim verbatim.⁷⁵ Shortly thereafter, on 21 April, Connie Chung of CNN taped an interview with McCarrick that aired the next day. The two were about to depart for Rome, where the US bishops would meet with the Pope about the abuse scandal. McCarrick assured Chung that he had never had sexual relations with anyone and allegations against him were scurrilous. She

⁶⁷ Vatican Report, 31-32, 203-4.

⁶⁸ Vatican Report, 114.

⁶⁹ Vatican Report, 34-35.

⁷⁰ Vatican Report, 196-97.

⁷¹ Vatican Report, 216.

⁷² Vatican Report, 196.

⁷³ Vatican Report, 8, 170, 178 (cited by Nuncio Cacciavillan).

⁷⁴ Vatican Report, 216.

⁷⁵ Vatican Report, 216-17.

inquired, “End of story?” He responded, “End of story.”⁷⁶ In a later Rome meeting on 5 December 2005 with Cardinal Re, Prefect of the Congregation of Bishops, McCarrick admitted to being imprudent when he invited one or other seminarian to bed with him. His denial of any sexual activity was categorical, and he specified that he meant “anything related to the sexual sphere,” including incomplete acts.⁷⁷ On 17 January 2006, McCarrick prepared for another meeting with Re by handwriting a three-page memo in his defense. The first of the eight points emphasized that he had never had sex with anyone, an oath, he noted, that he had repeated on television and in the print media. His second point filled out the picture by asserting that he had never been sexually active in any way. He treated seminarians with love and respect, though, over time, he had come to regret that he treated them as family members.⁷⁸ On three more occasions after his retirement in 2008-9, McCarrick gave similar assurances to the Vice Rector of the seminary where he had an office apartment, to Cardinal Bertone as Vatican Secretary of State, and to Cardinal George as President of the US Bishops Conference.⁷⁹ The Vice Rector depicted a tearful McCarrick, who “swore before God, judge of the living and the dead, that he had never committed a homosexual act, either with a minor or with an adult.”⁸⁰

The evidence provided by seventeen postpubescent boys or young men to the Congregation for the Doctrine of the Faith during the canonical proceedings against McCarrick paints a different picture.⁸¹ The authors of the Report charitably chose not to include the detailed accounts that individual victims supplied of their traumatic experience. Those accounts are part of the *Acta*. The authors instead enumerated common elements that emerged from the testimony. McCarrick abused his authority to gain and maintain access to his victims; he left his victims feeling powerless to object or resist. Among seminarians on the campus of Seton Hall University, their bishop created a culture of fear and intimidation and used his authority as archbishop to harass or assault them sexually.⁸² He groomed victims through his rapport with their families and ingratiated himself as “Uncle Ted.” Like his purported nephews, seminarians and young priests were also instructed to call him “Uncle.” While bishop of Metuchen and then Newark, McCarrick sponsored an annual summer picnic known as Uncle Ted’s Day or Uncle’s Day to which he invited members of New York Catholic families, seminarians, priests, and religious.⁸³ McCarrick frequently brought his young victims on overnight trips, some to foreign countries. To impress his victims and their parents, he introduced them to important people and made them feel a sense of indebtedness. Trips McCarrick sponsored could include an introduction to alcohol even when underage, a way to reduce inhibitions. When staying overnight, McCarrick orchestrated the sleeping arrangements. He shared his bed with victims, dressed only in underwear, and he encouraged them to shed most clothing. Once in bed, he initiated the physical contact, favoring back rubs and tight embraces. For several victims, things did not go beyond that sort of physicality. Others were subjected to non-

⁷⁶ Vatican Report, 218-19; Connie Chung, “Rome: American Cardinals Gather at Vatican,” CNN, aired 22 Apr. 2002.

⁷⁷ Vatican Report, 234-35 (quote on 235).

⁷⁸ Vatican Report, 239-40.

⁷⁹ Vatican Report, 292, 312, 330.

⁸⁰ Vatican Report, 292.

⁸¹ Vatican Report, 440-42.

⁸² Vatican Report, 446.

⁸³ Vatican Report, 35, 64-65.

consensual sexual contact that included touching, rubbing, masturbation, and, in a few instances, attempted or actual penetration.⁸⁴

Celibacy or Non-Celibacy?

“<The beach house sleeping arrangement> became known and was a source of joking among the clergy.”⁸⁵

The Vatican Report documents that a laissez faire attitude to the commitment of celibacy went beyond McCarrick. Priest 7, participant in the planned *ménage à quatre* on the fishing trip, has never spoken of the event. The frequent beach outings involved more than the few seminarians who filed complaints. Monsignor Gambino, as Vocations Director, encouraged outings to the beach house and sent one seminarian disturbed by the interaction to a Jesuit counselor who yet again assaulted the victim. If McCarrick’s priest associates knew at all times where he was and with whom, they did not seem bothered. While bishop of Metuchen and archbishop of Newark, approximately five times a month, McCarrick hosted individual “nephews” from New York for dinner. They would travel by public transportation from the city, dine in the bishop’s rectory, and then retire to his private quarters to spend the night in his bed. In the morning after breakfast, they would return home. Bishop John Smith, while serving as Vicar General of the Newark Archdiocese from 1985-91, resided at the cathedral rectory with McCarrick. Smith saw the ritual visits to Newark and found nothing improper or immoral in the practice. Only evil, unscrupulous persons might claim otherwise.⁸⁶ Another clerical housemate trivialized the interactions as a “masculine, buddy type thing.”⁸⁷ McCarrick took Smith along on visits to the New York homes of his “nephews.”

The Report includes an account of a private party at a Newark Catering Hall on 25 January 1990.⁸⁸ The source was Monsignor Dominic Bottino, who later became a judge on the Camden Diocesan Tribunal and a hospital chaplain. Together with the new bishop of Camden, James McHugh, Bottino concelebrated the funeral of a priest in southern New Jersey. At the time, Bottino served McHugh as vocations director. After the funeral, McHugh asked Bottino to drive him to Manhattan, where McHugh had an appointment at the Holy See’s Permanent Observer Mission to the United Nations. When McHugh finished his business there, he requested that Bottino drive him to Newark to see “someone” before they returned to Camden.⁸⁹ McHugh had Bottino park the car in a back alley behind the Catering Hall. When the two entered a hall that could accommodate around 500 guests, they came upon a solitary round table illuminated by a single chandelier. The occasion turned out to be a second anniversary celebration of the episcopal consecration of McHugh and John Smith at which McCarrick presided. When McHugh and Bottino reached the table, they found McCarrick, an empty chair to his left, a young priest seated to his right, an empty chair to the priest’s right, and Smith. McHugh took the seat between the priest and Smith, while Bottino was given the one next to McCarrick.

⁸⁴ Vatican Report, 440-42.

⁸⁵ Vatican Report, 133.

⁸⁶ Vatican Report, 157-58.

⁸⁷ Vatican Report, 35n131.

⁸⁸ Vatican Report, 87-93. Bottino first wrote Nuncio Pierre about the incident on 10 Aug. 2018.

⁸⁹ Vatican Report, 88.

McCarrick quickly broke the ice by congratulating Bottino as the “new attaché” to the Vatican’s Mission.⁹⁰ Blindsided by the announcement, Bottino understood the purpose of the Manhattan trip. McCarrick then asked if he could “count on” Bottino to share confidential information from the diplomatic pouch, particularly matters related to episcopal appointments in the United States.⁹¹ Bottino responded that any such information had to remain confidential. As McCarrick patted Bottino’s arm, he allowed that “You’re good. But I think I can count on you.”⁹² McCarrick had been drinking. While reminiscing with the two bishops about their consecration, in clear sight of Bottino on his left, McCarrick put his right hand on the young priest’s crotch and moved his fingers up and down. He continued long enough that the two bishops also noticed. McHugh stood up and said to Bottino, “We have to leave.”⁹³ On the way out, Bottino shook the dazed young cleric’s hand, which was “very sweaty and cold.”⁹⁴ During the drive home, McHugh told Bottino that “sometimes the Archbishop says things and does things that are very different.”⁹⁵ Bottino never shared the story until 2018, during the formal proceedings against McCarrick. He reasoned that McHugh was his bishop and had observed what happened. From the comments McHugh made on the drive home, it was not a unique occurrence. Other than McHugh, Bottino was convinced that “no one else would take his account seriously.”⁹⁶ Years later, when both bishops present that evening were asked by the nuncio to supply written statements on McCarrick’s behavior, they said nothing about what had happened.

The Vatican Report noted cases of “inappropriate behavior” by other prelates when their cases intersected with McCarrick’s history. On 26 July 1993, McCarrick wrote to Nuncio Cacciavillan to comment upon a recent accusation against Fr Robert Morel. Morel held a party at his rectory to celebrate the announcement that had been named a monsignor. After the party, Morel was accused of sexually abusing a minor. McCarrick told the nuncio that he found the case involving a Newark priest particularly distressing and promised to pursue the policy on sexual abuse approved by the New Jersey bishops. Given the shock of the respected priest involved, McCarrick sent a pastoral communique to all his priests. An anonymous author, unwilling to reveal his true identity for fear of reprisal, wrote the nuncio and claimed that the event involving Morel was not isolated.⁹⁷ Morel was said to be part of a larger group of sexually active Newark priests, who began to engage in sex during their seminary years. When Monsignor Richard Leddy, as rector of the seminary, had tried to root out “homosexual behavior,” he was quickly transferred.⁹⁸

As part of McCarrick’s effort to promote priestly vocations, he had encouraged in Washington the work of the Institute of the Incarnate Word. The Institute was a religious order of diocesan right founded in 1984 by an Argentine priest, Fr Carlos Miguel Buela. McCarrick gave the Institute permission to move its novitiate in the United States from San Jose to Washington. In 2004, McCarrick traveled to Argentina to ordain members of the Order. In January 2010, after an investigation by the Vatican Congregation for the Institutes of Consecrated Life and Societies of

⁹⁰ Vatican Report, 90.

⁹¹ Vatican Report, 90.

⁹² Vatican Report, 90.

⁹³ Vatican Report, 92.

⁹⁴ Vatican Report, 92.

⁹⁵ Vatican Report, 93.

⁹⁶ Vatican Report, 93.

⁹⁷ Vatican Report, 107-8.

⁹⁸ Vatican Report, 108.

Apostolic Life, Fr Buella was found to have engaged in “misconduct” with adult seminarians. He was removed as Superior General of the Institute and compelled to reside apart from his Institute’s members in a French monastery.⁹⁹ Buella’s case parallels that of another founder of a religious Congregation, Fr Marcial Maciel Degollado, a Mexican priest and founder of the Legion of Christ. In 2006, Benedict XVI removed Maciel from public ministry and ordered him to withdraw to a life of penance and prayer. Maciel was eventually revealed to have been a drug addict and serial abuser of numerous boys and young men, including his own seminarians. He had likewise engaged in sexual relationships with at least two women, one as a minor, and fathered several children, two of whom he was accused of abusing.¹⁰⁰ Shortly before the 2013 conclave that elected Pope Francis, Cardinal Keith O’Brien resigned his position as archbishop of Saint Andrews and Edinburgh due to past incidents of sexual “misconduct” with adults.¹⁰¹ McCarrick attended and participated in the preliminary congregations among cardinals, though he no longer had the right to vote in the conclave.¹⁰²

The Aggravating Factor

“We underappreciated abuse of power as an issue.”¹⁰³

Church officials interviewed for the report made a strict distinction between sexual abuse of a minor and adult to adult sexual activity. In an interview, Cardinal Ouellet, Prefect of the Congregation of Bishops, emphasized that there was a “vast difference” between “misconduct involving an adult and the alleged abuse of a minor.”¹⁰⁴ Such a proposed vast difference dissipates when one adult is a bishop or archbishop and the other a seminarian or young priest under his authority. The essence of sexual harassment regards a disproportionate power relationship. The *Oxford Dictionary of Public Health* defines sexual harassment as “<p>psychological, occasionally also physical, pressure, often by a senior person in an organization on persons of lower rank, with the intent to obtain sexual favors.”¹⁰⁵ From the time McCarrick became bishop of Metuchen in 1982, he groomed seminarians on the pretext of getting to know them. He used seminarians to chauffeur him to events and invited them to spend time with him at the beach house. The second time that Seminarian/Priest 4 accepted such an invitation, he found himself in bed with McCarrick,

⁹⁹ Vatican Report, 200-1, 364-65.

¹⁰⁰ J. N. D. Kelly and Michael Walsh, “Benedict XVI (19 Apr. 2005-28 Feb. 2013),” *A Dictionary of Popes*, 3rd ed., Oxford 2015, at <https://www.oxfordreference.com/view/10.1093/acref/9780191795459.001.0001/acref-9780191795459>, accessed 8 Nov. 2021.

¹⁰¹ Vatican Report, 390.

¹⁰² Vatican Report, 390-91.

¹⁰³ Vatican Report, 224, quoting John Allen, at the time a correspondent for the *National Catholic Reporter*. By “we,” Allen referred to the press.

¹⁰⁴ Vatican Report, 400n1222. Earlier, Cardinal Re and Cardinal Bertone expressed similar opinions. See Vatican Report, 235n805, 298-99n945, 313n964.

¹⁰⁵ Miquel Porta and John M. Last, “Sexual Harassment,” *A Dictionary of Public Health*, 2nd ed., Oxford 2018, at <https://www.oxfordreference.com/view/10.1093/acref/9780191844386.001.0001/acref-9780191844386>, accessed 8 Nov. 2021.

who wrapped his body around him to become sexually aroused. McCarrick insisted that “I’m not doing anything.”¹⁰⁶ The tableau portrays over-powering. Before going the first time, Seminarian 4 expressed his reservations to Monsignor Gambino as Vocations Director, and Gambino pressed him to go because the bishop resented a refusal. When the seminarian told Gambino what McCarrick did the second time, Gambino threatened him with rejection for ordination unless he went to counseling, where the counselor whom Gambino chose sexually assaulted the seminarian. The entire episode led Priest 4 to the logical inference that he was powerless. His efforts to engage the help of his bishop after ordination, Bishop Hughes, fared no better. Hughes assured him he would take care of the matter and did nothing, told no-one, and later supplied the Vatican with no information about the assault.

Seminarian/Priest 1 also dealt with Bishop Hughes and obtained similar, unsatisfactory results. Throughout their dealings, Hughes was convinced that the priest was the sexual abuser and thereby without credibility. The copy of the letter in the diocesan archive that Priest 1 sent to Hughes from the treatment center is missing the crucial four pages with the allegations against McCarrick. While in treatment, Priest 1 was sexually harassed by other priest patients. The Brazilian Sedlmayer felt extremely vulnerable while engaging in sex with McCarrick because he, a lowly immigrant, was objecting to the behavior of his hierarchical superior. Consistent with his customary approach, Bishop Hughes told Sedlmayer to forget about McCarrick’s “misconduct.” For one who has suffered severe trauma, that is easier said than done. Sedlmayer should also forgive McCarrick “for the good of the Church.”¹⁰⁷ One would think that a priest contributed to the good of the Catholic Church by remaining faithful to the teaching of the Magisterium and living a celibate life. Once again, there is no evidence that Hughes told anyone what he had learned from Sedlmayer. Monsignor Bottino waited until 2018 to divulge the events of the private dinner party because his bishop had witnessed McCarrick fondling the young priest’s genitals and Bottino was convinced that no-one else would believe him.

The victims of McCarrick and those who heard their stories shared Bottino’s attitude. No-one would believe the assertion of a seminarian or priest over the denial of a bishop. McCarrick repeatedly swore that he had never engaged in sexual activities with anyone. In 2000, a priest who assisted Nuncio Montalvo in preparing the list of three nominees for archbishop of Washington read McCarrick’s first pledge in the letter to Bishop Dziwisz. That priest felt that McCarrick was being “purposefully evasive.”¹⁰⁸ He only denied sexual relations, but he did not deny engaging in any sexual activity. Montalvo tried to prevent McCarrick from receiving promotion to the See of Washington, but John Paul II overruled him, in large part because the Pope believed the oath. After McCarrick received the nomination, Boniface Ramsey, a Dominican priest and, from the late 1980s to early 1996, a professor at the Immaculate Conception Seminary at Seton Hall, discussed his unease with a trusted clerical friend (Priest 8). While at the seminary, Ramsey had heard rumors about the beach house that led him to conclude that McCarrick was unfit on moral grounds. Still, he hesitated to speak out because he did not want to engage in gossip about a high prelate. The two priests concurred that there was cause for Ramsey to fear retaliation at a time when he was up for promotion to an academic post in DC. Ramsey eventually visited with the nuncio and agreed to put his concerns in writing. After finishing the document, Ramsey called the nuncio to say that he

¹⁰⁶ Vatican Report, 72.

¹⁰⁷ Vatican Report, 87.

¹⁰⁸ Vatican Report, 173n578.

had thought things over and decided not to send it. When the nuncio assured Ramsey they were not fools, he labeled it “to be opened only by the nuncio” and put it in the mail.¹⁰⁹

A reported named David Gibson went to Rome in April 2002 to cover the visit American bishops made to discuss with John Paul II the sexual abuse crisis. In St. Peter’s Square, Gibson approached Susan Gibbs, Executive Director for Communications of the Archdiocese of Washington. He handed her a printed list with the names and phone numbers of seven former seminarians from Seton Hall who were making accusations that McCarrick sexually abused them at the beach house. The reports included graphic description of the jockey-clad prelate and overt sex, though that was not always a part of “the sick ritual.”¹¹⁰ Abuse was. Gibson gave Gibbs the heads up because he would need a reaction from McCarrick and the Archdiocese if someone on the list went on the record. After Gibson returned to New Jersey, he called all the former seminarians. He got a non-response or an unwillingness to speak on the record or a curt denial. That led him to doubt the seriousness of the accusations and infer that the story was a dead end. So fearful were victims that, even after the bishops had adopted strict policies to interdict abuse of minors by clergy and church employees and after the Vatican had suspended McCarrick from active ministry, Minor 1, who set the canonical process in motion, and Priest 1, who presented the initial allegations, both refused to be interviewed by church officials.¹¹¹ They did not trust anyone associated with the Church.

Old Boys’ Club?

“Obviously the good of the Church also requires an implementation in such a way as to not disseminate information known to few and to ensure that things lacking foundation do not appear credible.”¹¹²

Jason Horowitz, a reporter for the *New York Times*, observed that the Vatican emerged from the Report as “an old boys’ network where bishops always got the benefit of the doubt.”¹¹³ That is accurate as far as it goes, but the characterization may need strengthening. Church officials operated within a strong code of silence and honor akin to that of the police or even the Sicilian *Cosa Nostra*. The mafia first emerged in Sicily, where distrust or anger toward the state led Sicilians to seek justice or assistance from powerful friends and influential families. The concept of *omertà* matured in that historical context. In the strict sense, *omertà* referred to a code of silence regarding all nefarious activities by members of the organization. In a broad sense, *omertà* referred to a code of honor that obliged members to solve problems on their own or with the aid of sworn associates.¹¹⁴ For years, leading churchmen built a wall of silence around Theodore McCarrick

¹⁰⁹ Vatican Report, 185-90 (quote on 189).

¹¹⁰ Vatican Report, 220-21 (quote on 220n761). At the time, Gibson worked for the *Star Ledger* based in Newark. See also Vatican Report, 117n473.

¹¹¹ Vatican Report, 437n1380.

¹¹² Vatican Report, 238, letter of Cardinal Re, Prefect of the Congregation of Bishops, to Nuncio Montalvo in Washington, DC, dated 28 Dec. 2005.

¹¹³ Jason Horowitz, “Vatican report puts a saint in a harsher light,” *New York Times*, late ed., 15 Nov. 2020.

¹¹⁴ James DeFronzo, “Mafias,” *Oxford Encyclopedia of the Modern World*, ed. Peter N. Stearns, Oxford 2008, at

and tried to resolve the problems he presented internally. They focused on keeping the information secret to prevent scandal. They did not seem to consider the scandal of burying all allegations against McCarrick. From a utilitarian perspective, in the end, their strategy was a dismal failure. The eventual scandal has proven potent.

The first information that reached the Vatican from American church leaders concerned six anonymous and one pseudonymous letter sent to the National Conference of Bishops, the nuncio, and various cardinals between 1992 and 1993.¹¹⁵ They presented McCarrick as a blatant hypocrite: an advocate of family life and values who was a cunning pedophile. The first two letters claimed that McCarrick's "misconduct" was common knowledge in clerical circles for years, but many fear him and had reason to do so.¹¹⁶ Fear led the victims to prefer silence and accusers to prefer anonymity. Church leaders dismissed out of hand anonymous accusations whose factual reliability could not be verified. Cardinal O'Connor forwarded the anonymous letters he received to McCarrick, noting that he hated to do so. McCarrick informed O'Connor that he had shared the first letter with "some of our friends in the FBI."¹¹⁷ Nuncio Cacciavillan destroyed the copy of the two letters that reached him because they were anonymous and lacked substance.¹¹⁸ In 2018, an investigation at the offices of the USCCB did not find the three letters copied to the Office of General Counsel.¹¹⁹

When planning began in 1993 for John Paul II to come to the United States the following year and word filtered out that the Pope might, at McCarrick's urging, include a visit to Newark, various individuals reacted with concern.¹²⁰ At the behest of Nuncio Cacciavillan, Cardinal O'Connor guided the first known inquiry to determine whether McCarrick had engaged in "misconduct with adults."¹²¹ O'Connor delegated the inquiry to a trustworthy individual. On the basis of what was learned, O'Connor decided there was no barrier impeding the Pope from visiting McCarrick's See. In April 1994, Mother Mary Quentin Sheridan, Superior General of the Sisters of Mercy of Alma, phoned the nuncio and told him that, during a retreat, a priest spoke to her of "bad moral conduct" by McCarrick with young seminarians.¹²² She feared a scandal if the pope went to Newark. Nuncio Cacciavillan had the priest call him. His notes from the conversation include phrases like "on beach with group of seminarians ... one in bed."¹²³ The priest did not claim any direct knowledge of misconduct. He said that, on two or three occasions, he had informed Bishop Hughes and Cardinal Hickey. When Hickey was contacted, he was amazed by the priest's claim, denied the alleged conversation, and vigorously defended McCarrick and the papal visit. John Paul II visited Newark and was hosted by McCarrick.¹²⁴

<https://www.oxfordreference.com/view/10.1093/acref/9780195176322.001.0001/acref-9780195176322>, accessed 8 Nov. 2021.

¹¹⁵ Vatican Report, 95-111.

¹¹⁶ Vatican Report, 95, 97.

¹¹⁷ Vatican Report, 96.

¹¹⁸ Vatican Report, 102.

¹¹⁹ Vatican Report, 443n1401.

¹²⁰ Vatican Report, 111-16.

¹²¹ Vatican Report, 112.

¹²² Vatican Report, 113.

¹²³ Vatican Report, 113.

¹²⁴ Vatican Report, 113-16.

In March 1997, Dr Fitzgibbons, director of The Providence Program, made his spontaneous visit to Rome and spoke with an official at the Congregation of Bishops.¹²⁵ His signed statement indicated that two priests in the hospital program and another patient of his had shared descriptions of the sexual trauma they suffered at the hands of McCarrick. Fitzgibbons took his unprecedented step to protect the Church, fearing that, if what he had learned became public, other accusations may follow.¹²⁶ Though he was right, no evidence establishes that any investigation was ordered or undertaken. The quantity of information built when McCarrick became a serious candidate for archbishop of Washington and will be treated in detail below.

Early on in McCarrick's tenure as archbishop of Washington (2001-03), new correspondence regarding his past arrived.¹²⁷ A layman living in New Jersey wrote to his former professor and McCarrick's predecessor, Cardinal Hickey, and presented "very serious allegations" against a member of the hierarchy.¹²⁸ He urged Hickey either to clear the individual's name or protect the Church from a scandal that would attract widespread public interest. Hickey alerted the nuncio, and together they settled on Bishop William Lori to look into the matter. Lori was then bishop of Bridgeport (CT) and a former secretary and auxiliary to Hickey. Lori dismissed the report as hearsay.¹²⁹ A different layman wrote a letter to the nuncio, indicating that he had notified the nunciature before McCarrick's appointment of disqualifying reasons and was stunned to hear of his appointment.¹³⁰ The layman had been spiritual director to a transitional deacon who told him that McCarrick had been "sexually inappropriate" with him at the beach house.¹³¹ No record was found of the mentioned first letter. The nuncio apparently followed up by phone with Archbishop John Myers in Newark, who responded and included copies of the anonymous letters found in the locked files of William Cambria, an attorney formerly on the Archdiocesan staff. A short time later, Myers forwarded one more letter to the nuncio with the story of the sleeping arrangements at the beach house. There is no record of any investigation undertaken as a result of this correspondence nor of their being sent on to appropriate offices in the Vatican.¹³²

What did concern the authorities throughout was negative media coverage of McCarrick that would lead to scandal for the Church. A priest and close collaborator with McCarrick in Newark recounted a conversation they had at the beach house in the mid- to late 1990s. McCarrick shared that he had received a disturbing call from Cardinal O'Connor. O'Connor indicated to McCarrick that people are talking, that they are saying he has seminarians to the beach house, and that he has to "knock this stuff off."¹³³ Afterwards, the priest noted a sudden change in McCarrick's behavior. He no longer invited seminarians, and he only invited his closest priest associates. When the former nuncio, Archbishop Cacciavillan, was consulted in 2000, he suggested that "a promotion (cardinalate) could be just the moment for somebody and for certain media to cause such more or less scandalous news to resurface, whether or not well-founded."¹³⁴

¹²⁵ Vatican Report, 120-23.

¹²⁶ Vatican Report, 123.

¹²⁷ Vatican Report, 211-14.

¹²⁸ Vatican Report, 211.

¹²⁹ Vatican Report, 213.

¹³⁰ Vatican Report, 213-14.

¹³¹ Vatican Report, 213.

¹³² Vatican Report, 213-14.

¹³³ Vatican Report, 119n481.

¹³⁴ Vatican Report, 165.

Five years later, when three New Jersey dioceses (Trenton, Newark, Metuchen) were involved in a mediation to settle with Priest 2, Archbishop Myers of Newark wrote to Nuncio Montalvo on 24 February 2005.¹³⁵ Priest 2 had made a statement for the civil complaint, and Myers acknowledged that the statement might become public through a leak or a reporter filing a claim under the Freedom of Information Act. “Pray God that this not happen.”¹³⁶ Priest 2 was convinced that the dioceses made a strong confidentiality agreement covering every aspect of the case the absolutely necessary condition for any settlement with him.¹³⁷ From 2005-6, the lawsuit of Priest 1 and its accompanying documentation precipitated McCarrick’s resignation as cardinal-archbishop. He had originally been extended for two years, but Benedict XVI instructed that he resign forthwith. Related directives advised McCarrick to move out of the seminary (he did not do so for years) and live a quiet life of prayer (he never did). On 28 December 2005, Cardinal Re insisted that implementation of this way of proceeding be done without disseminating the reasons that motivated it. Re did speak of matters lacking foundation that do not appear credible. In an earlier memo from November, Re indicated that Cardinal Levada, Prefect of the Congregation for the Defense of the Faith, found Priest 1 a credible accuser. Two days later, Re wrote the nuncio in Washington and stated that new rumors from Metuchen had led him to conclude that rumors about McCarrick judged to be false years ago were true.¹³⁸

The media had taken a greater interest in stories from McCarrick’s past once McCarrick moved to the federal capital.¹³⁹ In 2002, when reporters began asking Susan Gibbs, Archdiocesan Director for Communications, about McCarrick’s activities with seminarians at the beach house, she went to him on 11 April 2002 and questioned him. McCarrick explained that he always went with groups of seminarians, he was always clothed in bed, and he shared a bed with one of them. He preferred that arrangement to two seminarians splitting a bed. “I’m the Archbishop so nothing is going to happen.”¹⁴⁰ At the luncheon with *Washington Post* reporters, McCarrick conceded on the record that he had once been anonymously accused of pedophilia. He had forwarded the letter to the nuncio and discussed it with his Presbyteral Council. “I think light is what kills these things.”¹⁴¹ He then swore to the editors and reporters, on the record, that he never had sexual relations with anyone. He repeated the same oath to Connie Chung during their interview before the flight to Rome.

The emergence of the internet as a new means of rapid communication began to dog Church officials. In a blog post on 2 December 2005, the Catholic journalist Matt Abbott revealed that McCarrick had shared a bed with a priest.¹⁴² Abbott posted two subsequent blogs on the

¹³⁵ Vatican Report, 227-28.

¹³⁶ Vatican Report, 227. Myers claimed that, during the mediation, a representative of the Metuchen Diocese referred to one or two other settlements involving McCarrick and detailing further explicit sexual activity. Vatican investigators identified no previous civil settlements before the one of Priest 2, and the archives of the relevant dioceses offered no evidence of such settlements.

¹³⁷ Vatican Report, 228n783.

¹³⁸ Vatican Report, 232-33, 237-38.

¹³⁹ Vatican Report, 215-19.

¹⁴⁰ Vatican Report, 216.

¹⁴¹ Vatican Report, 217.

¹⁴² Vatican Report, 234. Abbott’s source was likely Priest 2.

RenewAmerica website.¹⁴³ The third cited an email he had received from a former priest, who in turn quoted another priest, to whom McCarrick declared: “I just want to sleep with you. I don’t want to <expletive> you.”¹⁴⁴ In 2008, a psychotherapist and former Benedictine named Richard Sipe posted an open letter to Benedict XVI shortly after the Pope had visited the United States. Based on therapeutic interaction with clergy, Sipe had come to the conclusion that sexual aberration among them was not simply from the bottom up (unsuitable candidates) but also from the top down (superiors, bishops, even cardinals). To exemplify the systemic problem, Sipe used his knowledge of McCarrick and the interaction McCarrick had with seminarians and young priests at the beach house. At least four of them had “sexual encounters” with their bishop.¹⁴⁵ Despite growing evidence on the internet, the mainstream media still paid little interest, in part because the accusations did not involve minors. The journalists were also leery of compromising their rapport with high-level sources. They did what Church officials hoped they would do.

The wall of silence crumbled on 8 June 2017, when the Archdiocese of New York, through its Voluntary Independent Reconciliation and Compensation Program, received a credible accusation that McCarrick, in the early 1970s, touched Minor 1 when he was 16-17 years old.¹⁴⁶ McCarrick was accused of sexual abuse of a minor, and the accusation involved a named victim. True to Cardinal Ouellet’s observation, that made a vast difference. The Archdiocese reported the allegation to local law enforcement, who chose not to act because the event occurred beyond the criminal statute of limitations. On 7 September, Cardinal Dolan of New York wrote to Cardinal Parolin, the Vatican Secretary of State, and asked how he should proceed. Parolin told Dolan to conduct a preliminary investigation in New York and send the evidence gathered together with a *votum* to the Congregation for the Doctrine of the Faith. The Congregation will then submit the matter to the Pope for further action.¹⁴⁷

The New York Archdiocese conducted its preliminary investigation from late December 2017 until April 2018. The investigators submitted their results to the Archdiocesan Review Board. The Board held further interviews with the victim and McCarrick. The decision of the board was unanimous: the accusation was credible and substantiated. Dolan recommended that the Holy See remove McCarrick from all public ministry and send him to lead a life of prayer and penance. Because the allegation involved a minor, the Archdiocese made it public. Archbishop Becciu, Substitute to the Secretary of State, informed Pope Francis that the allegation was credible. The Pope was stunned. McCarrick was informed by letter that the matter had been referred to the Congregation for the Doctrine of the Faith and he should “refrain from any public ministry.”¹⁴⁸ The decision was made public on 20 June 2018. That was sixteen years after the bishops at their Dallas meeting adopted the new protocols on abuse of minors. It was over thirty years after the New York mother wrote to alert Church authorities to the problem. McCarrick maintained his innocence but resigned from the College of Cardinals. On 28 July, Francis accepted his resignation.¹⁴⁹

¹⁴³ Vatican Report, 237n808, 244-45.

¹⁴⁴ Vatican Report, 244.

¹⁴⁵ Vatican Report, 280-87 (quote on 281). As nuncio, Archbishop Viganò forwarded Sipe’s open letter to the Vatican.

¹⁴⁶ Vatican Report, 433-36.

¹⁴⁷ Vatican Report, 433-34.

¹⁴⁸ Vatican Report, 434.

¹⁴⁹ Vatican Report, 433-35.

New accusations against McCarrick led to his dismissal from the clerical state. Public notice of the Vatican decision to launch a judicial investigation led victims to come forward to law enforcement, the media, and Church officials. The penal proceeding of the Congregation for the Doctrine of the Faith opened on 14 December 2018. The evidence included in-person testimony from eight witnesses and sworn affidavits from four others. In support of their testimony, witnesses presented statements, correspondence, and photographs. On 11 January 2019, McCarrick was judged guilty of solicitation during the Sacrament of Confession and sexual sins against the Sixth Commandment with minors and adults, with the aggravating factor of abuse of power. His penalty was dismissal from the clerical state. McCarrick presented an appeal that was rejected. In addition to what was known and provided to the Vatican before 2017, the tribunal received information from minors, members of New York Catholic families, one-time seminarians, and priests. The accusations included a second minor victim.¹⁵⁰

Cardinal-Archbishop of Washington, DC

“<I>t would be imprudent to consider Archbishop McCarrick for more important responsibilities in the Church.”¹⁵¹

When McCarrick became a serious candidate for an open Cardinalial See in the United States, allegations about his past “misconduct” concerned the Vatican. The first opening came in Chicago after the death of Joseph Bernardin in November 1996.¹⁵² The environment in Chicago was “highly charged.”¹⁵³ A seminarian had accused Bernardin of abusing him as a minor, but, in 1994, he retracted the claim. Rumors about McCarrick accused him of guilt “in re turpi” (morally disgraceful matters), but they remained unsubstantiated allegations.¹⁵⁴ Materials documenting the accusations circulated among members of the Congregation of Bishops when they met in March 1997 to discuss the Chicago appointment. The Report indicates that the record is uncertain whether Cardinal Ratzinger, Cardinal O’Connor, and Cardinal Sodano as Secretary of State, all part of the Congregation, were aware of the allegations at that time.¹⁵⁵ That means they could have been. Nuncio Cacciavillan rated McCarrick the best candidate for Chicago, but he was not deemed an appropriate choice by Rome. The expressed motives were McCarrick’s tendency to be self-promoting and diplomatic, in a negative sense. In addition, a “less reassuring voice” had surfaced, and that voice represented a serious impediment because the church in Chicago was not a tranquil setting.¹⁵⁶

¹⁵⁰ In July 2021, McCarrick was criminally charged for repeated sexual assault of a teenage boy in June 1974. See, for example, Elizabeth Dias, Ruth Graham, and Liam Stack, “U.S. Ex-Cardinal Is Charged with Sexual Assault of Teen in 1974,” *New York Times*, 30 July 2021.

¹⁵¹ Vatican Report, 162, Nuncio Montalvo to Archbishop Re, Substitute for the Congregation of Bishops, 21 June 2000.

¹⁵² Vatican Report, 125-28.

¹⁵³ Vatican Report, 125.

¹⁵⁴ Vatican Report, 125.

¹⁵⁵ Vatican Report, 128n494.

¹⁵⁶ Vatican Report, 127.

The second possibility was New York, a See to which McCarrick had long aspired.¹⁵⁷ Cardinal O'Connor initiated internal discussion about McCarrick's suitability. Tipped off by John Paul II that McCarrick was under consideration, O'Connor had a conversation with Nuncio Montalvo. He candidly informed the nuncio that he considered McCarrick a poor choice as his successor. His motives were "elements of a moral nature."¹⁵⁸ Cardinal Hickey and other senior American prelates had endorsed McCarrick for New York. One exception was Cardinal Law of Boston, who advised the nuncio that, on occasion, "a cloud" appeared over McCarrick's head for "misplaced affection."¹⁵⁹ On 28 October 1999, at Montalvo's request, O'Connor put his opinion in writing shortly after he was discharged from the hospital where surgeons had removed a brain tumor. The cancer would claim O'Connor's life the following spring. In a six-page letter with exhibits, O'Connor gave Montalvo detailed notice of events regarding McCarrick that the cardinal had received over the past year from "unimpeachable and highly knowledgeable authorities."¹⁶⁰ McCarrick invited young men for dinner at his rectory where they slept overnight in his private quarters. McCarrick shared his bed with seminarians at his vacation home on the New Jersey shore. Those practices were documented in the testimony of two former seminarians and in anonymous letters. O'Connor underlined the danger if rumors and allegations about McCarrick's past surfaced. When New York Archdiocesan officials searched their files, they could not trace this letter or McCarrick's 1993 letter to O'Connor. Montalvo submitted O'Connor's letter to Cardinal Moreira Neves, Prefect of the Congregation of Bishops, noting the "quite negative impression regarding the moral behavior that His Excellency McCarrick seems to have had."¹⁶¹ Montalvo recommended either leaving McCarrick in Newark or assigning him responsibilities outside the United States. In the end, Newark was preferable. A sudden resignation would cause "a serious scandal."¹⁶²

At that point, John Paul II intervened. He had Substitute Re solicit the views of the former Nuncio Cacciavillan, who characterized the evidence as testimony from an unreliable witness and vacuous rumor. He felt that Washington would be a better choice for McCarrick, given O'Connor's reservations, moral and otherwise. The Pope then asked Montalvo to verify "whether this involves unfounded accusations."¹⁶³ If McCarrick enjoyed the presumption of innocence, the request seems backwards. One would investigate accusations to see if they were grounded. Montalvo had four bishops from New Jersey and New York give him written responses. Those responses will be discussed shortly hereafter. Cacciavillan again reviewed the McCarrick dossier, augmented by the bishops' letters, and continued to express concern that the media would publish the "more or less scandalous news."¹⁶⁴

In 2000, McCarrick was considered and initially rejected for promotion to the See of Washington, DC.¹⁶⁵ He received a strong endorsement for the position from Bishop Joseph Fiorenza, president of the USCCB, and from Cardinal Adam Maida, bishop of Detroit.¹⁶⁶ Maida

¹⁵⁷ Vatican Report, 129-46.

¹⁵⁸ Vatican Report, 129.

¹⁵⁹ Vatican Report, 130.

¹⁶⁰ Vatican Report, 131-40, esp. 135.

¹⁶¹ Vatican Report, 141.

¹⁶² Vatican Report, 142.

¹⁶³ Vatican Report, 145.

¹⁶⁴ Vatican Report, 165.

¹⁶⁵ Vatican Report, 163-92.

¹⁶⁶ Vatican Report, 163-65.

cited among his reasons that McCarrick was “extremely loyal to the Magisterium.”¹⁶⁷ In July 2000, John Paul II decided against McCarrick’s candidacy.¹⁶⁸ Vatican officials saw the evidence on character as mixed and not probative. Cardinal O’Connor was more accusatory than the four New Jersey bishops whom Montalvo consulted. In the end, the new Prefect of the Congregation of Bishops, Cardinal Re stated his opposition because the unfounded accusations could resurface. McCarrick’s nomination was not worth the risk. John Paul II voted to uphold that position.

On 6 August, McCarrick sought to save his candidacy by writing to the pope’s particular secretary, Bishop Dziwisz.¹⁶⁹ McCarrick opened by reminding Dziwisz of a letter sent a few months earlier when friends seemed to be lobbying for McCarrick’s nomination to a more prestigious bishopric. No copy of an earlier letter was traced. McCarrick told Dziwisz that he was befuddled by O’Connor’s grave accusations. He admitted to lacking prudence and thereby making mistakes, but he categorically denied having sexual relations. The investigators could not determine how McCarrick learned of O’Connor’s letter. McCarrick stated that friends in the Curia tipped him off. Only six persons in the Vatican had seen O’Connor’s letter.¹⁷⁰ McCarrick, in all likelihood, hand-delivered his letter to Dziwisz during a Rome visit, Dziwisz gave the letter to Bishop James Harvey, Prefect of the Papal Household, to translate from English into Italian, and then Dziwisz submitted the letter directly to John Paul II at Castel Gandolfo. When Dziwisz forwarded McCarrick’s letter to Nuncio Montalvo, he asked the nuncio to remove his name from the typewritten correspondence of McCarrick. No documents, neither the cover letter of Dziwisz nor the scrubbed letter of McCarrick, were found in the Nunciature’s files.¹⁷¹

John Paul II read the letter and instructed Cardinal Sodano to have the Congregation of Bishops investigate McCarrick’s candidacy for Washington in addition to the three names that Nuncio Montalvo submitted.¹⁷² The document for Sodano was dated 14 September and initialed by the pope. The “nulla osta” normally requested from the Congregation for the Doctrine of the Faith was waived for Washington.¹⁷³ On 25 September, the former Nuncio Cacciavillan sent the first of two memos to the Congregation of Bishops. He quoted lengthy passages from McCarrick’s letter to Dziwisz, including the categorical denial, and he argued that McCarrick was the best choice for Washington. In the follow-up memo, he dismissed concerns regarding future negative publicity, if McCarrick were nominated. By 11 October, the Congregation had narrowed the choice from four to two candidates. The Congregation decided that, since the accusations against McCarrick were false, he could easily repudiate them. The Congregation proposed McCarrick to John Paul II, and he was nominated for Washington on 14 October. John Paul II changed his mind because both Cardinal Re and he accepted McCarrick’s oath in writing to Dziwisz that he had

¹⁶⁷ Vatican Report, 164.

¹⁶⁸ Vatican Report, 165-68.

¹⁶⁹ Vatican Report, 169-73.

¹⁷⁰ Vatican Report, 172n533: Pope John Paul II, Cardinal Sodano, Cardinal Re, Archbishop Cacciavillan, Bishop Dziwisz, and Archbishop Monterisi. Nuncio Montalvo obviously knew the contents since he was the addressee.

¹⁷¹ In June 2021, the Vatican announced that, with regard to clerical sexual abuse, it was investigating accusations of negligence against Dziwisz, the retired archbishop of Cracow. See, for example, Andrew Higgins, “Catholic Church in Poland Discloses Hundreds of Sexual Abuse Accusations,” *New York Times*, 29 June 2021.

¹⁷² Vatican Report, 174-86.

¹⁷³ Vatican Report, 177-78.

never had sexual relations.¹⁷⁴ Prelates who knew the Pope well believed that he was also inclined to doubt allegations of sexual misconduct against important clerics based upon his experience in Communist Poland. The Polish Secret Police used that tactic to undermine respect for the Catholic Church.¹⁷⁵

Shortly before leaving Newark for Washington, McCarrick had a member of his staff retrieve his correspondence with the nuncio from 1990 to 1994. That period included the years in which the anonymous and pseudonymous letters were sent to various Church authorities and led McCarrick to repudiate their claims. According to the investigators, the correspondence appears never to have been returned.¹⁷⁶ News of McCarrick's appointment triggered a new wave of information in his regard. Nuncio Montalvo forwarded to Cardinal Sodano as Secretary of State the new information received in letters from Fr Ramsey, OP, and an anonymous author, and Sodano sent a handwritten note to the Pope regarding Archbishop McCarrick (underlined for emphasis in the original). When Sodano got the note back, he indicated that the Pope made no comment (*nihil dicens*).¹⁷⁷ As McCarrick approached his seventy-fifth birthday on 7 July 2005, he submitted a letter of resignation and was at first extended in the position for two years, a common Vatican decision approved by Benedict XVI.¹⁷⁸ At the time, Seminarian/Priest 1 had made formal recourse to the Congregation for the Doctrine of the Faith against his bishop for refusing him assignment. When documentation for the recourse arrived in Rome, it summarized the 1987 episodes involving sexual activity with McCarrick. Benedict XVI reversed the decision to extend McCarrick's tenure and demanded that he resign immediately. The Pope recalled later that he meant to send "a clear signal" of disapproval.¹⁷⁹ Aggrieved by the injustice of the decision, McCarrick twice repeated his oath of denial to Cardinal Re.¹⁸⁰ Willing to comply, he sought to orchestrate his resignation so it would appear as normal as possible. On 16 May 2006, Benedict accepted the resignation. Archbishop Wuerl of Pittsburgh was named the new archbishop of Washington, DC, and he took possession on 22 June.¹⁸¹ When Archbishop Myers of Newark learned that McCarrick had been granted a residence on the Seton Hall campus, he objected. His memo to file stated that he took no responsibility for McCarrick's presence on campus, especially if it proved embarrassing, and if that happened, he would make the facts in the matter public.¹⁸² McCarrick did reside there part-time until 2017.

US Bishops and the Bishops of Rome

"I never witnessed any improper behavior on the part of Archbishop McCarrick,
but at times his familiarity was imprudent."¹⁸³

¹⁷⁴ Vatican Report, 182.

¹⁷⁵ Vatican Report, 173-74n580.

¹⁷⁶ Vatican Report, 184n602.

¹⁷⁷ Vatican Report, 191.

¹⁷⁸ Vatican Report, 230-34.

¹⁷⁹ Vatican Report, 233n798.

¹⁸⁰ Vatican Report, 235, 239.

¹⁸¹ Vatican Report, 246.

¹⁸² Vatican Report, 245.

¹⁸³ Vatican Report, 149: Bishop McHugh to Nuncio Montalvo, 12 May 2000.

In May 2000, when John Paul II commissioned Nuncio Montalvo to investigate if the allegations against McCarrick were unfounded, Montalvo asked four bishops who had connections to McCarrick to respond in writing. The Report contains in full the four letters from the bishops.¹⁸⁴ The first was from Bishop James McHugh, consecrated by McCarrick and, at the time, ordinary of Rockville Center on Long Island.¹⁸⁵ McHugh lived with McCarrick in the cathedral rectory of Newark from 1986-89. He characterized McCarrick as imprudent but noted that he personally had never witnessed any immoral activity. McCarrick showed imprudence by having young men share his bedroom overnight at the Newark rectory and the beach house. McHugh said nothing about the private dinner party at the Catering Hall in Newark. He had abruptly left the party after seeing McCarrick fondle a young priest's genitals and, on the ride home with Fr Bottino, he had acknowledged that McCarrick "does things differently." The second was from Bishop Vincent Breen of Metuchen, who assumed office there in 1997.¹⁸⁶ As a priest in Brooklyn, Breen had heard rumors about "the Archbishop's dealings with young seminarians and priests."¹⁸⁷ He said that he had no way to know if they were true. As bishop of Metuchen, Breen heard rumors that McCarrick took young seminarians and priests to his beach house, and they took turns as to which of them slept with him. His predecessor in Metuchen, Bishop Hughes, told him of the rumors. There were no files regarding the communications about McCarrick between Cardinal O'Connor and Bishop Hughes.

The retired Bishop Edward Hughes of Metuchen was the third to submit a letter.¹⁸⁸ He said that he had "no direct factual information concerning any moral weakness."¹⁸⁹ Hughes was aware of two allegations from priests guilty of their own lapses and suspended for a time from ministry. Hughes interpreted the accusation of the first (Priest 6) as a transparent effort to justify his own ethical failings. Later on, the priest vacillated on whether McCarrick acted in a sinful manner. Hughes said that he first heard of the allegations of Seminarian/Priest 1 in a phone call from O'Connor. He dismissed the source as unreliable and underlined that he had "no confidence" the information he offered was true.¹⁹⁰ Hughes focused on destroying the credibility of both priests and of Dr Fitzgibbons for allowing Priest 1 to manipulate him. Hughes said nothing about the accusations that Priest 3 and Priest 4 presented to him. The nuncio also consulted Bishop John Smith, consecrated by McCarrick and then serving as ordinary in Trenton.¹⁹¹ He acknowledged that he had the greatest respect and admiration for McCarrick. Like McHugh, Smith lived with McCarrick at the Newark cathedral rectory, and his evaluation had parameters similar to those of McHugh. Smith admitted that one might question McCarrick's prudence for hosting overnight in the rectory "nephews" not yet of college age. The action was innocent, but evil persons could misrepresent matters. Smith affirmed that he had "never heard anyone make a substantiated accusation of immoral behavior" against McCarrick.¹⁹² Smith tried to mitigate the seriousness of

¹⁸⁴ Vatican Report, 147-62.

¹⁸⁵ McHugh wrote on 12 May, the date of Montalvo's request letter to the other bishops, and he sent a five-page handwritten response.

¹⁸⁶ Breen responded on 16 May in a two-page typewritten letter.

¹⁸⁷ Vatican Report, 151.

¹⁸⁸ The handwritten response is dated 22 May.

¹⁸⁹ Vatican Report, 152.

¹⁹⁰ Vatican Report, 154.

¹⁹¹ Smith sent a typewritten response on 18 May that was the longest of the four.

¹⁹² Vatican Report, 156.

McCarrick's activities at the beach house. He felt that McCarrick invited the seminarians in order to get to know them and he did so only in groups, never with one alone. Malicious talk in clerical circles sought to destroy McCarrick's good name. Smith emphasized that he would be "completely shocked" if anyone accused McCarrick of doing something immoral.¹⁹³ Like McHugh, Smith passed over his witnessing McCarrick fondle the genitals of a young priest at cocktails before a dinner to mark the anniversary of their episcopal consecration. The Vatican only became aware of that episode in 2018 when Monsignor Bottino came forward.

The investigators for the Report concluded that three of the four bishops gave Montalvo testimony that was inaccurate and incomplete.¹⁹⁴ The fact that US bishops solicited to assist the Vatican in decision-making lied in their statements was, as the Report indicated, a grave disservice. Still, Montalvo stated to the Vatican that it would be imprudent to promote McCarrick as bishop of Washington. During the investigation by Montalvo, the Nunciature received up to six anonymous calls where the informants asserted that McCarrick's appointment in Washington would lead to scandal.

The Executive Summary to the Report offers a credible accounting of the involvement of the three popes. John Paul II first met McCarrick in the 1970s while still a cardinal.¹⁹⁵ He had elevated McCarrick to become bishop of Metuchen and then archbishop of Newark. He was informed of possible moral impediments to McCarrick's promotion in the years from 1997 to 2000, when McCarrick was up for three Cardinalial Sees. McCarrick had proven himself effective in national and international activities for the Holy See, the US Department of State, the Appeal of Conscience Foundation, and Catholic Charities worldwide. McCarrick had also proven himself an effective fundraiser and patron. The Report concluded that those skills weighed heavily in his advancement in the hierarchy, but they were not determinative.¹⁹⁶ McCarrick was likewise effusive in assuring John Paul II of his loyalty to the Pope and fidelity to the Magisterium. Detailed allegations reached the Pope when McCarrick was under consideration for Washington. A priest claimed to have seen McCarrick engage in sex with another priest, and McCarrick then tried to have sex with the witnessing priest. Anonymous letters accused McCarrick of committing grievous acts, including the crime of pedophilia with his "nephews." Other facts were known and not disputed. McCarrick shared his bed in the episcopal residences of Metuchen and Newark with young adult men. He also shared his bed at his New Jersey beach house with adult seminarians.

Although the concerns had proven serious enough to block McCarrick from promotion to Chicago and New York, where O'Connor was influential, they morphed from impediment to non-impediment for Washington. Among the factors that changed John Paul II's thinking, the Report adduced his relationship with McCarrick from the 1970s, McCarrick's effective and diligent work as a bishop, and the additional data gathered at the time of the Washington nomination. Bishops from New York and New Jersey supplied signed written statements affirming that McCarrick did share a bed with young adults but engaged in no overt sexual activity. Three of the four lied to the Pope and the Vatican. In a letter to John Paul's particular secretary, McCarrick swore that he had never had sexual relations in his seventy years of life. John Paul read the letter, believed the oath, and inferred that, if allegations against McCarrick became public, McCarrick could be easily refute them. The Holy See had received no direct complaint from a victim, whether a minor or an adult.

¹⁹³ Vatican Report, 158.

¹⁹⁴ Vatican Report, 159-62.

¹⁹⁵ Vatican Report, 5-9 (Executive Summary), 125-92.

¹⁹⁶ Vatican Report, 4.

What they had received was merely “gossip or rumors.”¹⁹⁷ Seminarian/Priest 1 undermined his credibility by abusing two teenage boys and submitting no signed statement. McCarrick admitted that he had shared his bed at the beach house; though imprudent, he was guilty of no “sexual misconduct.”¹⁹⁸ McCarrick dismissed the anonymous letters as “calumnious and/or politically motivated gossip.”¹⁹⁹ John Paul II had experience of the Polish Secret Police spreading calumny about important clergy by claiming that they engaged in sex.

Upon election, Benedict XVI generally had the same information as John Paul II.²⁰⁰ As a cardinal and ex officio member of the Congregation of Bishops, Benedict may have reviewed the information gathered when McCarrick was considered for Washington. As Pope, Benedict initially extended McCarrick’s tenure for two years. He took swift action when the civil litigation of Seminarian/Priest 1 brought new details to the attention of the Vatican. The key document in that litigation, the signed Incident Report, was not sent to Rome. Benedict overturned McCarrick’s two-year extension and sought to prick the cardinal’s conscience. He should resign immediately, he should not live with seminarians, he should cut back on his travel, and he should conduct his life away from the limelight he craved. McCarrick protested his innocence but did resign. He did not initially abandon his residence at the seminary in Hyattsville and only moved out when Archbishop Wuerl arranged for him to reside in a Washington rectory. McCarrick continued to travel widely and appear in the media. Wuerl characterized him as incapable of living outside the glare of public attention.²⁰¹ For multiple reasons, Benedict ordered no formal process against McCarrick. There were no credible allegations that McCarrick had abused a minor. The events that purportedly occurred in the 1980s all involved adults. McCarrick swore an oath that the allegations against him were false. There was no indication of recent misconduct. From a legal perspective, matters shifted late in Benedict’s papacy, between 2011 and 2013, when Priest 3 (Sedlmayer) offered a signed certification that McCarrick sexually assaulted him. A signed statement made with legal consequences worried Cardinal Ouellet, the new Prefect of the Congregation of Bishops. The certification could do serious damage to the Church if it became public. Ouellet gave the nuncio in Washington, Archbishop Viganò, instructions to verify the allegation, but Viganò did not follow them. McCarrick remained active in ministry and prominent in public life until Benedict resigned.

On 13 March 2013, Francis I was elected to replace Benedict.²⁰² The two never discussed McCarrick. Nuncio Viganò and Pope Francis had two brief personal meetings on 23 June and 10 October 2013.²⁰³ Their accounts of the exchanges differ. Viganò recalled that, at the June meeting, he told the Pope that McCarrick had “corrupted generations of seminarians and priests”; he was a “serial predator.”²⁰⁴ Francis told the investigators that he did not remember what Viganò said about McCarrick on either occasion.²⁰⁵ He was confident that the nuncio did not tell him that McCarrick had committed a crime against anyone, he corrupted generations of seminarians, or he was a serial

¹⁹⁷ Vatican Report, 8.

¹⁹⁸ Vatican Report, 9.

¹⁹⁹ Vatican Report, 9.

²⁰⁰ Vatican Report, 10-12 (Executive Summary), 249-391.

²⁰¹ Vatican Report, 293.

²⁰² Vatican Report, 12-14 (Executive Summary), 393-431.

²⁰³ Vatican Report, 403-6.

²⁰⁴ Vatican Report, 404.

²⁰⁵ Vatican Report, 404.

predator.²⁰⁶ Francis claimed that he would recollect such content if one spoke so forcefully and clearly. He adduced another instance where he took action after getting a strong indication of the need to do so. There are no written accounts about the pair of interactions between Francis and Viganò.²⁰⁷ Overall, the Report was compiled and issued to respond to memoranda and press interviews that Viganò supplied to attack the credibility of Francis. The Report instead undermines the credibility of Viganò.

Archbishop Giovanni Angelo Becciu also gave the Vatican investigators input on his interactions with Francis.²⁰⁸ Becciu formerly worked in the Washington Nunciature and then became a Substitute in the Secretariat of State. Becciu said that he twice mentioned to Francis old allegations against McCarrick, first in 2013 and then sometime in the period from 2014-16. He remembered telling the Pope that Nuncio Montalvo was shocked when John Paul II nominated McCarrick for Washington and that he had the impression that the nuncio had later instructed McCarrick to terminate his traveling. Francis remembered Becciu saying something like, “What is McCarrick doing here? He should not be coming around.”²⁰⁹ According to Francis, Becciu did not elaborate. In general, when evaluating McCarrick, Francis said that he relied on the moral rectitude of John Paul II. If John Paul II judged the allegations in 2000 without foundation, that was good enough for Francis.²¹⁰

In 2016, in a conversation with Cardinal Parolin, the Secretary of State, Francis observed that “maybe <McCarrick> still could do something useful.”²¹¹ The Pope referred to matters such as ongoing diplomatic negotiations with China. The conversation was triggered by the fact that McCarrick had written Parolin and offered to retire to a holy place and pray for his salvation rather than travel the world.²¹² Parolin mentioned to Francis that McCarrick was the subject of gossip regarding his past imprudent actions with adults. Because Parolin had not reviewed any files at the time, he could not give the Pope more information. The odd offer to retire for someone who sought the public eye implied an awareness among all three of troublesome allegations in the past. Pope Francis deserves full credit for ordering the McCarrick Report, expanding its scope, and publishing the results “for the good of the Universal Church.”²¹³ As this study was nearing completion, Francis announced that, effective 8 December, the Church’s law will be expanded to include sexual crimes that Catholic priests and powerful laypersons commit against adults.²¹⁴

Conclusions

Francis next got involved in the McCarrick case in 2017, once the Archdiocese of New York notified the Vatican of a credible accusation that McCarrick had sexually abused a minor in the 1970s. The conviction that there was a vast difference between sexual abuse of a minor and an adult runs as a leitmotif through the Report. No Church official ever questioned the difference.

²⁰⁶ Vatican Report, 404-5.

²⁰⁷ Vatican Report, 405-6.

²⁰⁸ Vatican Report, 400-2.

²⁰⁹ Vatican Report, 401.

²¹⁰ Vatican Report, 401-2.

²¹¹ Vatican Report, 430. See, in general, 429-31.

²¹² Vatican Report, 429.

²¹³ See the prefatory letter of Cardinal Pietro Parolin, Secretary of State, dated Vatican City, 10 Nov. 2020.

²¹⁴ See, for example, Jason Horowitz, “Pope Widens Church Law to Target Sexual Abuse of Adults by Priests and Laity,” *New York Times*, 1 June 2021.

They were cognizant that sexual relations between adults were subject to criminal prosecution, if they were not consensual. A conscientious priest working for the US Nunciature in 2006 read the Incident Report Form submitted under legal risk by Seminarian/Priest 1 and faxed by Archbishop Myers to the nuncio. On the day the fax arrived (3 October 2006), the priest concluded that the Church was not dealing simply with “a matter of an allegation of sexual activity between consenting adults.”²¹⁵ The individual making the accusation was a seminarian at the time and therefore in a superior-subordinate relationship.²¹⁶ The documents made a similar impression on Archbishop Viganò, at the time working for the Vatican Secretariat of State. On December 6, Viganò prepared a memo for Cardinal Bertone, his boss.²¹⁷ Based upon information received from the Nunciature in Washington, Viganò stated that McCarrick might well be guilty of “crimes of entrapment” when he solicited young seminarians and priests to commit nefarious sexual acts. Bertone verbally acknowledged that the McCarrick matter was “disturbing.”²¹⁸

Even if the actions by McCarrick were not criminal, which they were, they would still be a clear violation of his solemn promise to live a celibate life. The transparency that Church authorities promised after the abuse crisis erupted, judging from the McCarrick Report, applied only to the sexual abuse of minors. Criminal sexual abuse by a cleric or consensual sexual activities between clerics was handled by keeping it out of the public eye. Internet posting began to undermine the strategy. Catholics might well wonder how many of their priests and bishops have engaged in sexual activities, legal or illegal. Adult to adult appears a handy characterization serviceable to a code of silence. The easier such activities to conceal are those between male members of the clergy. Heterosexual activities of an all-male priesthood perforce involve an outside partner. In 1980, a Catholic priest working at the Institute for Advanced Study of Human Sexuality studied a sample of fifty professedly gay priests, who ranged in age from 27-58. The results indicated that, at that time, from 2-4% were abstaining from sex. The number of previous same-sex partners for the sample ranged from 500 or more for eleven of the participants to fewer than 10 for nine participants. The average number of same-sex partners for each participant was 227. A total of forty-nine priests (98%) in the survey stated that they intended to continue living a gay lifestyle. In addition, eighty-eight percent stated that, despite their sexual activity, they would again take a vow of celibacy.²¹⁹ Throughout its history, the Catholic Church has, at best, a mixed record on its claim to a tradition of a celibate clergy.

The language of the report is sanitized, a comprehensible choice for a document that synthesizes a legal inquiry. McCarrick’s alleged activities are treated under preferred rubrics like “imprudent” or “misconduct” or “inappropriate behavior.”²²⁰ The range of confirmed or alleged

²¹⁵ Vatican Report, 258.

²¹⁶ Vatican Report, 258-59.

²¹⁷ Vatican Report, 262-66.

²¹⁸ Vatican Report, 265.

²¹⁹ Thomas P. Doyle, A. W. Richard Sipe, and Patrick J. Wall, *Sex, Priests, and Secret Codes: The Catholic Church's 2000-Year Paper Trail of Sexual Abuse* (Los Angeles: Volt Press, 2006), 211.

²²⁰ McCarrick preferred to describe his acts or actions as imprudent (11 times) and his failing as imprudence (2). The redactors of the report preferred to speak of misconduct (102), often modified by sexual (36). The Report uses inappropriate or inappropriately 35 times (inappropriately touching 1, inappropriate conduct 7, inappropriate behaviour 8, inappropriate contact/physical contact 2). Sexual assault appeared twice, in the first instance to indicate it did not occur and in the second with regard to Title IX in the United States. Sexual harassment appeared nine times

activities by McCarrick includes solicitation of sex in the confessional (according to Church law, the most heinous crime a priest can commit), sexual abuse of at least two minors, sexual abuse of multiple seminarians, physical groping, body hugging, genital fondling, and penetration, presumably anal because with a male partner. McCarrick contrived variations on the basic themes such as giving back rubs, running his fingers through chest hair, infiltrating his leg between those of a non-consensual partner, and forcing his knee into the partner's crotch. According to victims, he dismissed it all as not doing anything or doing things the clergy does in the United States. The sanitized vocabulary will likely not prevent Catholic readers from having a visceral reaction like the mother who saw McCarrick caressing the inner thigh of her two sons. Church leaders rarely reacted viscerally and focused on confidentiality and preventing leaks. Protecting the institution of the Church and the reputation of her clergy were consistent priorities.

Loyalty, therefore, was a particularly prized virtue in a cleric, particularly when he was considered for advancement in the hierarchy. McCarrick and his backers constantly emphasized his loyalty to the Pope and fidelity to the Church's teaching Magisterium. But loyalty to the Pope seems, in essence, loyalty to a particular Pope who shares one's convictions. The line between loyalty and opportunism is, at best, blurred. The three bishops who supplied perjured testimony profited from their unswerving loyalty to McCarrick. From the body of evidence, conduct faithful to the Magisterium is even less apparent. McCarrick was not faithful to the Magisterium's teaching on priestly celibacy, and he was not faithful to the Scripture's teaching prohibiting false witness. There are few moral positions of the Catholic Magisterium more perspicacious than the teaching that every sin against the sixth or ninth commandments, all sexual activity outside a marriage between a man and a woman, constitutes a mortal sin. Rather than loyal, McCarrick flaunted the teaching and lied to cover his tracks. The early Christian community portrayed Jesus in the gospels engaging in a lively polemic with the Jewish religious authorities of his day for their hypocrisy. The authorities held Jewish believers to standards that they ignored.²²¹ The Catholic clergy has long held believers to the rigorous standards of Catholic moral teaching on human sexuality and set patent boundaries. As the words of Jesus in the gospels underline, nothing contributes more to respect for the clergy than integrity and nothing undermines it more than hypocrisy. Hypocrisy and abuse of power are soulmates.

The bulk of the evidence in the Report establishes that McCarrick used his bedrooms in the cathedral rectory and the beach house to ensnare young men, seminarians, and priests and then force them into sexual activity. The exploitation of the beach house was particularly brazen. The Report documents that invitations were extended only to certain seminarians, leaving those excluded jealous. Invitees were an elite on the path to power. Significant numbers of seminarians and priests witnessed the bishop orchestrating their sleeping arrangements. Four came forward to object. Priest 8 had been to the beach house and testified that he never witnessed any misconduct by McCarrick.²²² One explanation lies in the testimony of those harassed or assaulted. McCarrick took them into his bedroom, closed the door, and locked it, effectively excluding all possible eyewitnesses. The sleeping arrangements at the beach house were a standing joke among many

(once for Title IX again), and sexual abuse, generally with reference to minors, 48 times. A victim and a therapist each used rape once. Actual and attempted penetration appear once respectively.

²²¹ See, for example, Robert A. Wild, "The Encounter between Pharisaic and Christian Judaism: Some Early Gospel Evidence," *Novum Testamentum* 27, no. 2 (1985): 105-24; and David E. Garland, *The Intention of Matthew 23* (Leiden: Brill, 1979), 117-23.

²²² Vatican Report, 186.

local clergy. Those who turned a blind eye to the arrangements need to define their understanding of misconduct. A host of clergy, many still active, need to explain their silence.

Much press about the Vatican Report on McCarrick has focused on the data related to the popes. Integrity is crucial to papal ministry as well. Leading prelates who knew John Paul II intimately proposed that he was reluctant to believe scurrilous reports about the sexual activity of leading clergymen because he had seen the Polish Secret Police utilize that weapon. He was not untouched by their campaigns. The interpretation leads to further questions. One is the consistency of the policy. When Fascist governments spread scurrilous rumors about the clergy, did the Vatican similarly dismiss the rumor-mongering and defend Catholic priests? One might also wonder about the applicability of the principle in the specific circumstances of the ministry of Theodore McCarrick. Until 2017, a small group of priests from the United States and Brazil comprised the non-anonymous sources for the accusations. There were cases where McCarrick abused seminarians before their ordination. What Secret Police organization managed to recruit American seminarians and a Brazilian priest who requested assignment to the Portuguese-speaking immigrant communities in New Jersey so that they could start scurrilous rumors about a bishop early in his rise in the hierarchy? The Soviet system was under severe pressure at the time and collapsed in 1989. The American clergy who denounced McCarrick grew up in a society still engaged in a Cold War against Communist adversaries. They seem unlikely recruits of the KGB, and their enlistment would constitute admirable work by any intelligence agency. The Report better documents concerted efforts by leading clergy to undermine each other's reputation. Those efforts were particularly energetic in the case of the few seminarian/priest victims who came forward. That is likewise the picture that emerges of Cardinal Viganò in his unsubstantiated accusations against Pope Francis. The courageous Catholic mother from New York did her best in the 1980s to protect other children from the trauma that her own children suffered at McCarrick's hands, literally. If she were dismissed as a secret Communist agent, it would be a truly scurrilous rumor and an appalling stain on the Church.

Among the most glaring omissions of the report is the absence of any expression of solidarity for the seminarians and priests swept up into McCarrick's abusive net. Perhaps it was not within the purview of the investigators to address that subject. Catholic leadership could. Idealistic young men entered the seminary in the hopes of confirming their intuition that God was calling them to ministry. The Church in the United States has struggled for decades to assure a sufficient number of priests to minister to the people. In such conditions of chronic shortage, bishops might logically nurture possible vocations and assure the safest possible environment for ongoing discernment of a vocation. Any Catholic male who decides that God is indeed calling him to priestly ministry has to embrace the charism of celibacy deemed integral to the vocation. The complexities of human sexuality hardly need to be rehearsed. From the perspective of vocation, however, such complexities do not excuse violations of boundaries once a candidate during the ordination ritual freely and publicly pronounces a solemn promise of celibacy. The commitment is premised on correct discernment of a call from God and trust in God's assurance of the help necessary to live the commitment. To violate celibacy is, at root, an act of idolatry. And the boundaries for such violations, thanks to the Magisterium, are clear.

The victims deserve the final word. Pope Francis has more than once propounded the arresting image of the Catholic Church as a field hospital.²²³ McCarrick's wounded victims did

²²³ Homily at Casa Santa Marta, 2 May 2015, "Pope Francis' Homily: The Church Should Be Like a Field Hospital," *Rome Reports*, at <https://www.romereports.com/en/2015/02/05/pope-francis->

not perceive the Church as a ready place to go for healing aid, before or after the Catholic Church in the United States adopted rigorous protocols on sexual abuse in 2002. They lived in fear of Church authority and felt powerless to report misconduct. They assumed that ecclesiastical superiors would not believe them. With few exceptions, they were not believed. They were convinced that they would face retaliation. As the Report notes, they maintained the secret at a terrible toll to themselves.²²⁴ In perhaps a limit case, when one priest reported his abuse to his bishop, he was packed off to a Jesuit psychologist for assistance. The “therapeutic” encounter ended with the Jesuit sexually assaulting him. When the Church’s wall of silence collapsed under the weight of a credible accusation from a minor in 2017, the victims invited to come forward felt angry that the Church was investigating McCarrick’s misconduct so long after the events. That led to their becoming victims once more, whether through the invasive inquiries that comprised the basis for the report or the widespread publicity they attracted.

The Report offered one last piece of evidence for the challenge to victims and the skewed relationship of power that is at the heart of this story. In a note toward the conclusion, the investigators stated: “In August 2019, one of McCarrick’s victims alleged in a lawsuit, and later repeated in an interview, that, in approximately 1988, the victim (then an adult) was introduced by Archbishop McCarrick to Pope John Paul II in Rome, after which McCarrick left the room and the victim told the Pope that McCarrick had been sexually abusing him since he was a young child.”²²⁵ The investigators went on to observe that the report cannot be corroborated because the only person who could do so is deceased. In support of the victim’s testimony, the Report offered circumstantial evidence from McCarrick’s pattern of behavior. Through an uncommon number of trips, he isolated victims from parental and other forms of supervision. He spent overnights with victims at a fishing camp, a New York apartment, the Waldorf Astoria Hotel, other hotels and motels, the infamous beach house, in Puerto Rico, and in foreign nations.²²⁶ Hearsay evidence had him hosting a group of “nephews” in the 1970s on a trip to Ireland where they all slept together in one room.²²⁷ He took several young men around twenty years of age on a week-long trip to Rome. The young men hailed from families whom McCarrick came to know in New York at the outset of his rise to power. He introduced the group to John Paul II at a general audience.²²⁸ In light of those patterns, and in contrast to the behavior of Catholic clergy throughout McCarrick’s career, we cannot simply dismiss the young man’s allegation out of hand. If the young man did make his plea and the Pope chose not to act on it, imagine the long flight home. Still, a terrified young Catholic victim has little chance of being believed over a canonized Pope. One wonders if the scales of justice ever rest in balance when a cleric puts his full weight on one side.²²⁹

[homily-the-church-should-be-like-a-field-hospital/](#). Public audience in St. Peter’s Square, Devin Watkins, “Pope at Audience: Church a ‘Field Hospital’ That Cares for the Sick,” *Vatican News*, 28 Aug. 2019, at <https://www.vaticannews.va/en/pope/news/2019-08/pope-francis-general-audience-church-cares-for-sick.html>.

²²⁴ Vatican Report, 440.

²²⁵ Vatican Report, 439n1385.

²²⁶ Vatican Report, 440.

²²⁷ Vatican Report, 444n1404.

²²⁸ Vatican Report, 32n117.

²²⁹ This study is dedicated to the thousands of seminarians in the United States and worldwide who were sexually assaulted or sexually harassed during their formation years and, in a special way, to Bishop Thomas Gumbleton.