

“I’M THEIR BISHOP AND I NEED TO RESPOND TO THEIR PAIN”

Mike Aquilina and Ann Rodgers

In 2002, when the Catholic Church in the United States was shamed by bishops who had protected child molesters in the priesthood, Bishop Donald Wuerl of Pittsburgh stood out as one who had swiftly removed perpetrators and stood up for victims.

Just months after becoming bishop of Pittsburgh in 1988, he rejected his attorneys’ advice and met with victims. Seeing the damage to their lives and their faith, he made zero tolerance the policy of the diocese. He stood that ground even when the Vatican’s highest court ordered him to reinstate a priest whom he believed to be guilty. In 2002 in Dallas he led the floor fight that established zero tolerance as a national policy.

Bishop Wuerl was “one of the first bishops out front on this,” said Father Lawrence DiNardo, his longtime canonical adviser who is now general secretary of the Diocese of Pittsburgh. “He got the ball rolling on this issue and the absolute need of establishing clear and precise procedures to deal with it in as transparent a way as possible.”

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When he was ordained a bishop in 1986, Bishop Wuerl knew of a few isolated cases of pedophile priests, including one years earlier in Pittsburgh and a highly publicized one in Louisiana. But “there was no awareness of how widespread it was,” Cardinal Wuerl recalled.

Especially after the Louisiana case, “we were being told by psychologists and institutions that you can send this person for treatment and he can overcome his problem,” he said. “Many

bishops didn’t understand that this was anything other than a moral problem.... It was clear that we didn’t realize the horrible impact on the victims.”

Setting a zero-tolerance policy in Pittsburgh wasn’t just a case of administrative smarts, said Father Ronald Lengwin. “He had an incredible sense of good and evil,” he said.

When Bishop Wuerl was appointed to Pittsburgh, three priests were on administrative leave for sexually molesting two brothers. Their parents had initially asked his predecessor only to remove them from ministry. But, acting on a moral duty to protect others, in October 1988 they pressed charges and filed suit.

Bishop Wuerl summoned his close advisors and attorneys to discuss whether he should visit the family. “The almost unanimous advice was to follow the legal advice, which was the accepted wisdom of the day. It was that, if you had been sued, you shouldn’t go,” Father Lengwin said. But Bishop Wuerl, he continued, “said, ‘You know what? I’m their bishop. I’m their bishop and I need to respond to their pain.’ And he decided he was going, and he went.”

A bishop must respond as a pastor, Cardinal Wuerl explains. “The lawyers could talk to one another, but I wasn’t ordained to oversee a legal structure. As their bishop I was responsible for the Church’s care of that family, and the only way I could do that was to go see them.”



Donald Cardinal Wuerl

Source: Pittsburgh Catholic

The parents invited him to dinner at their home. Then-Father David Zubik went with him.

“You can’t be part of a meeting like that without realizing the horrific pain and damage that abuse causes,” recalled Bishop Zubik, who succeeded his mentor as shepherd of the Diocese of Pittsburgh. “That family was particularly close, not only to each other, but exceptionally close to the Church. To experience the betrayal that they felt from representatives of the Church, from individuals they had trusted their kids with—you can’t describe it.”

Cardinal Wuerl recalled that “the family could not have been more gracious, especially considering what they had experienced. They were such a good witness to the faith for me at that point. I left them convinced I would never reassign a priest who had abused someone. They should never have a chance to do that again.”

Stories of the next day in the office became legend in the Pittsburgh chancery. “It changed him. It just changed him in many ways in terms of how his response was going to be,” Father Lengwin said. “We were going to be much more pastoral than we were in the past.”

Bishop Wuerl held a mandatory meeting to inform all priests that sexual contact with a minor was not simply a sin that could be forgiven, but a crime that would result in permanent removal from ministry and possibly prison. The priests were also told that if they received any allegation against a Church employee or another priest, they must report it to the chancery.

“He asked us to be very conscious and sensitive to whatever was going on in the parish, the school or daycare center, to be on the alert for such things,” said Father Philip Donatelli, then a pastor in the diocese.

Father DiNardo’s most vivid memory was “that the silence of the priests cannot be tolerated,” he said. “Bishop Wuerl’s point of view was that you need to understand that it’s not in the interest of the Church or the interest of the priesthood to be silent. If you know something, you need to tell us. The priesthood is a very small, selective group of people who all know each other. He was saying that we cannot protect people who are hurting other people. That was revolutionary.”

The diocese settled the lawsuit. Two of the priests went to prison and never returned to ministry. Charges against the third were dropped because the statute of limitations had expired. Bishop Wuerl, however, forced him to retire and he was forbidden to say Mass for anyone other than nuns in the convent where he was assigned to live.

Bishop Wuerl had addressed the arrests in his diocesan paper the week they became public, saying that he was creating a committee of experts to consider diocesan policy on response to allegations. In 1989 that panel of experts—which later included the parent of a victim—became the Diocesan Review Board. Bishop Wuerl would make decisions in abuse cases only after hearing their evaluation and recommendation.

Fred Thieman, an Episcopalian and former U.S. attorney for Western Pennsylvania, chaired many review-board meetings. The board had “extreme independence and the freedom to be as objective as we wanted to be,” he said. “We were given the freedom to reach whatever decisions we wanted to reach, based on the best evidence.”

Bishops had no guidelines in 1988. And there was little support from Rome for removing abusive priests, according to an analysis that Nicholas Cafardi, dean emeritus of the Duquesne University School of Law, presented in his book, *Before Dallas*. The 1983 Code of Canon Law had been drafted to give priests rights that would protect them from the arbitrary decisions of bishops. But little attention had been given to protecting the faithful from dangerous clergy. Consequently, bishops could not remove abusive priests without a Church trial, and none had been held for that purpose in living memory. The Church’s statute of limitations was very short, and there was a “catch 22” involving mental illness. Bishops would argue that perpetrators should be removed because pedophilia was a mental illness, but canon law forbade penalizing a priest for mental illness, and removal from ministry was a severe penalty.

A document from 1962 about priests who were sexual predators should have made it easier to remove perpetrators through the Vatican’s Congregation for the Doctrine of the Faith. But it was issued only in Latin, to bishops who were told to keep it confidential, and was quickly forgotten.

“By the time the crisis first broke [in Louisiana] in 1984, the bishops who got [that document], even if they understood it when they got it, were dead and gone,” Cafardi said.

Bishop Wuerl didn’t know about the 1962 document, but he was aware that he faced resistance in Rome. Knowing that he might not be permitted to remove every abuser from all ministry, he created a possibility that a priest who had received treatment and been approved for ministry by psychiatrists could serve in a restricted setting that involved no contact with children, while living under close supervision. It was used briefly in one case, but the priest was removed after more allegations came in.

“When decisions had to be made, we were breaking new ground,” Father DiNardo said. “How do you restrict a person’s faculties when you don’t have the penalties canonically? Everything related to... the sexual abuse scandal has to be contextualized in the time and place they occurred. From hindsight, there are things we do that are easier now because of the changes in the rules. But at the time it happened it wasn’t so easy. You were sticking your neck out more.”

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In 1993, while the diocese was dealing with several complex cases and encountering resistance from Rome, the bishop released a written policy on clergy sexual misconduct. It covered not only child sexual abuse, but other abuse of power for sexual gratification, including non-consensual sex with adults and consensual sex with parishioners or employees. While some situations might not

require permanent removal from ministry, that was the prescription for child sex abuse.

Bishop Wuerl was simultaneously working through the bishops' conference to urge Rome to change Church law so that abusive priests could be removed swiftly and permanently. "The foundation [of the canons] is that when you are a priest you are a priest forever, and that a bishop can remove you from an assignment, but he can't remove you from ministry without grave matter and a canonical trial. If the bishop does this through administrative action, it can be only for a brief period of time," he said. "So what we needed to do was to get the law changed so that a priest could be removed not just from an assignment, but from ministry."

Such changes in Church law would be a long time coming.

One reason he worked so hard on the issue was the case of Father Anthony Cipolla, which defined his response to abuse and eventually began to change the way Rome responded.

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In November 1988 a nineteen-year-old former seminarian filed suit, saying that Father Cipolla had molested him from the age of twelve. In remarks he would later repent of, Bishop Wuerl challenged the young man's version of events. It was the only time he publicly questioned an accuser's story.

The bishop would eventually deem the case highly credible.

He learned through that experience "to be much more open to listening to a victim, even if all the circumstances don't add up immediately," he said. "We learned that, when an allegation comes in, you turn it over to the public authorities. Because they are the ones who can investigate whether a crime has taken place. We can't."

Cipolla never was tried or convicted, and has always maintained his innocence.

Despite the bishop's initial skepticism, he immediately sent Father Cipolla for evaluation. He was never returned to ministry.

The attorney for the former seminarian had unearthed a detailed detective's report from 1978, when Father Cipolla was charged with molesting a nine-year-old boy. The priest had admitted having the naked child on the bed in his rectory, but claimed to have been giving him a medical exam. A decade later in his appeals to the Vatican, Cipolla would instead claim that the mother was confused, and that the "exam" was a catechism quiz.

The mother's sworn deposition stated that she dropped the charges under pressure from her pastor, Bishop Vincent Leonard, and Cipolla's attorney.

In March 1993, the Vatican's highest court, the Supreme Tribunal of the Apostolic Signatura, ordered Bishop Wuerl to return Father Cipolla to ministry. Instead, the bishop filed a petition for the court to take the case back – a move that was almost unheard-of.

The verdict praised Father Cipolla. It made no mention of his

pending civil trial. It discounted his 1978 arrest because the boy's mother withdrew the complaint. Bishop Wuerl was excoriated for using the wrong procedure to try to ban Cipolla from ministry, and for trying to force the priest into a psychiatric hospital. The tribunal said that Bishop Wuerl had improperly used the canon on mental illness—which it said was only for psychosis so severe that the priest was disengaged from reality.

The ruling ordered Bishop Wuerl to accept Father Cipolla as a priest in good standing, give him an assignment, allow him to say Mass publicly and to wear a Roman collar and other clerical garb.

Father Lengwin, the bishop's spokesman, said from the outset that he would not return Father Cipolla to ministry anywhere, at least while a civil trial was pending, and that the bishop planned to reopen the case because it was based on "inaccuracies."

"In our view, nothing has changed. We will be appealing the decision of the Signatura as provided to us by canon law," Father Lengwin said.

The decision from Rome "both scared and paralyzed the other bishops," said Nicholas Cafardi. "They felt that if Rome would not support them in the removal of abusive priests from ministry, what was the point of doing it?" Bishop Wuerl was "to the best of my knowledge, the only one who actually appealed a [Vatican] decision returning an allegedly abusive priest to ministry. He does stand out. He took on the Roman canonical system and said they had got it wrong. That took a lot of courage."

The conflict was between a pastoral approach and a purely canonical one, Cardinal Wuerl said. "When we realized how flawed the decree was, you have to respond. It wasn't as if we were all standing around and said, 'Let's take on the Holy See.' One thing led to another and then to another. As it turned out, we were right."

So eager was the bishop to send the case back to Rome that he called a meeting at his home to discuss it on the morning after the Blizzard of 1993. Roads were closed and at least one priest walked there through four-foot drifts.

It seemed clear that the court had lacked key facts, including the pending civil trial. The reason was that, under Vatican rules at the time, the diocese wasn't represented at the hearing. Instead, the case against the priest was handled by the Vatican's Congregation for Clergy. That procedure would change as a result of Bishop Wuerl's efforts.

The day after the meeting at his home, Bishop Wuerl flew to Washington to present the papal nuncio with his petition to reopen the case. That appeal suspended the earlier verdict, meaning that Father Cipolla remained banned from all ministry and from presenting himself publicly as a priest. Bishop Wuerl also asked for the diocese to be represented at any future rehearing.

"If he really felt that something was the right thing to do, as he did in the Cipolla situation, even if it bothered some people on the other side of the pond, he did what was right," Bishop Zubik said.

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“He knew his theology, he knew his history, and he knew he needed to be able to defend the Church that was entrusted to him.”

Six months later the diocese made a pre-trial settlement with the former seminarian. Father Cipolla’s attorney protested.

In October 1995, the Signatura reversed itself and ruled that Bishop Wuerl had been right to remove Cipolla from ministry.

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“In a case with international implications for how the Catholic Church responds to priests who molest minors, the Vatican’s highest court has declared that Pittsburgh Bishop Donald W. Wuerl acted properly when he banned an accused child molester from ministry,” said the story in the *Pittsburgh Post-Gazette*. “The decision of the Supreme Tribunal of the Apostolic Signatura represents a stunning reversal of an earlier high-court ruling that had rocked the Catholic Church. Canon lawyers compare the about-face to the U.S. Supreme Court taking the same case back and reversing its own decision.

“The earlier ruling had said that a priest had to be insane before he could be removed from ministry on mental health grounds, and had ordered Wuerl to reinstate the accused priest, the Rev. Anthony Cipolla. The new decision, which could have bearing on hundreds of sexual molestation cases in the U.S. alone, gives bishops much more leeway to deal with sexually abusive priests.”

The first ruling said a priest could be removed for mental illness only if he was so psychotic that he was divorced from all reality. The second, given after the Signatura sought an authoritative definition of the canonical term “psychic defect” from the Vatican office that interprets the Code of Canon law, said it meant any mental condition that could harm the faithful.

“If there is anything that stands in the way of providing for the salvation of souls, not just on account of insanity but...because of...some general mental disorder, it can constitute an impediment to the exercise of the ministry of clerics,” it said.

Close observers believe that Bishop Wuerl stepped on powerful toes when he sent the case back to the Signatura, blocking his advancement for the remainder of that pontificate.

“I think he knew it was going to hurt him,” said Sister Margaret Hannan, his longtime chancellor. “He was so politically astute that he knew sometimes that his decisions were political suicide, but he had such a vision and such a strong faith and such spiritual depth that he would go forward because of his love for the people and for the Church. He was willing to take personal hits.”

His actions showed selfless courage, Father DiNardo said. “If there are people out there who think that Bishop Wuerl’s whole goal in life was to do whatever he can to please the Holy See and move himself forward in the Church, this was a good, shining example that maybe their judgment of him is mistaken.”

Although other dioceses weren’t fighting pitched battles with the Vatican over the right to remove child molesters, Bishop Wuerl be-

lieved the other bishops understood the problem and were trying to do the right thing. In early 2002 he was working on revisions to the diocesan policy that would end promises of confidentiality to victims and require all allegations be given to the civil authorities. That was when news broke about a sex-abuse case that had been covered up in the Archdiocese of Boston, followed by similar reports from many other dioceses.

“I just assumed that everybody was doing what we would do. When the Boston situation erupted, it was a shock,” he said.

Too many bishops, he said, had relied on psychiatrists and lawyers, rather than on their own pastoral judgment. “A scientist’s decision or a doctor’s decision or a technician’s decision is a very valuable piece of information. But that is only one piece of the puzzle. You wouldn’t be a bishop if all you needed was a treatment-center professional to tell you how to deal with clergy,” he said at the time.

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Shortly before the summer meeting of the U.S. Conference of Catholic Bishops, draft rules for responding to allegations were circulated to the bishops. The proposed norms—which the bishops intended to have codified and enforced by the Vatican—would allow a priest with one past offense to return to ministry if he was not diagnosed as a pedophile, if he had received treatment and if restoration was approved by a lay review board that had offered the victim a hearing. The proposed policy would not have banned such a priest from parish ministry.

Bishop Wuerl announced that he would oppose any policy that returned an offender to ministry, especially parish ministry. “If you are going to make a mistake, make it on the side of the young people. Err in defense of the flock, not the shepherd,” he said.

The exception for a single instance was unreasonable because no one knew if other victims had remained silent, he said. “Who is doing the counting?” he asked. “I believe that it is essential to be able to assure the Catholic faithful that there is no priest in a parish assignment against whom there is a credible allegation of abuse of a minor.”

At the Dallas meeting, 700 people from the media outnumbered bishops more than two-to-one.

The meeting opened with gripping testimony from adults who had been victimized by clerics when they were children or teens. They spoke of suicidal depression, rage, damage to their relationships, and rejection by the Church when they came forward to seek justice.

That “gives us the perspective we need to draft our document – the perspective of those who are suffering,” Bishop Wuerl said shortly afterward.

The following day he broke with his usual practice of working behind the scenes and led a floor fight that resulted in a zero-tolerance policy.

Against strong opposition, he won approval to define sexual abuse as “contacts or interactions between a child and an adult when

the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child and whether or not there is discernible harmful outcome.” At Vatican behest this language was later modified in the charter and norms, but it remained the definition for the researchers from John Jay College of Criminal Justice, whom the bishops commissioned to study the crimes.

The Church’s definition of abuse must be based on Christian morality, which is broader than the definitions in civil law, Bishop Wuerl said. “Whatever the sexual abuse is has to be included in our definition of sexual abuse, whether or not it is covered by civil law. What we have been talking about all along is something that is immoral—and may also be a crime.”

He also had a critical role in a floor fight over reporting, arguing that bishops must, at a minimum, immediately tell civil authorities about any allegation in which the alleged victim was still a minor. Some bishops only wanted to report allegations that they had first investigated and found credible. Bishop Wuerl convinced the majority that the bishops can judge only fitness for ministry, while civil authorities must determine whether a crime was committed. “I believe where we have erred in the past is appropriating to ourselves the decision of whether or not to report the allegation because we have decided it is not credible,” he said.

The charter established a National Review Board to oversee the bishops’ response to allegations of child sexual abuse and to commission studies by leading experts on criminology about the scope and causes of child sexual abuse by priests.

Before he left Dallas, he was at work on a pastoral letter to address the sexual-abuse crisis.

Concern for victims must be the first response of the Church, he wrote in “To Heal, Restore, and Renew.” “I again renew my invitation to anyone who has been abused by a priest to meet me so that I might express the depth of my sorrow that this has happened and the sincerity of my desire for reconciliation.”

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The next step was for Rome to make the charter binding on the bishops of the United States by translating it into canon law for this country. “We need Rome’s authority to bind every bishop in the United States to follow these norms,” said Bishop Wuerl.

The norms faced strong opposition from some canonists. Some Vatican officials saw the sex-abuse crisis as a problem trumped up by the media in “English-speaking countries.”

“This is where Cardinal Ratzinger was of such help. He understood the need for the bishops to be able to remove abusive priests because it doesn’t allow for rehabilitation,” Cardinal Wuerl said of the future Pope Benedict XVI, who was then head of the Congregation for the Doctrine of the Faith. “There is always forgiveness, but there are always consequences and you have to live with the consequences—one of which is that you can’t minister any longer.”

Within a year, the charter seemed to be influencing Rome more than Rome had influenced the Charter. The Vatican issued new rules that allowed the Congregation for the Doctrine of the Faith to laicize a priest against his will and without a Church trial if the evidence was clear and the wrongdoing was egregious. Furthermore, the judgment could not be appealed to the Vatican’s court system.

Because of what he did, Father Robert Grecco said, priests in Pittsburgh could hold their heads up. “He saved the face of the priesthood during those dark days. He was always saying that there are good priests in this diocese. We can still go out there with our collars on and not worry about being ridiculed because our bishop did the right thing, no matter how difficult it was.”

Throughout his years of addressing the issue of child abuse, he received support and encouragement from Cardinal Joseph Ratzinger, then prefect of the Congregation for the Doctrine of the Faith and later Pope Benedict XVI. Bishop Wuerl was elated in 2001 when the authority for judging cases of sexual abuse and for removing offending clerics was transferred to the Congregation for the Doctrine of the Faith.

“Cardinal Ratzinger was of such help. He understood the need for the bishops to be able to remove abusive priests,” he said.

In 2005, Cardinal Ratzinger became Pope Benedict XVI. Just over a year into his pontificate, Pope Benedict appointed Donald Wuerl Archbishop of Washington, D.C.

It had been a well-run archdiocese, especially regarding sexual abuse. In 1986, under Cardinal James Hickey, the Archdiocese of Washington became one of the first to adopt a written child-protection policy. By the time Archbishop Wuerl arrived, the archdiocese was equipped to do its own fingerprinting of all employees and volunteers, so that the archdiocese would be notified immediately if anyone in its fingerprint database was arrested.

Pope Francis has taken steps to address child sexual abuse that Cardinal Wuerl has advocated since the Dallas Charter of 2002.

Looking back on how difficult it was to remove abusive clergy twenty years ago, Cardinal Wuerl said, “I think the Church can be very proud of where she is today.”

Cardinal Wuerl has led by example, said Monsignor Ronny Jenkins, general secretary of the U.S. Conference of Catholic Bishops and previously the canon lawyer who advised them on implementation of the child-protection charter and norms. “He really understood, as a shepherd, what this meant for children, for the faithful, for the Church. In Pittsburgh he fought very strongly to institute strong measure of protection and to address the injustices and the priests who had offended. He didn’t just announce something, he did it.”

Note: The foregoing is an adaptation of the authors’ recently released book, *Something More Pastoral: The Mission of Bishop, Archbishop and Cardinal Donald Wuerl*.