

NO “ZERO TOLERANCE” POLICY FOR MOONVES

Catholic League president Bill Donohue comments on the way CBS is handling the controversy over its CEO, Les Moonves:

The day after allegations of sexual misconduct were made against CBS anchor Charlie Rose last year, he was fired. Last week, allegations of sexual misconduct were made against CBS Chairman and CEO Les Moonves, and he is still on the job, pending an investigation.

The authorities in Southern California have decided not to prosecute Moonves because the statute of limitations has expired. A woman who said she was sexually abused by him in the 1980s was seeking redress for his criminal conduct, but prosecutors said it was too late to do so.

If an American Catholic priest is accused of sexually abusing a minor, he is subjected to the Church’s “zero tolerance” policy and must immediately step aside pending an investigation. All that is needed to trigger the probe is a determination that a “credible accusation” was made, a condition which the late Cardinal Avery Dulles labeled as “manifestly groundless.”

If a priest is accused of sexually abusing an adult, his bishop must decide how to proceed. Some have gone beyond “zero tolerance” and have forced priests who were once involved in a consensual relationship with a woman out of ministry *immediately* upon being notified.

Who was treated unfairly—Rose or Moonves? Would it have been fair if California lawmakers had passed a law suspending the statute of limitations for all sexual abuse crimes, thus allowing them to prosecute Moonves? Is “zero tolerance” a fair policy for priests, and if so, should it be adopted by CBS and

everyone else?

Sexual abuse should never be tolerated, and it is particularly pernicious when it involves minors. "Throw the book at him" is a just policy, providing, of course, we are as certain as we can be that the accused is guilty. Unfortunately, in today's hysterical #MeToo climate, due process means little, setting the stage for gross injustice.

So who was treated unfairly, Rose or Moonves? Rose. He was never afforded the chance to rebut the charges, as Moonves has.

Should the statute of limitations apply to all crimes of a sexual nature? Yes. There is a very good civil liberties principle involved here: we must be reasonably confident that the accounts are accurate (memories do fade), and that the witnesses are still alive. These conditions can be a real problem when trying to adjudicate old cases.

Are "zero tolerance" policies fair? No. To remove someone from his job based on a very thin standard of proof is unjust. Rev. Msgr. Thomas G. Guarino, professor of systematic theology at Seton Hall University, has accurately concluded that the "credible accusation" rule has come to mean "not entirely impossible."

This defense of due process does not exculpate CBS. Like others in the media, they insist on "zero tolerance" for priests, but not for themselves.

This includes media outlets such as the *New York Times* and the *Washington Post*, both of which have been highly critical of the Catholic Church for the way it has dealt with the case of Cardinal Theodore McCarrick. Yet neither paper has editorialized against CBS for its slow-walk treatment of Moonves.

What is at stake today is the erosion of the "innocent until

proven guilty" code of justice and a selective interest in due process. These are too important to be sacrificed in our pursuit of punishing the guilty.