

RECONSIDERING THE DALLAS CHARTER

June Catalyst 2011

Fr. Michael P. Orsi

The following recounts what happened to an innocent priest from New Jersey in the wake of the bishops' conference that took place in 2002. Just a few months after it was exposed that the Boston Archdiocese was deeply involved in a cover-up of priestly sexual abuse, the bishops assembled in Dallas. The June meeting was held in a hostile environment: calls for quick and lasting reforms were made from many quarters, and the media had a field day with it. While much good came out of the meeting, it is clear now that on some very important matters, there was a rush to judgment. Nothing was more hastily considered than the due process rights of accused priests. One of those victims was Msgr. Bill McCarthy.

Justice demands that the guilty pay, but it also demands that the innocent not suffer. On June 15-18, the bishops will meet in Seattle, and one of the items they are expected to address is the issue of accused priests and fairness in dealing with them. It is only fitting that the documented case of Msgr. McCarthy be given due consideration. Sadly, he is not alone.

Bill Donohue

Monsignor William McCarthy is a retired priest from the Diocese of Paterson, New Jersey. After a stellar, four-decade pastoral career, he is a priest in good standing. However, for almost five years he wasn't. In *The Conspiracy: An Innocent Priest, A True Story*, McCarthy recounts the ordeal that resulted from a false accusation that he abused two young girls.

A 2003 complaint—made anonymously some 23 years after the incidents were alleged to have occurred—subjected McCarthy to the provisions of the *Dallas Charter for the Protection of Children and Young People*, enacted by the United States bishops in 2002 to address the highly publicized and damaging reports of child abuse. He is straightforward in his negative assessment of this draconian measure. He also criticizes the ineptitude of some bishops, the unchecked bureaucracy of diocesan chancery offices, the vendettas carried on by some of the laity against priests, the corruption of some law enforcement officers, and the arduous process and long wait faced by priests seeking justice from the Church. Hop to laicize him immediately. Instead, the future pope ordered a canonical trial at which McCarthy was completely exonerated.

Some of the situations addressed in this book are chilling. About the vindictive nature of some people who have a gripe (real or imagined) against a priest, McCarthy writes:

“Leaders of even simple ordinary positions such as pastors of local churches are not without their adversaries who will go to any extent to hurt them. During the ‘pedophile’ eruption in the USA, the media was inundated with countless accusations of priests. People were bombarded with this phenomena, it was in the ‘air’ as it were. Consequently, anyone with a grudge against a priest was motivated to seize the opportunity to make a hit.”

The motive of an accuser (or a purported witness) should be thoroughly investigated as part of the inquiry process whenever an allegation arises. Yet, this is rarely considered a top priority. Instead, ever since the Boston debacle caused by Cardinal Bernard Law’s mismanagement put the issue of recidivist abusers in the nation’s headlines, accused priests are automatically presumed guilty by their bishops, with very little scrutiny of those making the accusations.

The judgment of guilt is generally affirmed in the court of

public opinion, since the priest has already been removed from his ministry. Out-of-court payoffs to plaintiffs, which have become a common practice, exacerbate the problem. People assume that the exchange of money automatically proves there was something wrong, creating a no-win situation even for a priest who is ultimately found to be innocent.

Therefore, unless incontrovertible evidence can be shown that abuse occurred, each case should be litigated aggressively by the priest's diocese (this is as true in the case of dead priests). The system, as it stands now, encourages false accusations, has led to bankruptcy in many dioceses, and left the Church, its bishops and priests more vulnerable than ever.

McCarthy paints a dreary portrait of his former bishop and chancery staff that is, unfortunately, all too common. Instead of an organization guided by Christian principle, we see a group of confused and desperate people whose behavior illustrates such key insights from business management as, "Personnel is policy," and "Like brings on like." Concerned only with self-protection, they are only too willing to throw a priest "under the bus." As McCarthy explains:

"In my case, my former bishop writes an official letter to the Pope demanding my immediate laicization, ex officio; this time not even a trial or personal discussion of any kind. No recourse of any sort was allowed me. No communication was possible—I was shunned by the diocese and my brother priests. My name erased from the official records. My life was essentially evaporated."

Infuriating as it may be, Canon Law enables bishops to act as little potentates in their dioceses. Inadequate bishops, fearful of public opinion, tend to isolate themselves from those who think differently than they do, and confront issues in a dictatorial manner. Bishops who allowed known serial pedophiles to continue in the priesthood should have been removed. So too those who sacrificed innocent priests for

expediency, hiding behind the non-binding *Dallas Charter*. But the Vatican has no mechanism for removing them (even for evaluating them), unless immoral behavior, heresy, or financial mismanagement can be proven. And so, many of them continue to exercise their office in good standing. No wonder the outrage!

It seems to be part of our psychological make-up to trust law enforcement personnel and think of them as good people. We also tend to believe that telling the truth will clear us of an allegation. McCarthy jarringly demonstrates that this trust is misplaced. He chronicles the emotional abuse suffered at the hands of a police detective, and discusses the use of such dubious investigative practices as a rigged lie detector test and proposing “suppressed memories” to alleged victims. He recounts the testimony given by a police detective at his canonical trial:

“Then [the detective] testified—the one who began this whole sham. The one who convinced the girls that ‘Father McCarthy molested you when you were children,’ even though they denied having any memories whatsoever of such a thing happening. He invoked the technique prevalent in the seventies called ‘suppressed memory.’ He had said to them, ‘You don’t remember it because it was so painful and awful that you just buried it...but he did molest you.’ After several intense barrages at them, they allowed themselves to become convinced those awful things actually happened to them.”

McCarthy rightly advises any priest facing a sexual abuse charge to get a civil and canon lawyer before answering any questions, either from the bishop or from the police—especially the police. He notes how the conviction of an abusive priest is viewed as a feather in a police officer’s cap—career-wise.

So much is said about abuse victims—and rightly so—but little is said about the priests falsely accused, either those living

or those who have died. Least discussed of all is the truth that, in some cases, Satan is acting on the minds and imaginations of those people who lend themselves to the task of destroying an innocent priest. The Evil One knows that to cripple the priesthood is to strike at the heart of the Church. That's why every effort must be made to protect the innocent, for their good and for the good of the Body of Christ.

McCarthy shows his readers the entire process, civil and canonical, which he endured. His story is an invaluable education for those not familiar with the usual course of events involved in these cases. He says:

"Unquestionably there needs to be positive meaningful change to the ecclesiastical tribunal system. They have never been truly challenged. It is time for priests around the world to speak out for major reform. It needs to change so that innocent priests like me can get a fair shake—and I'm going to keep fighting until it is done. If I don't keep up the struggle, my life's work will be in vain."

McCarthy acknowledges the importance of his lay friends and brother priests who supported him during his long ordeal. They were, he says, essential to his survival. He praises his new bishop for treating him with dignity and respect, and reports a reconciliation with his now-retired bishop and the Vicar-General who processed the case against him. McCarthy says he has forgiven all those involved in his crucifixion but, he says, he will never forget. Nor will anyone who reads McCarthy's account.

The Conspiracy is a combination diary, spiritual journal, and exercise in self-analysis, and it includes a bibliography of other books McCarthy found helpful during his ordeal. It is self-published, and so doesn't have all the polish of a work edited and produced by a major publishing house. In a sense, that enhances its effectiveness. This is a raw account of one

man's ordeal, capturing both the torment inflicted on an innocent priest and the joy of his vindication.

Despite the successful outcome of his case, the physical and psychological wounds McCarthy sustained have left permanent scars. Yet the depth of spiritual growth which he reports has enabled him to identify with the innocently crucified Lord. Perhaps that's the most important point the book makes.

This story should be read by every priest and every lay person, because the priest scandal is a sad episode in the history of the Church which effects everyone. McCarthy has performed an invaluable service by giving us his story in the form of an insightful memoir. His account puts the sensationalism surrounding the crisis in a different light, bringing into focus those priests who are being abused by an unjust system. And he offers words of hope to any of his fellows who may be experiencing the pain he endured:

"Finally, may I dare say, if there is one message I want to leave from this journal, it is if there is a priest out there who is falsely accused, I want you to know, that you are not alone, and with perseverance and hopefully with patient endurance, you can make it to the other side of darkness."

Fr. Michael P. Orsi is Chaplain and Research Fellow in Law and Religion, Ave Maria Law School.