

August 10, 2018

His Eminence
Daniel Cardinal DiNardo
Archbishop of Archdiocese of Galveston-Houston and
President of the U.S. Conference of Catholic Bishops
1700 San Jacinto
Houston, Texas 77002

Your Eminence:

Please accept this letter from a member of the lay faithful in Houston, Texas. Given your position as the shepherd of our diocese, and as the President of the USCCB, I wish to provide my thoughts and suggestions as you work towards the General Assembly in November.

The allegations raised in *The New York Times* about Theodore McCarrick have disturbed me to no end. I cannot imagine how much they have disturbed you and your brothers who both teach and guard our Church. In my many years as a practicing Catholic, I have never encountered any sexual misconduct by any deacon, priest, or bishop, and I am convinced that the various abuse scandals I read about are committed by a small minority of our religious leaders.

I have seen many strongly worded statements from our country's bishops, including your August 1, 2018, communication. Some, like the communications of Bishops Michael Olson and Timothy Doherty, are also excellent. It is disheartening, however, that many bishops have remained silent in the wake of the latest allegations. Perhaps they are acting through the USCCB, and I will give them the benefit of the doubt.

You encouraged us to pray for renewal and cited St. Paul's instruction: "[D]iscern what is the will of God." As Bishop Doherty has written, "general prayers and apologies are necessary, but not sufficient" to protect victims of sexual misconduct by members of the clergy. I believe you fully agree, and you have written that the USCCB will be engaged in "discussions [that] will be oriented to discerning the right course of action for the USCCB."

I am an experienced trial lawyer in Houston who specializes in employment law, so I am familiar with litigating cases in which even the largest and most capable corporations sometimes struggle in people management. I see the mistakes some of those organizations make and frequently speak to their representatives about implementing best practices to minimize liability. The Church in the United States makes many preventable errors with regard to abuse cases—the most common of which is the repetitive violation of the so-called "rule of holes," meaning, if you are in a hole, stop digging. Each time these scandals happen we hear the same words and call to prayer. The same tropes used by our leaders will not work anymore with the laity. In other words, they do not get the Church "out of the hole."

You might ask yourself, “what will work?” Justice Louis Brandeis opined that: “Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants.” It is, therefore, in the spirit of Justice Brandeis’s words that I humbly and reverently suggest three practical actions the USCCB should consider in the present moment. You must know that this is likely the last chance the bishops will have to get this right.

First, the USCCB must no longer allow dioceses to confidentially settle cases of clergy abuse. Any settlement of a case of clergy abuse must be made public and placed on the website of the USCCB along with the offending clergyman, the amount of the settlement, and the date of the allegation. (Naturally, the names of the victims can and should be redacted). As a lawyer, I understand and value settlement of litigation, and I fully appreciate the necessity of confidential settlement agreements in many cases. The private and undisclosed settlements regarding Theodore McCarrick, however, hid information that other clergy and members of the lay faithful needed to know. Publicly disclosing settlements would also encourage any other victims to come forward, which was the second goal for the USCCB that you listed in your August 1 statement. It would also better inform parishioners about their pastors. If the McCarrick settlements were disclosed to the public, then it is inconceivable that he would have been elevated to the position of Cardinal or remained in the priesthood. It is no longer in the best interest of the Church to hide her dirty laundry.

Second, the USCCB should no longer permit its dioceses to assert the affirmative defense of the statute of limitations in these cases. It should also encourage various state governments to lengthen the civil and criminal statutes of limitation in clergy abuse matters. I understand the purpose of such statutes. I also understand that victims sometimes wait decades to bring their claims, and that witnesses may provide unreliable testimony after a lengthy period of time has passed between the date of the alleged act and the filing of a legal claim. For example, I have concerns about the allegations raised against Cardinal Pell in Australia. In the final analysis, however, these issues can be raised to the finder of fact, and limitations statutes should not be raised in such a way to prevent or discourage victims from coming forward. Moreover, clergy should know that, if they engage in misconduct, they will face scrutiny and defenestration to their dying day. If the Church was in some way responsible for abuse by either her actions or inactions, then she must accept responsibility, and she must accept being figuratively scourged like Jesus. This should happen even if that means less money for valuable and necessary ministries in the short term. Surely purging these reprobates will allow us to build a firmer foundation for Christian renewal and evangelization in the long term.

Third, the USCCB must create a mechanism by which victims, including seminarians over the age of 18 as well as priests, can freely report the abuse and harassment of other priests and bishops without fear of retaliation. What is a seminarian or priest supposed to do if the perpetrator is a bishop? It is standard practice in corporate America to have such reporting structures. I can tell you that they are not perfect, but they are generally successful. If the USCCB established an office to report such abuse staffed by a team of credible and experienced investigators who report directly to the President of the USCCB, then it would provide an outlet for the Church to investigate and, if necessary, begin the process of remediation.

These suggestions are not made lightly. It is a fundamental principle of our legal system that every accused person is entitled to a presumption of innocence. The Church's handling of these cases, however, raises an assumption of culpability. I am sure you know better than anyone how hard it is when others seem to associate our Church with child molesters. In the span of my lifetime priests went from some of the most trusted and respected members of society to some of the most feared and disdained. This is because some clergy abused that trust and respect by raping and otherwise sexually assaulting children and seminarians. If you wish the public to once again hold priests in high esteem, then dioceses should start by being 100 percent transparent with the public and 100 percent committed to letting justice prevail. Then and only then will the collar again have respect and the public will stop associating priests with child predators.

You are the right man for this job and I fully believe that this is your moment. I have attended masses you have celebrated, read your statements, and followed your passion for God and our faith. You are clearly in good with the Lord. We beg you; do not let us down in this time of dire need. The people will no longer accept mere words, no matter how sincerely believed. We no longer trust the bishops' words to become deeds. The bishops' credibility is on life support. It can, however, be revived if you look to and follow the example of Jesus.

As our Lord said, "Just so, your light must shine before others, that they may see your good deeds and glorify your heavenly Father." Deeds are needed in this time of grave crisis. Whether you take these suggestions or not, I pray that the USCCB and this diocese take concrete and meaningful actions to help end this scourge.

Fiat justitia ruat cælum. Please let right be done.

Yours in Christ,

A handwritten signature in blue ink, appearing to read 'E. Sullivan', with a long horizontal flourish extending to the right.

Edwin Sullivan