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 November 2020

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SEGRETERIA DI STATO

Vatican City, 10th November 2020

This Report on the Holy See's institutional knowledge and decision-making related to former Cardinal Theodore Edgar McCarrick (from 1930 to 2017) originates from the decision of the Holy Father, on 6 October 2018, to carry out a thorough examination of all the records preserved in the Archives of the Dicasteries and Offices of the Holy See regarding McCarrick, in order to ascertain the relevant facts, placing them in their historical context and evaluating them objectively.

The Report was drawn up under the auspices of the Secretariat of State, based on a study of the documentation found in the aforementioned Archives. The Pontiff subsequently extended the inquiry to include information drawn from persons and ecclesiastical institutions with knowledge of events, in order to achieve a more accurate and complete account of the facts.

After receiving this Report, Pope Francis authorised its publication for the good of the Universal Church.

Pietro Card. Parolin
Secretary of State

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I. INTRODUCTION

A. Scope and Nature of the Report Related to Former Cardinal Theodore Edgar McCarrick

On 6 October 2018, the Holy Father ordered a thorough study of the documentation present in the Archives of the Dicasteries and Offices of the Holy See regarding McCarrick, in order to ascertain all the relevant facts, to place them in their historical context and to evaluate them objectively.

The examination of documents was undertaken in compliance with the instructions of the Holy Father and under the auspices of the Secretariat of State. No limit was placed on the examination of documents, the questioning of individuals or the expenditure of resources necessary to carry out the investigation. The Secretariat of State, having now concluded its examination, sets forth the results in this Report on the Holy See's Institutional Knowledge and Decision-Making Related to Former Cardinal Theodore Edgar McCarrick (1930 to 2017) ("Report"). The Report is released to the public pursuant to the Holy Father's instruction in this exceptional case for the good of the Universal Church.

This Report is based upon review of all relevant documents located after a diligent search. Within the Roman Curia, information was primarily obtained from the Secretariat of State, the Congregation for Bishops, the Congregation for the Doctrine of the Faith, the Congregation for Clergy and the Congregation for Divine Worship and the Discipline of the Sacraments. All relevant documents of the Apostolic Nunciature to the United States were also examined. While an explanation of the various roles and functions of the named dicasteries and officials is beyond the scope of the Report, an understanding of such matters, including the distinctions between the competencies of the dicasteries, is critical to comprehend the decision-making process described below.

Although the Holy See's examination was originally focused on documents, information was also gathered through over ninety witness interviews, each ranging in length from one to thirty hours. The interviewees included current and former Holy See officials; cardinals and bishops in the United States;

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officers of the United States Conference of Catholic Bishops (USCCB); former seminarians and priests from various dioceses; several of McCarrick's secretaries from Metuchen, Newark and Washington; and lay people in the United States, Italy and elsewhere. Unless otherwise indicated, the interviews referred to in the Report took place between May 2019 and October 2020.

The Holy See's examination included review of statements and other documents received from individual participants in the interview process, as well as review of the testimony collected during the administrative penal procedure conducted by the Congregation for the Doctrine of the Faith in late 2018 and early 2019. The Holy See also received materials from Catholic entities in the United States, including the USCCB, the Diocese of Metuchen, the Archdiocese of Newark, the Archdiocese of New York, the Archdiocese of Washington and Seton Hall University.[1] The materials were gathered for the sole purpose of contributing to this Report and are not authorized for any other use.

Consistent with instructions, the Report describes the Holy See's institutional knowledge and decision-making related to McCarrick, as placed in historical context. As emerged over the course of the examination, the relevant context includes McCarrick's activities, accomplishments and travels, which all bore upon Holy See decision-making. The knowledge and actions of individuals and institutions in the United States are likewise discussed to the extent that they are relevant to the Holy See's decisions.

This Report does not examine the issue of McCarrick's culpability under canon law, since that question has already been adjudicated by the Congregation for the Doctrine of the Faith. While the Secretariat of State's examination was not focused on discovering the precise nature of McCarrick's misconduct, numerous individuals who had direct physical contact with McCarrick were interviewed in connection with the Report.[2] During extended interviews, often emotional, the persons described a range

[1] Section XXIX.

[2] Section XXVIII.

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of behavior, including sexual abuse or assault, unwanted sexual activity, intimate physical contact and the sharing of beds without physical touching. The interviews also included detailed accounts related to McCarrick's abuse of authority and power. The individuals' full accounts, which proved extraordinarily helpful to the examination, were carefully reviewed, were made available to Pope Francis and are preserved in the Holy See's archives.

Because this Report is focused on institutional knowledge and decision-making related to McCarrick, only the accounts that were known to Holy See officials or to members of the ecclesiastical hierarchy in the United States before late 2017 are set forth in the Report, with victims' consent and approval. Any person who was victimized by McCarrick of course remains free to share his experiences publicly, as several have already done. For readers who have suffered from sexual abuse or sexual harassment, the sections of the Report that recount incidents involving McCarrick, including Sections VI, IX, X.C, XIX.D, XX and XXVIII, could prove traumatizing and should be approached with caution. Some sections of this Report are also inappropriate for minors.

With respect to his international activities, McCarrick worked on behalf of many different religious and secular entities over the course of five decades. McCarrick traveled abroad for the USCCB, Catholic Relief Services, the Holy See, the United States Department of State, the Appeal of Conscience Foundation, and a range of other private and governmental entities and individuals. McCarrick also engaged in initiatives and traveled of his own accord.

Regarding international work coordinated with the Holy See, McCarrick's activities often constituted a form of "soft diplomacy," based upon pastoral work and cultural, educational, scientific and inter-religious dialogue. McCarrick was never a diplomatic agent of the Holy See. Although the international relations of the Holy See occasionally provide important context for McCarrick's activities, this Report avoids setting forth detailed information implicating foreign affairs, particularly as to ongoing or delicate matters.

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While McCarrick's fundraising and gift-giving are discussed below, the Report does not provide an accounting of such activities, which took place over at least four decades. Overall, the record appears to show that although McCarrick's fundraising skills were weighed heavily, they were not determinative with respect to major decisions made relating to McCarrick, including his appointment to Washington in 2000. In addition, the examination did not reveal evidence that McCarrick's customary gift-giving and donations impacted significant decisions made by the Holy See regarding McCarrick during any period.

The citations set forth in the footnotes below refer to the *Acta* deposited in Holy See archives with the original of the Report. To protect the rights and interests of individuals and public and private entities involved, the *Acta* are not published with this Report. Nevertheless, the Report quotes critical documents in full. With respect to documents described or quoted in part, those descriptions and quotations accurately reflect the content of the document at issue. Emphasis in the quoted documents appears in the original unless otherwise indicated.

Preparation of the Report required extensive translation of documents, primarily from English to Italian and vice versa. With the notable exception of correspondence sent directly to McCarrick, most of the key documents from the Roman Curia and the Apostolic Nunciature were written in Italian, whereas most of the documents from the United States were written in English. Italian language documents are indicated by an asterisk when first cited. The source language of any given document is authoritative as to its meaning.

Although the passage of time and the complexity of the matter make it impossible to include all information, this Report should provide a significant contribution to the record. As Marc Cardinal Ouellet, the Prefect of the Congregation for Bishops, wrote in an open letter on 7 October 2018, "I hope like many others, out of respect for the victims and the need for justice, that the investigation . . . in the United States and in the Roman Curia will finally offer us a critical, comprehensive view on the procedures and the

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circumstances of this painful case, so that such events are not repeated in the future."[3]

B. Executive Summary

This section summarizes the key facts and decision-making regarding former Cardinal McCarrick, from his elevation to the episcopate in 1977 through the allegation in 2017 that he had sexually abused a minor during the early 1970s. To assist the reader, the summary references relevant sections of the Report for each topic.

1. Knowledge and Decision-Making Related to McCarrick During the Papacy of Paul VI

Following an extensive examination of McCarrick's background, Pope Paul VI appointed Monsignor Theodore McCarrick Auxiliary Bishop in New York in 1977. Most informants consulted during the nomination process strongly recommended McCarrick for elevation to the episcopate. No one reported having witnessed or heard of McCarrick engaging in any improper behavior, either with adults or minors.[4]

2. Knowledge and Decision-Making Related to McCarrick During the Papacy of John Paul II

a. Appointments to Metuchen and Newark

Pope John Paul II appointed McCarrick as Bishop of Metuchen (1981) and Archbishop of Newark (1986). The decisions to appoint McCarrick were based upon his background, skills, and achievements. During the appointment process, McCarrick was widely lauded as a pastoral, intelligent and zealous bishop, and no credible information emerged suggesting that he had engaged in any misconduct.[5]

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[3] 17 *ACTA* 14815.

[4] Sections II and III.

[5] Sections IV and VII; *see also* Section VI.

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In Metuchen and Newark, McCarrick was recognized as a hard worker, active in the Episcopal Conference and on the national and international stage. He also became known and appreciated as an effective fundraiser, both at the diocesan level and for the Holy See.[6]

b. Appointment to Washington

Archbishop McCarrick was appointed to Washington in late 2000 and created cardinal in early 2001. The evidence shows that Pope John Paul II personally made the decision to appoint McCarrick and did so after receiving the counsel of several trusted advisors on both sides of the Atlantic.

At the time of his appointment to Washington, the allegations against McCarrick generally fell into four categories:

> (1) Priest 1, formerly of the Diocese of Metuchen, claimed that he had observed McCarrick's sexual conduct with another priest in June 1987, and that McCarrick attempted to engage in sexual activity with Priest 1 later that summer;[7]
>
> (2) a series of anonymous letters, sent to the National Conference of Catholic Bishops, the Apostolic Nuncio and various cardinals in the United States in 1992 and 1993, accused McCarrick of pedophilia with his "nephews";[8]
>
> (3) McCarrick was known to have shared a bed with young adult men in the Bishop's residence in Metuchen and Newark;[9] and

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[6] Sections V and VIII.

[7] Sections X.C, XII and XIII. With regard to persons identified in this Report with a numbered pseudonym to protect their privacy, the Secretariat of State is aware of their true identities.

[8] Sections X.A, XII and XIII.

[9] Sections XII and XIII.

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(4) McCarrick was known to have shared a bed with adult seminarians at a beach house on the New Jersey shore.[10]

These allegations were generally summarized in a 28 October 1999 letter from Cardinal O'Connor, the Archbishop of New York, to the Apostolic Nuncio, and were shared with Pope John Paul II shortly thereafter.[11]

Information regarding McCarrick's conduct led to the conclusion that it would be imprudent to transfer him from Newark to another See on three occasions, namely Chicago (in 1997),[12] New York (1999/2000)[13] and, initially, Washington (July 2000).[14] However, Pope John Paul II seems to have changed his mind in August/September 2000, ultimately leading to his decision to appoint McCarrick to Washington in November 2000.[15] The main reasons for the change in John Paul II's thinking appear to have been as follows:

- At the request of Pope John Paul II, in May to June 2000, Archbishop Montalvo, the Nuncio to the United States, conducted a written inquiry directed at four New Jersey bishops to determine whether the allegations against McCarrick were true. The bishops' responses to the inquiry confirmed that McCarrick had shared a bed with young men but did not indicate with certainty that McCarrick had engaged in any sexual misconduct.[16] What is now known, through investigation undertaken for the preparation of the Report, is that three of the four American bishops provided inaccurate and incomplete information to the Holy See regarding McCarrick's sexual conduct with young

[10] Sections XII and XIII.

[11] Section XII.

[12] Section XI.

[13] Section XII.

[14] Sections XIII, XIV and XV.

[15] Section XVI.

[16] Section XIII.

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adults.[17] This inaccurate information appears likely to have impacted the conclusions of John Paul II's advisors and, consequently, of John Paul II himself.[18]

- On 6 August 2000, McCarrick wrote a letter to Bishop Dziwisz, the Pope's particular secretary, which was intended to rebut the allegations made by Cardinal O'Connor. In the letter, which was provided to Pope John Paul II, McCarrick affirmed: "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." McCarrick's denial was believed and the view was held that, if allegations against McCarrick were made public, McCarrick would be able to refute them easily.[19]

- At the time of McCarrick's appointment, and in part because of the limited nature of the Holy See's own prior investigations, the Holy See had never received a complaint directly from a victim, whether adult or minor, about McCarrick's misconduct.[20] For this reason, McCarrick's supporters could plausibly characterize the allegations against him as "gossip" or "rumors."[21]

- Priest 1, the only individual at the time to claim sexual misconduct by McCarrick, was treated as an unreliable informant, in part because he himself had previously abused two teenage boys.[22] In addition, the

[17] Section IX.

[18] Sections XII, XIII, XV and XVI.

[19] Section XVI.

[20] Sections XII and XIII.

[21] Sections XII, XIII and XV.

[22] Sections XII and XIII.

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Holy See did not receive any signed statement from Priest 1 regarding his allegations against McCarrick.[23]

- Although McCarrick admitted that his sharing of a bed with seminarians at the beach house was "imprudent," he insisted that he had never engaged in sexual conduct and that claims to the contrary, including the anonymous letters, constituted calumnious and/or politically motivated gossip.[24] Though there is no direct evidence, it appears likely from the information obtained that John Paul II's past experience in Poland regarding the use of spurious allegations against bishops to degrade the standing of the Church played a role in his willingness to believe McCarrick's denials.[25]

- Over two decades of episcopal ministry, McCarrick was recognized as an exceptionally hard-working and effective bishop able to handle delicate and difficult assignments both in the United States and in some of the most sensitive parts of the world – including in the former Eastern Bloc and particularly Yugoslavia.[26]

- Pope John Paul II had known McCarrick for years, having first met him in the mid-1970s.[27] McCarrick interacted with the Pope frequently, both in Rome and during trips overseas, including at the time of the Pope's visit to Newark in 1995 and during annual trips to Rome for the Papal Foundation.[28] McCarrick's direct relationship with John Paul II also likely had an impact on the Pope's decision-making.

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[23] Sections X.C, XII, and XIII.

[24] Section XVI.

[25] Section XVI.

[26] Sections V and VIII.

[27] Sections II and III.

[28] Sections V and VIII.

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3. Knowledge and Decision-Making Related to McCarrick During the Papacy of Benedict XVI

At the beginning of the papacy of Benedict XVI, the information received by the Holy See related to McCarrick's misconduct was generally similar to the information that had been available to John Paul II at the time of the appointment to Washington.[29] Shortly after his election in April 2005, upon the recommendation of the Nuncio and the Congregation for Bishops, Pope Benedict XVI extended McCarrick's tenure in Washington, which was viewed as successful, by two years.[30]

Based upon new details related to Priest 1's allegations, the Holy See reversed course in late 2005 and urgently sought a successor for the Archbishopric of Washington, requesting that McCarrick "spontaneously" withdraw as Archbishop after Easter 2006.[31]

Over the next two years, Holy See officials wrestled with how to address issues regarding Cardinal McCarrick. While serving in the Secretariat of State, Archbishop Viganò wrote two memoranda, one in 2006 and the other in 2008, for the purpose of bringing questions related to McCarrick to the attention of Superiors.[32] The memoranda referred to the allegations and rumors about McCarrick's misconduct during the 1980s and raised concerns that a scandal could result given that the information had already circulated widely. Noting that the allegations remained unproven ("*Si vera et probata sunt exposita*") and recognizing that only the Pope could judge a cardinal under the canon law, Viganò suggested that a canonical process could be opened to determine the truth and, if warranted, to impose an "exemplary measure."

Viganò's Superiors, Secretary of State Cardinal Bertone and Substitute Archbishop Sandri, shared Viganò's concerns and Cardinal Bertone

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[29] Sections XIX.A, XIX.B and XIX.C.

[30] Sections XVIII and XIX.D.

[31] Section XIX.D.

[32] Sections XX and XXII.A.

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presented the matter directly to Pope Benedict XVI. Ultimately, the path of a canonical process to resolve factual issues and possibly prescribe canonical penalties was not taken.[33] Instead, the decision was made to appeal to McCarrick's conscience and ecclesial spirit by indicating to him that he should maintain a lower profile and minimize travel for the good of the Church. In 2006, Cardinal Re, Prefect of the Congregation for Bishops, instructed Nuncio Sambi to convey these indications orally to McCarrick.[34] In 2008, Prefect Re transmitted the indications to McCarrick in writing.[35] While Cardinal Re's approach was approved by Pope Benedict XVI, the indications did not carry the Pope's explicit imprimatur, were not based on a factual finding that McCarrick had actually committed misconduct, and did not include a prohibition on public ministry.[36]

A number of factors appear to have played a role in Pope Benedict XVI's declination to initiate a formal canonical proceeding: there were no credible allegations of child abuse; McCarrick swore on his "oath as a bishop" that the allegations were false;[37] the allegations of misconduct with adults related to events in the 1980s; and there was no indication of any recent misconduct.[38]

In the absence of canonical sanctions or explicit instructions from the Holy Father, McCarrick continued his activities in the United States and overseas. McCarrick remained in active public ministry, continued his work with Catholic Relief Services (including foreign travel), traveled to Rome for various meetings or events, remained a member of Holy See dicasteries (Administration of the Patrimony of the Apostolic See and Pontifical Councils), continued his work in the Middle East with the United States Department of State, and served on USCCB committees. McCarrick also

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[33] Sections XX and XXII.

[34] Section XX.

[35] Section XXII.B.

[36] Section XXII.

[37] Section XIX.D.

[38] Sections XIX, XX and XXII.

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undertook other engagements with the approval of officials of the Roman Curia or the Apostolic Nuncio.[39] After mid-2009, Nuncio Sambi became the main point of contact for McCarrick and, with Sambi effectively taking charge of the situation, neither Pope Benedict XVI nor the Congregation for Bishops appears to have been kept apprised of McCarrick's activities in the United States or overseas.[40] Once Archbishop Viganò was appointed Nuncio to the United States in late 2011, McCarrick kept Viganò regularly informed of his travels and activities.[41]

Towards the end of the papacy of Benedict XVI, Priest 3, another priest of Metuchen, informed Nuncio Viganò of Priest 3's lawsuit alleging that overt sexual conduct between him and McCarrick had occurred in 1991.[42] Viganò wrote to Cardinal Ouellet, the new Prefect of the Congregation for Bishops, about this in 2012 and Ouellet instructed Viganò to take certain steps, including an inquiry with specific diocesan officials and Priest 3, to determine if the allegations were credible. Viganò did not take these steps and therefore never placed himself in the position to ascertain the credibility of Priest 3. McCarrick continued to remain active, traveling nationally and internationally.[43]

4. Knowledge and Decision-Making Related to McCarrick During the Papacy of Francis

Given McCarrick's retirement and advanced age, Holy See officials during 2013 to early 2017 rarely addressed the indications originally given to McCarrick back in 2006 and 2008, which had been modified in their application during the papacy of Benedict XVI.[44]

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[39] Sections XXI and XXIII.

[40] Sections XXII and XXIII.

[41] Section XXIV.A.

[42] Section XXIV.B; *see also* Section IX.C.

[43] Section XXIV.

[44] Section XXV; *see also* Sections XXI, XXII, XXIII and XXIV.

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Neither Pope Francis, nor Cardinal Parolin, nor Cardinal Ouellet lifted or modified the prior "indications" related to McCarrick's activities or residence. McCarrick generally continued his religious, humanitarian and charitable work during this period, sometimes with renewed focus and energy, but also with increased difficulty due to his advanced age. In the 2013 to 2017 period, McCarrick did not act as a diplomatic agent for the Holy See, or with any official mandate from the Secretariat of State.[45]

On a few occasions, McCarrick's continued activities, and the existence of prior indications, were raised with Pope Francis by Substitute Becciu and Secretary of State Parolin. Nuncio Viganò first claimed in 2018 that he mentioned McCarrick in meetings with the Holy Father in June and October 2013, but no records support Viganò's account and evidence as to what he said is sharply disputed. Pope Francis recalled a brief conversation about McCarrick with Substitute Becciu and did not exclude the possibility of a similarly short exchange with Cardinal Parolin. Before 2018, the Holy Father never discussed McCarrick with Cardinal Ouellet, who was the Prefect of the dicastery with primary competence over the matter, or with Pope Emeritus Benedict XVI.[46]

Until 2017, no one – including Cardinal Parolin, Cardinal Ouellet, Archbishop Becciu or Archbishop Viganò – provided Pope Francis with any documentation regarding allegations against McCarrick, including the anonymous letters dating back to the early 1990s or documents related to Priest 1 or Priest 3. Pope Francis had heard only that there had been allegations and rumors related to immoral conduct with adults occurring prior to McCarrick's appointment to Washington. Believing that the allegations had already been reviewed and rejected by Pope John Paul II, and well aware that McCarrick was active during the papacy of Benedict XVI,

[45] Section XXV.

[46] Section XXV.

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Pope Francis did not see the need to alter the approach that had been adopted in prior years.[47]

In June 2017, the Archdiocese of New York learned of the first known allegation of sexual abuse by McCarrick of a victim under 18 years of age, which occurred in the early 1970s.[48] Shortly after the accusation was deemed credible, Pope Francis requested McCarrick's resignation from the College of Cardinals. Following an administrative penal process by the Congregation for the Doctrine of the Faith, McCarrick was found culpable of acts in contravention of the Sixth Commandment of the Decalogue involving both minors and adults, and on that basis was dismissed from the clerical state.[49]

[47] Section XXV.

[48] Section XXVI.

[49] Sections XXVI and XXVII.

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II. BACKGROUND (1930 TO 1976)

Theodore Edgar McCarrick was born on 7 July 1930, in the Washington Heights section of New York City, the only child of Theodore E. and Margaret McLaughlin McCarrick.[50] McCarrick's father was a local ship captain who died of tuberculosis when McCarrick was three years old. As a child, McCarrick was mainly cared for by his maternal aunt and grandmother while his mother worked in a factory to support the family.

McCarrick graduated in 1949 from Fordham Preparatory School, one of New York's prestigious Catholic high schools, after which he spent over a year in Switzerland.[51] He then attended Fordham University in New York, where he received his Bachelor of Arts degree in philosophy in 1954.

Upon graduation, McCarrick attended New York's St. Joseph's Seminary, where he received his Master of Arts in theology in 1958. He was ordained at St. Patrick's Cathedral by New York Archbishop Francis Cardinal Spellman in May 1958 and incardinated into the Archdiocese of New York.

In September 1958, McCarrick was assigned to study for his degree in sociology at the Catholic University of America (CUA), located in Washington, D.C. During his doctoral studies, McCarrick directed the Institute for Spanish Studies at the Catholic University of Puerto Rico in Ponce, a program that provided priests and religious of the Archdiocese of New York with increased exposure to Hispanic culture and language. McCarrick also served from 1961 to 1963 as Dean of Studies at CUA, where he was the Chaplain and taught at the graduate school.[52]

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[50] Unless otherwise noted, this early background section reflects the information received by the Apostolic Nunciature during McCarrick's consideration for episcopal appointment.

[51] In Switzerland, McCarrick attended the Institute Rosenberg and the École Lémania, which helped him develop a facility in French, German and Italian. *See* J. Szymanski, *The Lighting of the Watch Fires: A History of the Founding of the Diocese of Metuchen and a Chronicle of Its Early Years* (2005) ("*LWF*"), at 48, 41 *ACTA* 34051.

[52] 19 *ACTA* 16019-20.

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McCarrick received his Ph.D. in sociology from CUA in 1963.[53] That same year, he was appointed Assistant to the Rector of CUA and also the first Director of Development for the University (a fundraising position).

In July 1965, after Cardinal Spellman approved a leave of office, Bishop Juan Fremiot Torres Oliver, Chancellor of the Catholic University of Puerto Rico, appointed McCarrick as President of the University in Ponce.[54] In November 1965, Pope Paul VI conferred upon McCarrick the honorary title Monsignor.[55] McCarrick's mother died the following year.[56]

In 1969, Monsignor McCarrick became Associate Secretary for Education for the Archdiocese of New York.[57] At that time, McCarrick resided and

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[53] McCarrick's doctoral thesis was a study of the differences between parishes that tended to produce vocations and those that did not. *See* T. McCarrick, *The Vocation Parish: An Analysis of a Group of High Vocation Supplying Parishes in the Archdiocese of New York to Determine the Common Characteristics of the Vocation Parish* (Cath. Univ. of America 1963).

[54] *See* "University President Appointed," *The New York Times* (27 July 1965), 26 *ACTA* 19000.

[55] For the sake of clarity, this Report generally references persons according to their ecclesiastical status at the time of the events described.

[56] *LWF* 49, 41 *ACTA* 34052.

[57] McCarrick's involvement in fundraising began in earnest during this period, when he was tasked by Cardinal Cooke with initiating the Inner City Scholarship Fund, which was "an education fund for the Catholic schools with donations and grants from people in the world of business." 4 *ACTA* 5018; *see also LWF* 49, 41 *ACTA* 34052. Regarding his well-known fundraising skills, McCarrick later stated in an interview:

> A lot of bishops had trouble asking for money; I never did. I had no trouble asking faithful Catholics who were well-to-do that they should donate their fair share to the Church in line with how much money they made. I would get money either for certain projects or for Church use. Collecting and giving money is an important way of taking care of people. My principle was: take it in and give it away. I never held onto money. I gave it away.

33 *ACTA* 27001.

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engaged in pastoral work at the Church of the Blessed Sacrament in Manhattan.

In 1971, McCarrick became one of two secretaries to New York Archbishop Terence Cardinal Cooke and began to reside in the Rectory attached to St. Patrick's Cathedral.[58] On occasion, McCarrick traveled with Cardinal Cooke on overseas trips, including at least one to Vietnam during the Vietnam War.[59] Through his work with Cardinal Cooke, McCarrick was introduced to a range of American political and religious figures, including some at the highest level.[60]

Throughout the period that Monsignor McCarrick served as secretary to Cardinal Cooke, he continued to work on fundraising campaigns for the Archdiocese of New York, during which he frequently interacted with wealthy donors whom he came to know through the Cardinal.[61] His work in

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[58] 19 *ACTA* 16020; 23 *ACTA* 17312.

[59] In 1975, McCarrick assisted Cardinal Cooke in his efforts to help relocate Vietnamese refugees to the United States. 5 *ACTA* 6240. McCarrick also traveled with Cardinal Cooke to other foreign countries, such as Spain, Jordan, India and Japan. 33 *ACTA* 27004; 38 *ACTA* 32160. McCarrick's travel for Catholic Relief Services (CRS) began during this period as well. *See* 23 *ACTA* 17316 (CRS trip to Africa in 1974 with Cardinal Cooke).

[60] For example, following their trip to Vietnam in late 1971, Cardinal Cooke and Monsignor McCarrick met with United States President Richard Nixon at the White House in Washington. Richard Nixon Presidential Library, *President Richard Nixon's Daily Diary* (20 Jan. 1972), 27 *ACTA* 20000. Cardinal Cooke, accompanied by McCarrick, also met at the White House with President Gerald Ford in October 1974 and President James Carter in August 1977. Gerald R. Ford Presidential Library, *White House Photographs* (23 Oct. 1974), 27 *ACTA* 20001, 20003; Jimmy Carter Library, *The Daily Diary of President Jimmy Carter* (2 Aug. 1977), 27 *ACTA* 20004.

During this period, McCarrick also came to know Archbishop Fulton Sheen, the former Bishop of Rochester, who was nationally known through his radio and television ministry. Upon Archbishop Sheen's death in December 1979, Bishop McCarrick celebrated the first of four funeral Masses at St. Patrick's Cathedral in Manhattan. McCarrick supported Sheen's beatification in the ensuing years.

[61] *See* 23 *ACTA* 17226-43.

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this area was appreciated, and McCarrick developed a reputation as an effective fundraiser and administrator.[62]

During this period, McCarrick grew close to several large Catholic families in the New York area. Referred to as "Uncle Ted," McCarrick often came to be treated akin to a family member. McCarrick fostered and embraced this role, and he was a regular guest for dinners and holidays in more than one family. With their parents' permission and encouragement, McCarrick also began to travel with teenagers from the families, whom he called his "nephews" and "nieces," including on overnight trips.

In 1976, McCarrick was on a fishing trip in the Bahamas with teenagers from some of the Catholic families when he received a telegram from Cardinal Cooke instructing him to return immediately to New York because "we are hosting a Polish cardinal and we don't know what languages he speaks."[63] The visit was by Karol Cardinal Wojtyła, the Archbishop of Krakow and future Pope, accompanied by his particular secretary Stanisław Dziwisz. Cardinal Wojtyła, who was already one of the best-known figures in the Catholic Church, was traveling throughout the United States as part of a trip to attend the International Eucharistic Congress, which was held in Philadelphia during the year of the United States Bicentennial.[64] Because McCarrick spoke several languages, and because Cardinal Cooke did not know how well Cardinal Wojtyła spoke English, McCarrick was called back

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[62] 19 *ACTA* 16031. In addition to fundraising and administrative skills, McCarrick learned from Cardinal Cooke the importance of gift-giving to others within the Church. 14 *ACTA* 13223. It has long been customary for many American bishops, who often have greater access to resources than prelates from other nations, to provide funds to the Holy See for special projects and to make gifts to Holy See officials in recognition of services provided throughout the year.

[63] McCarrick Interview, 16 *ACTA* 13583; *see also* 33 *ACTA* 27005.

[64] G. Weigel, *Witness to Hope: The Biography of Pope John Paul II* (2001), at 219, 225-26; *see also* G. Duggan, "Polish Cardinal Warmly Greeted," *The New York Times* (5 Sept. 1976), 16 *ACTA* 13584-85.

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from his vacation to be at the Polish Cardinal's service during his stay in New York.[65]

At breakfast with Cardinal Wojtyła and Monsignor Dziwisz in the Rectory of St. Patrick's Cathedral following his return from the Bahamas, McCarrick jokingly lamented that Cardinal Wojtyła's visit had ruined his vacation: "Cardinal, there is no justice in this house, no justice at all. Let me tell you why: It is true that I am happy to meet you, but do you know that I had to come back from a fishing trip, from my vacation, to be here for you, because Cardinal Cooke said that I would be able to speak whatever language you wanted to speak?" In an interview, McCarrick recalled that Monsignor Dziwisz did not realize that he was deadpanning, but that Cardinal Wojtyła, "who was smiling and knew I was joking, stopped and explained the whole thing to Dziwisz. And then they laughed and laughed about how I was denied 'American justice.'"[66] McCarrick thereafter accompanied Wojtyła and Dziwisz during the remainder of their brief sojourn in New York.

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[65] 16 *ACTA* 13584-85; T. McCarrick, *Thinking of You: The Weekly Columns from the Catholic Standard* (2011) ("*Thinking of You*"), at 258, 394.

[66] 16 *ACTA* 13584; 33 *ACTA* 27017.

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III. ELEVATION TO THE EPISCOPATE (1968 TO 1977)

Monsignor McCarrick was considered for elevation to the episcopate in 1968, 1972 and 1977. In addition to gathering background facts regarding his childhood and information from the educational institutions set forth above, the Apostolic Nunciature in the United States sent out fifty-two confidential inquiries between 1968 and 1977 to people who knew McCarrick in different stages of his life. Most of the respondents, who were predominantly bishops and priests, were from the New York area. Many had worked with McCarrick over the years, and some had lived with him over extended periods of time.

The questionnaires contained the standard inquiries for gathering information about a prospective bishop, including:

> How long have you known him?
>
> Besides English, does he know any modern languages, and how well can he read, converse and preach in these languages?
>
> What is your personal judgment regarding his mental ability and bodily health?
>
> What positions has he occupied since ordination, and with what success?
>
> Is he sufficiently qualified in the pastoral office of preaching?
>
> Is he devoted to the Holy See and her doctrines?
>
> Is his conduct exemplary and above suspicion?
>
> Can you give pertinent information regarding his practice of humility, chastity, sobriety and zeal?
>
> Is he a man of prayer and solid piety?
>
> Is he of sufficiently strong character for this office?

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Is he a person of good judgment?[67]

The respondents were also requested to provide "all other information that you consider useful" and to express "your own conscientious opinion as to his fitness for this exalted office." The answers were to be given truthfully and kept perpetually confidential upon pain of excommunication.

Monsignor McCarrick was first considered for elevation to the episcopate in 1968 as the Auxiliary Bishop of Miami.[68] He was also considered for appointment as Auxiliary to Cardinal Cooke in 1972.[69] Although he did not receive either appointment at the time, respondents to the questionnaire stated that McCarrick had been "most successful" in his prior assignments in Puerto Rico and in New York.[70] He was said to possess a "superior and acute intelligence" and to speak "Spanish, French and, apparently, also Italian and German."[71] McCarrick was described as coming from an "honorable" and "religious" Catholic family.[72] His unusual background – his father's death when McCarrick was young and his mother having entrusted much of his upbringing to her sister – was noted repeatedly but not considered an impediment to elevation.[73]

With respect to moral fitness, respondents stated that McCarrick's moral conduct was "beyond question" and that he was "a man of virtue and solid spirituality."[74] One typical informant stated:

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[67] 20 *ACTA* 16500.

[68] 19 *ACTA* 16000. Note for English language text: This Report uses the term "appointment," but technically the Pope nominates a person for an episcopal position, subject to the person's official acceptance of the nomination.

[69] 19 *ACTA* 16042, 16045.

[70] 4 *ACTA* 4992; 19 *ACTA* 16020, 16029.

[71] 19 *ACTA* 16006.

[72] 19 *ACTA* 16033.

[73] *See*, *e.g.*, 19 *ACTA* 16030.

[74] 19 *ACTA* 16024-25.

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> [If appointed to the episcopacy], Monsignor McCarrick would not be a cause of scandal of any kind. His sound moral character, his priestly piety and zeal, his prudence and solid learning in Theology and the other Sciences makes him a worthy candidate for the Office of Bishop. His spirit of service to his fellow men and his loyalty to the Church and especially our Holy Father encourages me to recommend him once again for consideration.[75]

Another respondent noted that McCarrick's "conduct is that of a very good priest and no suspicion has ever been cast on his virtue. Even as a seminarian, he was considered exemplary in the practice of these virtues and edified his fellow students."[76] A third typical respondent stated that McCarrick was "strong in his convictions, balanced and gentle in temperament, and absolutely consistent in his positive moral conduct."[77]

While several informants expressed concern that McCarrick might be overly "ambitious" and while there were rare references to his lack of candor, McCarrick was overwhelmingly considered to be highly qualified to become a bishop. In recommending his appointment, Cardinal Cooke stated that McCarrick's "priestliness, his intelligence, his good judgment, his loyalty to the Holy See, his pastoral insight, his ability to relate to people and to exercise a leadership of service make him an excellent candidate for the Episcopacy."[78]

No respondent indicated that he had witnessed or heard of Monsignor McCarrick engaging in any sexual conduct or other improper behavior, either with adults or minors.[79]

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[75] 19 *ACTA* 16022.

[76] 4 *ACTA* 4949.

[77] 4 *ACTA* 5005.

[78] 19 *ACTA* 16055.

[79] The recent investigation undertaken by the Archdiocese of New York revealed no complaints or episodes of sexual misconduct relating to McCarrick during his time at St.

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Just prior to his elevation to the episcopate in 1977, the Nunciature undertook a supplemental investigation regarding McCarrick's adherence to the 1967 "Statement on the Nature of the Contemporary Catholic University" (commonly referred to as the "Land O' Lakes Statement") while he was serving as President at the University in Ponce. The supplemental investigation concluded that McCarrick's endorsement of the statement was not an impediment to his consecration.

McCarrick was appointed Auxiliary Bishop in the Archdiocese of New York by Pope Paul VI in 1977, when he was 47 years old.[80] As Auxiliary Bishop, McCarrick served as Regional Vicar for East Manhattan.[81]

Following his appointment as Auxiliary in New York, Bishop McCarrick quickly took an active role on committees of the National Conference of Catholic Bishops (NCCB) and the United States Catholic Conference (USCC). In the NCCB, McCarrick became a member of the committees on the Church in Latin America, Human Values, Liaison with Priests, Religious & Laity, and the Bishops' Welfare Emergency Relief. In the USCC, McCarrick was made chair of the Subcommittee on Aging and a member of the Committee on Social Development and World Peace and the Committee on Research, Plans and Programs.[82] McCarrick was also appointed as a member of the Board of Directors of Catholic Relief Services (CRS), a non-

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Joseph's Seminary or at the Catholic University in Ponce, or during the period when McCarrick worked in the Archdiocese of New York. 23 *ACTA* 17510-12.

[80] 19 *ACTA* 16061.

[81] 16 *ACTA* 13582; *LWF* 49, 41 *ACTA* 34052. During this period, McCarrick lived at an apartment in the Foundling Hospital on the Upper East Side of Manhattan. After he left the Archdiocese of New York in 1981, McCarrick did not keep the apartment, but the hospital kept for him a guest room, with a bathroom, that he "was able to use . . . from time to time when [he] came to New York." McCarrick Interview, 16 *ACTA* 13582.

[82] 5 *ACTA* 6249-50; *LWF* 49, 41 *ACTA* 34052. McCarrick began his committee work in 1979. By 1980, in addition to the committees mentioned above, McCarrick was a member of the Administrative Committee of both the NCCB and the USCC, as well as a member of the NCCB's Committee for Research, Plans and Programs. 5 *ACTA* 6249-50.

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profit corporation that served as the overseas relief and development agency of the USCC/NCCB.[83]

After the passing of Paul VI on 6 August 1978 and of his successor, John Paul I, on 28 September 1978, Cardinal Wojtyła was elected Pope and took the name John Paul II on 16 October 1978.[84] Not long after Pope John Paul II's election, Bishop McCarrick traveled to Rome, where he was one of many bishops received by the Holy Father. In an interview, McCarrick recalled that he introduced himself to the new Pope, stating, "I'm Ted McCarrick, I was Cardinal Cooke's secretary." The Holy Father grabbed his arm and said, "'Ted McCarrick, I remember, I remember.'" Referring to his visit to New York in 1976, Pope John Paul II then asked, "'What I want to know, McCarrick, is: Did you ever get your vacation?'"[85]

[83] 2 *ACTA* 2549.

[84] John Paul II remained Pope until his death on 2 April 2005.

[85] McCarrick Interview, 16 *ACTA* 13584.

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IV. APPOINTMENT AS BISHOP OF METUCHEN (1981)

In 1981, when the Holy See created the Diocese of Metuchen out of a portion of the Diocese of Trenton, McCarrick was a candidate to become the first bishop of the newly formed diocese in New Jersey.

At the time, the Apostolic Delegate in Washington, D.C., received strong recommendations in McCarrick's favor from bishops and other clerics in the United States. One bishop described McCarrick as "highly gifted, pastorally zealous, and very knowledgeable about the eastern coast" of the United States, and "a superb choice for the office in question."[86] Another bishop praised McCarrick for his work at the NCCB and stated that he possessed "excellent administrative skills, great pastoral concern and a genuine devotion to the Church and to the magisterium."[87]

In the *terna* regarding the appointment prepared by the Congregation for Bishops, the Apostolic Delegate to the United States referred to McCarrick as a "leading candidate" who was ready to serve as Ordinary of a residential see. The sole concern referenced in the *terna* was McCarrick's "obvious ambition to be promoted in the ecclesiastical hierarchy."[88] The *terna* noted that the issue of McCarrick's ambition had arisen ever since McCarrick's first candidacy in 1968, but that "the informants who brought up this defect in him did not pull their vote from the candidate: one wrote to the Apostolic

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[86] 2 *ACTA* 2059-60.

[87] 2 *ACTA* 2051. With regard to the elevation of bishops, Pope Paul VI was reputed to place special emphasis on pastoral qualities, an approach followed by Archbishop Jean Jadot, the Apostolic Delegate to the United States from 1973 to 1980. Pope John Paul II, in addition to recognizing the importance of pastoral qualities, stressed unity and fidelity to the magisterium to guide his choices. *See*, *e.g.*, *Address of Pope John Paul II to a Group of Bishops from the United States of America on Their 'Ad Limina Apostolorum' Visit* (5 Sept. 1983) (stating that bishops should propose priests for the episcopate "who have already proven themselves as *teachers of the faith as it is proclaimed by the Magisterium of the Church*, and, who, in the words of Paul's pastoral advice to Titus, 'hold fast to the authentic message' (Tit. 1, 9).")

[88] 19 *ACTA* 16061.*

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Delegate at the time that it would have been wrong to disqualify him only for this flaw."[89]

On 14 November 1981, Pope John Paul II appointed McCarrick, who was 51 years old, as Metuchen's first bishop. McCarrick was informed of the appointment several days later by Apostolic Delegate Archbishop Pio Laghi at the fall meeting of the NCCB.[90] McCarrick accepted the appointment by handwritten letter to the Holy Father, in which he thanked the Pope "for giving me this wonderful opportunity" and pledged his "loyalty to the See of Peter and in a special way and affection to yourself."[91]

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[89] 19 *ACTA* 16061-62.

[90] McCarrick also received an explanatory letter describing the new diocese from Father Thomas Doyle, O.P., then a staff member of the Apostolic Delegation. *LWF* 46-47, 41 *ACTA* 34049-50.

[91] *LWF* 47-48, 41 *ACTA* 34050-51. McCarrick's official farewell from the Archdiocese of New York was marked by a concelebrated Mass at the Foundling Hospital chapel on 17 January 1982, followed by a catered dinner in one of the hospital's dining rooms. *LWF* 151, 41 *ACTA* 34154.

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V. TENURE AS BISHOP OF METUCHEN (1982 TO 1986)

McCarrick was installed as Bishop of Metuchen on 31 January 1982. In newspaper articles written about his installation, McCarrick spoke of his deceased parents and of his close relationship with his extended family in the New York area. McCarrick stated: "I have a huge family of cousins because my father was one of 13 and my mother was one of eight. So I count my cousins in the dozens, as Gilbert and Sullivan would say. And I'm very close to them. Their youngsters are really my nieces and nephews."[92]

From the outset in Metuchen, McCarrick focused on increasing the number of vocations for the new diocese.[93] Although McCarrick ordained only two men to the priesthood in 1982, by 1985 that number had increased to nine, and then to fifteen by 1986 – the second largest class of *ordinandi* in the United States that year.[94] By the end of his tenure as Ordinary of Metuchen, members of the ecclesiastical hierarchy recognized McCarrick for his "great success in his commitment to priestly vocations."[95]

As he had been for the Archdiocese of New York, Bishop McCarrick quickly became a successful fundraiser in Metuchen. In the Spring of 1983, McCarrick announced "Forward in Faith," a three-year financial campaign

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[92] 4 *ACTA* 4904.

[93] *LWF* 51, 41 *ACTA* 34054. The 1983 *Ad Limina* report for the Diocese of Metuchen reflected McCarrick's special focus on the importance of increasing vocations. 5 *ACTA* 6004.

[94] *LWF* 51, 289, 354, 384, 41 *ACTA* 34054, 34312, 34377, 34407.

[95] 19 *ACTA* 16070. While Bishop of Metuchen, McCarrick often used seminarians to drive him to events in the Tri-State area. *See* 40 *ACTA* 33816-17, 33847. McCarrick also invited seminarians to spend time with him at the beach house in Sea Girt, New Jersey, which was purchased by the Diocese of Metuchen in 1985. 14 *ACTA* 13287. During this period, dioceses and religious orders in the Mid-Atlantic region often owned houses on the New Jersey shore, which were used for retreats and vacation spots for priests, brothers and nuns. 26 *ACTA* 19418; 40 *ACTA* 33972, 33980, 33982. In an interview, one priest from Metuchen stated: "There was nothing strange about it. It was extremely common." 40 *ACTA* 33973.

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to raise $10 million for projects in the new diocese.[96] The campaign exceeded its original goal by more than $4 million.[97]

Bishop McCarrick also continued his prior work with the NCCB and the USCC. Over the course of his tenure at Metuchen, McCarrick served on the following NCCB committees: Administrative; Bishops' Welfare Emergency Relief; the Church in Latin America; Doctrine; Research, Plans and Programs; and Liaison with Priests, Religious & Laity. In the USCC, McCarrick was a member of: Administrative; Research, Plans and Programs; Social Development and World Peace, and Bishops and Catholic College and University Presidents.[98] McCarrick remained a member of the CRS Board of Directors and regularly attended the NCCB's bi-annual general meetings.[99]

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[96] *LWF* 290, 41 *ACTA* 34313.

[97] *LWF* 314, 41 *ACTA* 34337.

[98] 5 *ACTA* 6249-50. McCarrick was named as the USCC's representative to the 1981 White House Conference on Aging. *LWF* 129, 41 *ACTA* 34132.

[99] *LWF* 214, 249, 287, 313, 342, 357, 41 *ACTA* 34217, 34252, 34310, 34336, 34365, 34380. In addition, during this period, McCarrick served as a member of the Board of Trustees of Catholic University and began service on the Board of Regents of Seton Hall University. *LWF* 212, 257, 41 *ACTA* 34215, 34260.

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McCarrick traveled extensively overseas during his tenure in Metuchen.[100] He traveled to England (July 1982),[101] Ireland (July 1982),[102] Rome (July 1982, Oct. 1982, Jan. 1983, June 1983, Apr. 1984 and May 1985),[103] Austria (July 1982),[104] Poland (Aug. 1983 and 1985),[105] Israel (Mar. 1984),[106] India (July 1984),[107] Tunisia (July 1984),[108] Santo Domingo (Oct. 1984),[109] Sudan

[100] While it was not generally possible to recover McCarrick's actual ticket information, the lists of nations visited by McCarrick set forth in this Report are reconstructed from correspondence, memoranda, books, interviews, publications, examination of his passports and news reports. The dates listed are as accurate as could be ascertained from these sources.

No record was located of the Holy See having reimbursed McCarrick for his foreign or domestic travel. Instead, the records reviewed indicate that McCarrick's trips over the years were paid for by other entities, including the NCCB/USCC, CRS, the Papal Foundation, the Appeal of Conscience Foundation, and the dioceses of which he was the Ordinary. *See*, *e.g.*, 32 *ACTA* 25006-25797.

[101] *LWF* 218, 41 *ACTA* 34221.

[102] McCarrick traveled to Ireland in 1982 to recruit seminarians for the Diocese of Metuchen. *LWF* 218, 41 *ACTA* 34221.

[103] *LWF* 220, 237, 276, 300, 327, 355, 41 *ACTA* 34223, 34240, 34299, 34323, 34350, 34378.

[104] McCarrick served as an American delegate to the United Nations Vienna Conference on Aging in July 1982. *LWF* 220, 41 *ACTA* 34223.

[105] *LWF* 306, 369, 41 *ACTA* 34329, 34392.

[106] *LWF* 327, 41 *ACTA* 34350.

[107] As a recently elected member of the CRS executive committee, McCarrick visited CRS field operations in India in July 1984. *LWF* 334, 41 *ACTA* 34357.

[108] McCarrick traveled to Tunis in July 1984 for a meeting of CRS regional directors. *LWF* 334, 41 *ACTA* 34357.

[109] On 11 October 1984, McCarrick traveled to Santo Domingo to represent the NCCB at ceremonies commemorating Pope John Paul II's visit. *LWF* 340, 41 *ACTA* 34363.

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(June 1985),[110] Egypt (June 1985),[111] Morocco (June 1985),[112] Malta (1985),[113] and Southeast Asia (Feb. 1986).[114]

McCarrick had occasions to meet with Pope John Paul II during his trips abroad. For instance, in September 1982, McCarrick described his interaction with the Holy Father the previous month in Rome: "I had only a moment with him, but I did have a chance to tell him that this new diocese had already established its first parish and named it St. Charles Borromeo in honor of his patron saint. It was a special grace for me to see the smile come to his face and to note his pleasure that we had all been thinking of him."[115] During the *Ad Limina* visit to Rome in August 1983, McCarrick told the Pope "about the development drive to . . . establish the diocese on a firm foundation" and "about the number of priestly vocations – that we ha[d] almost doubled the number in the theologate."[116] On the occasion of Pope John Paul II's visit to Santo Domingo in October 1984, McCarrick, as delegate of the NCCB president, received from the Holy Father a special wooden cross, in recognition of the large Hispanic community, to bring back to the United States.[117] And during his May 1985 trip to Rome to attend the consistory at which Archbishop O'Connor of New York and Archbishop Bernard Law of Boston were created cardinal, Bishop McCarrick let Pope

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[110] In his capacity as a member of CRS's executive board, McCarrick traveled to Khartoum in June 1985 and met with the American ambassador to Sudan, the Sudanese Commissioner for Refugees, and members of the staff of the United Nations High Commission for Refugees. *LWF* 357, 41 *ACTA* 34380.

[111] *LWF* 357-58, 41 *ACTA* 34380-81.

[112] *LWF* 357-58, 41 *ACTA* 34380-81.

[113] *LWF* 369, 41 *ACTA* 34392.

[114] *LWF* 375, 41 *ACTA* 34398.

[115] *LWF* 231, 41 *ACTA* 34234.

[116] *LWF* 302, 41 *ACTA* 34325.

[117] *LWF* 342-43, 41 *ACTA* 34365-66. During a weeklong trip to Rome in 1984, Bishop McCarrick brought with him several young men, approximately 20 years of age, from some of the New York Catholic families he had come to know in earlier years. In an interview, one of the young men reported that McCarrick introduced them to Pope John Paul II at a General Audience on Saint Peter's Square. 16 *ACTA* 13689-99.

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John Paul II know that "nine men were ordained priests for the Diocese of Metuchen on the Holy Father's birthday. The Pope replied, 'That was a good day.'"[118]

McCarrick's profile in the United States began to rise during his tenure in Metuchen as well. McCarrick appeared on television,[119] released statements regarding matters of public interest,[120] and participated in notable religious,[121] political[122] and private events.[123] He welcomed prominent prelates to the new Diocese, including Archbishop Laghi,[124] Archbishop

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[118] *LWF* 355, 41 *ACTA* 34378.

[119] In late August 1982, McCarrick appeared on a CBS religious affairs program titled "The Way to Go." *LWF* 226, 41 *ACTA* 34229.

[120] For instance, McCarrick publicly condemned a cross burning in front of the home of a black family in Edison Township in October 1983. *LWF* 308-09, 41 *ACTA* 34331-32; *see also* 26 *Acta* 19412-13.

[121] McCarrick was the principal celebrant in the annual Red Mass held in New Brunswick, New Jersey, in September 1985, which was attended by over 150 lawyers, judges and government officials. *LWF* 364-65, 41 *ACTA* 34387-88.

[122] In January 1982, McCarrick gave the invocation to open the legislative session of the New Jersey State Assembly. *LWF* 151, 41 *ACTA* 34154.

[123] On 6 April 1983, McCarrick delivered the invocation at a dinner held in honor of comedian Bob Hope, a personal friend, at the Waldorf Astoria. *LWF* 285, 41 *ACTA* 34308.

[124] *LWF* 312-13, 41 *ACTA* 34335-36. Pope John Paul II and United States President Ronald Reagan had agreed to the establishment of full diplomatic relations on 10 January 1984. On 26 March 1984, Archbishop Pio Laghi, who had been the Apostolic Delegate since December 1980, became the first Apostolic Pro-Nuncio to the United States ("Nuncio"), and the Apostolic Delegation became the Apostolic Nunciature to the United States ("Nunciature"). Archbishop Laghi remained the Nuncio until 1990.

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James A. Hickey,[125] Sebastiano Cardinal Baggio,[126] and Joseph Cardinal Bernardin.[127]

Bishop McCarrick also promoted various activities for Metuchen's clerics, including annual spiritual retreats at the large San Alfonso Retreat House on the New Jersey Shore.[128] In his homily at the prayer service in October 1985, which was attended by most of the priests of the diocese, McCarrick spoke of the emotional challenges that accompanied a celibate life:

> You are called to leave the comfort of a sexual life of your own to go to pastoral ministry and service. You are so often tested by loneliness, by lack of affirmation, by lack of understanding of your needs. But God has promised love beyond compare. In

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[125] *LWF* 250, 41 *ACTA* 34253.

[126] On 24 May 1986, Cardinal Baggio, then President of the Pontifical Commission for the Vatican City State, presided over the dedication of The John Paul II Center and Emmaus House in Perth Amboy, New Jersey. *LWF* 383, 41 *ACTA* 34406.

[127] *LWF* 295-97, 41 *ACTA* 34318-20; 40 *ACTA* 33978. McCarrick's rising profile drew the attention of the Federal Bureau of Investigation (FBI) and even the KGB. In the early 1980s, a KGB agent who enjoyed diplomatic cover as the Deputy Chief of Mission to the United Nations for the Soviet Union approached McCarrick, apparently to attempt to befriend him. McCarrick, who was initially unaware that the diplomat was also a KGB agent, was contacted by agents of the FBI, who asked him to serve as a counter-intelligence asset with respect to the activities of the KGB. Though McCarrick believed it was best to decline such involvement (particularly because he was immersed in the organization of the new Diocese of Metuchen), the FBI persisted, contacting McCarrick again and encouraging him to allow a relationship with the KGB agent to develop. Given the delicate nature of the situation, McCarrick reported in detail the FBI's request to Nuncio Laghi in January 1985, seeking Laghi's advice as to how to proceed. Laghi thought that McCarrick should "not be negative" about the possibility of serving as an FBI asset and described McCarrick in an internal note as someone who "knows how to deal with these people and be cautious" and who was "wise enough to understand and not be caught." It is not clear, however, whether McCarrick ultimately accepted the FBI's proposal, and no record reflects further contact with the KGB agent. 2 *ACTA* 2164-65.

In an interview, former FBI Director Louis Freeh, while not personally familiar with the incident, stated that McCarrick would have been "a very high value target for any of the [intelligence] services, but particularly the Russians at that time." 16 *ACTA* 13506.

[128] *LWF* 240, 312, 340, 367, 41 *ACTA* 34243, 34335, 34363, 34390.

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> spite of all temptations, let us reach out and embrace those He touches through us.[129]

During his tenure as Bishop of Metuchen, McCarrick began a tradition of hosting an annual summer picnic held around the time of his birthday, referred to as "Uncle Ted's Day" or simply "Uncle's Day." The event brought together priests, religious and members of the large Catholic families in the New York area who were close to McCarrick.[130] McCarrick also traveled with teenage boys and young men during this period, often members of these same families, whom he introduced during their travels as his "nephews." Some of the young men shared a bed with McCarrick during the trips or at the Bishop's Residence in Metuchen.[131]

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[129] *LWF* 367, 41 *ACTA* 34390.

[130] *LWF* 216, 41 *ACTA* 34219.

[131] One of McCarrick's priest secretaries in Metuchen stated that McCarrick would hold five dinners a month at the Bishop's Residence, which were typically attended by two couples (either prospective donors or people of influence), the priest secretary, another priest of the diocese, and a "nephew" (who was either an adult member of one of the New York Catholic families or a favored seminarian). The former priest secretary stated, "There was always one of the nephews at these dinners. And the dinners were always five times a month. If someone cancelled, you had to find a replacement." 40 *ACTA* 33976. He explained: "It was very orchestrated, very punctual. Cocktails, dinner, talk and then getting them out the door within a couple of hours. And then he and the nephew would go into his quarters and that was the end of the evening." *Id.* at 33975; *see also* 33 *ACTA* 27058.

With regard to the "nephews," the priest secretary stated: "They were all adults. Either going to college or working. Busy. So they always left early in the morning. They took the train down and then would leave early for work." 40 *ACTA* 33975. The priest secretary, who was never himself asked to sleep with McCarrick, stated that while "[o]bviously they were sleeping together," he "didn't read it" as sexual and "never heard of physical intimacy" during this period. The priest ascribed his inability to read the situation to his youthful naiveté: "I just thought it was kind of a masculine, buddy type of thing . . . . In a way I could not imagine that something incorrect might be happening. The bishop is a special figure . . . . [and] it did not dawn on me that there could have been something strange going on." 14 *ACTA* 13043.

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VI. ANONYMOUS ALLEGATION DURING TENURE AS BISHOP OF METUCHEN (MID-1980S)

Examination of the Holy See's documentary record did not reveal any allegations against McCarrick while he was Bishop of Metuchen. However, over the course of three interviews, the mother of one of the Catholic families from the New York area (Mother 1) recalled that, at some point during the mid-1980s when McCarrick was Bishop in Metuchen, she wrote and mailed anonymous letters to members of the ecclesiastical hierarchy expressing her distress about McCarrick's conduct with minors. The information set forth in this section is mainly based on Mother 1's account.[132]

During the interviews, Mother 1 stated that her husband (Father 1) was an Irish immigrant who "revered priests" and who had a close relative who was a priest back in the old country.[133] Mother 1 explained that her family was deeply religious and very involved in their New York parish. All of the couple's children went to Catholic schools and attended Mass daily through grade school. Father 1 worked two jobs and long hours to support the large family. Mother 1 worked at home taking care of the children.[134]

Father 1 first met Monsignor McCarrick in the early 1970s at a local Church function to which McCarrick had been sent as a representative of the Archdiocese of New York. McCarrick was introduced to Father 1 by the family's parish priest. Mother 1 had remained home that day to take care of her newborn child. In the weeks that followed, McCarrick came over to the family house for dinner at Father 1's invitation. Mother 1 recalled that McCarrick "was thrilled to see I had all these boys" and that "he sat there the

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[132] Mother 1 stated that she told two of her sons about the anonymous letters during the early to mid-1990s, when her sons were adults. In a separate interview, one son recalled that Mother 1 told him at that time. He also recalled that members of the family discussed Mother 1's anonymous letters in 2002, when – as discussed below in Section XIX.B – McCarrick publicly disclosed that he had been the subject of a prior anonymous denunciation.

[133] 33 *ACTA* 27030.

[134] 33 *ACTA* 27021, 27030.

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whole evening entertaining us with all these stories," almost "like a toastmaster at a dinner."[135]

McCarrick eventually became a frequent visitor to the family home. Mother 1 stated that "there was a long period when he came over almost every week, because we had become his 'family.' I mean, he would say to us 'we are family' and give the impression that we were very special to him."[136] The family learned of McCarrick's importance in the Archdiocese of New York and of his work with Cardinal Cooke. In the beginning, both Father 1 and Mother 1 were enthusiastic about cultivating the relationship with McCarrick, which was "impressive" to those who knew about it.[137]

During his visits, McCarrick would regale the family with stories about his activities and, on special occasions, "hold court" in an armchair in the house, calling the children up one by one to hand them trinkets brought back from his travels. At his urging (and sometimes his insistence), the children began to call McCarrick "Unk."[138] The adults were on a first-name basis, with McCarrick being known as "Father Ted" to the parents. From time to time, McCarrick would celebrate Mass in the family home. McCarrick also began to bring other Catholic boys by the house to visit, and those boys recounted enthusiastically the fun they had on overnight trips with him.

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[135] 16 *ACTA* 13647.

[136] 16 *ACTA* 13647; 33 *ACTA* 27031. Mother 1 assumed early on that they "were the only 'family' Ted [McCarrick] had," but "found out later of [Ted's] relationships with other families." 16 *ACTA* 13647.

[137] 33 *ACTA* 27022. For example, Mother 1 explained that, on one occasion, McCarrick arrived at her son's confirmation by helicopter from another Church function and stated during his homily that the boy being confirmed was his "nephew." Mother 1 stated, "Obviously, people were very impressed by this relationship with our family." 16 *ACTA* 13652-53; 33 *ACTA* 27022.

[138] 16 *ACTA* 13660. Mother 1 stated that McCarrick would "correct" the children if they did not call him "Unk." 16 *ACTA* 13661. Her son confirmed that it was "100% true that he basically forced you to call him 'Uncle Ted' or 'Unk' – and he would definitely correct you if you didn't." *Id.*

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After getting to know the family better, McCarrick began to take Mother 1's older, post-pubescent sons on trips or for overnight visits to rectories, "where he introduced them as 'nephews.'"[139] Mother 1's sons were excited to go on these trips given the reports they had heard from the other boys who McCarrick brought to the house.

While Father 1 was "on Cloud 9" from the family's increasingly close relationship with McCarrick and "never acted as though he saw anything wrong with Ted or his behavior," Mother 1 began to sense that McCarrick "had a strange interest in boys" and "no interest in girls."[140] Mother 1 also observed that McCarrick would touch or caress the boys in a manner she felt was inappropriate.[141]

Mother 1 described an incident early on, when McCarrick was first coming to know the family, that led her to suspect that McCarrick posed a threat to her sons:

> I'm going to tell you a story. There was a day that Ted was over at the house and I was in the kitchen preparing dinner. And I came out of the kitchen and there was Ted sitting on the couch. And he had one son on each side of him and he had a hand on each one of them. On their inner thighs. He was massaging their inner thighs. One hand on the thigh of one and the other hand on the thigh of the other. It was more than strange. It was abnormal. I almost dropped the casserole dish I was holding in my hands. And my husband was sitting directly across from him in a chair and appeared to be oblivious to Ted's behavior. And when I came to the doorway from the kitchen and I saw what was happening, I nearly fainted. I was shocked and really felt I was going to collapse from what I was witnessing.

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[139] 16 *ACTA* 13660.

[140] 16 *ACTA* 13645-46.

[141] 16 *ACTA* 13645.

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> It was so upsetting. And after Ted left, I said [to my husband], "We need to get him out of our lives." [My husband] just refused to understand.[142]

Mother 1 also observed other behavior by McCarrick that she viewed as inappropriate. She stated, "Ted would stand behind my eldest son, who was a teenager, and rub his chest from behind, holding him close."[143] In addition, Mother 1, who did not drink and whose family maintained strict rules regarding alcohol, learned from her sons that McCarrick provided them with beer during their overnight trips. Mother 1 recalled:

> Ted introduced two of my sons to alcohol on a trip. That was upsetting. And I knew what this meant: that he was attempting to lower their inhibitions. And when they told me that they had had alcohol, I thought: this man is a danger to my sons. We were not a family that had alcohol around. And to my knowledge the boys had not had alcohol before that. He had brought beer with him on the trip. And that told me that he was a dangerous person. And that bringing alcohol was a premeditated act on his part.[144]

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[142] 16 *ACTA* 13644-45; *see also* 33 *ACTA* 27032. One of Mother 1's sons noted that his father's "not seeing" McCarrick's strange behavior was due to his "inability to even imagine that a priest could do something improper; a priest was 'anointed' and he could not possibly fathom a man who seemed to be giving so much positive attention to his family doing anything to harm his children." As Mother 1's son stated, "My father knew three things: faith, family and work. I think it was inconceivable to him that Ted could be harming his kids." 33 *ACTA* 27023.

[143] 16 *ACTA* 13644-45; *see also id.* at 13656 ("Another thing I saw, that I witnessed was that on a number of occasions he would stand up behind my son and hold him around his chest very tight. He would wrap his arms around my son and rub his chest and his belly. It was not normal behavior."). One of Mother 1's sons corroborated her account: "He used to do that a lot, and not just with my older brother. . . . We would all be standing around, and I remember he would hug one of us tight from behind, almost like a mother touching her son. . . . [H]e would do it in front of everybody else like there was nothing wrong with it. But it felt very strange." 33 *ACTA* 27033.

[144] 16 *ACTA* 13658.

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Within the first year of the family's relationship with McCarrick, Mother 1 confronted him about his insistence that her oldest son go with him on a trip. Mother 1 described the incident in an interview:

> The first time I had a conflict with him was when one of my sons was going to the first dance of his freshman year [in high school]. And Ted did not want him to go to the dance, insisting that my son "owed him" and that he should go away on a weekend trip with Ted. Ted was intimidating him and telling him that instead of going to the dance he should go with him to a place called Eldred.[145] And the pressure he put on my son reached the point that my son came to me in tears. I did not like that. So I called him up and I told him my son did not "owe" him anything and he was not to intimidate him or any of his siblings either. And I said some other things. . . .
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> That was my first run in with him. And he cooled with me after that. All that charm disappeared in his interactions with me. I think he knew after that that I did not like him and that I was suspicious of him.[146]

While Mother 1 believed that McCarrick posed a danger, she explained that it was "not easy" to take affirmative steps against him because McCarrick "acted so nice and he was so important to my husband and he had charmed the kids."[147] She knew that McCarrick drew her children in through all the special attention he gave them: There were "'advantages' to knowing him and Ted knew that and used it."[148] Mother 1 felt alone in her concerns and

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[145] The record reflects that McCarrick took minors and, later, seminarians to a fishing camp in Eldred, New York. *See* Section XXVIII.

[146] 16 *ACTA* 13444; 33 *ACTA* 27024, 27033-34.

[147] 16 *ACTA* 13646.

[148] 16 *ACTA* 13658.

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was fearful that her decision to report could result in some form of retaliation against her children.[149]

Mother 1 also felt unsure about what she might be reporting. She had seen things that made her uncomfortable because they appeared to her to be of a sexual nature, but Mother 1 explained that she "lacked the language and understanding to be sure, even though, at the same time, [she] knew he was doing something very wrong." By the mid-1980s, although her children had grown older and were less in need of protection, the feeling that she needed to take action continued "to build up" inside of her. Mother 1 eventually decided to warn somebody because she believed his conduct could be ongoing and harmful to her children as well as to others.[150]

Not knowing where to go or who to turn to, Mother 1 decided to write a letter to warn the Church hierarchy about McCarrick's behavior.[151] Mother 1 explained, "I felt that his 'brothers,' by which I mean his fellow priests, may not have known about him and the things he was doing. Maybe some of them knew, and others did not. I was not sure. But I wanted to alert all of them in the United States about what I knew was going on."[152]

At her house, Mother 1 "sketched out a note of what [she] would write" and assembled envelopes, stamps, paper and a pen.[153] On the chosen morning – she remembered it as "a beautiful day" when the "sun was shining" – Mother

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[149] 16 *ACTA* 13645.

[150] 16 *ACTA* 13651; 33 *ACTA* 27025. Mother 1, who stated that she regretted "every day" not having acted more firmly earlier, attributed her eventual ability to act in part to a two-year Education for Parish Service program, after which she became a parish facilitator for another two years. Mother 1 explained, "We had this one priest who was a psychiatrist who lectured several times about sexuality. Even though I never spoke to him directly about the situation with Ted, his lectures helped me understand better what was going on." 33 *ACTA* 27025, 27035.

[151] 16 *ACTA* 13651.

[152] 16 *ACTA* 13642; 33 *ACTA* 27035.

[153] 16 *ACTA* 13643, 13651, 13657. Mother 1 explained, "I did not know the number of people who I was going to write to, so I just had a lot of stamps and a lot of envelopes and a lot of writing paper with me." 33 *ACTA* 27026.

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1 got in the family car with her prepared materials and drove to Metuchen, New Jersey, where McCarrick was Bishop.[154] Mother 1 stated that she had planned carefully and had her "whole day scoped out," but that she "told nobody where [she] was going."[155]

Mother 1 drove to a branch library in Metuchen near McCarrick's residence, where she went to the reference section and pulled from the shelf a thick volume of an annual "Catholic Directory" with a dark red cover.[156] She sat down in a corner of the library to assure privacy and, using the supplies she had brought from home, finished composing the letter. She then wrote out by hand duplicate originals to send to each cardinal in the United States as well as to the Papal Nuncio.[157] Mother 1 wrote duplicate originals for each addressee because she "believed it would have more of an impact than just sending a copy."[158] She then made out the envelopes according to the addresses she found in the Catholic Directory. Mother 1 recalled that she "spent the entire day in the library" to complete her task.[159] Mother 1 stated,

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[154] 16 *ACTA* 13651.

[155] 16 *ACTA* 13642, 13657.

[156] 16 *ACTA* 13642, 13657.

[157] 16 *ACTA* 13642-43, 13645; *see also id.* at 13651 ("And I got the book and I sat down and I wrote."); *id.* at 13646 ("I sent it to the cardinals in the book. And the Papal nuncio. But not to anyone else."). Archbishop Pio Laghi was the Papal Nuncio at the time. Mother 1 was sure that she addressed one of the letters to Cardinal Bernardin, the Archbishop of Chicago, but could not recall the names of the other cardinals she wrote to. *Id.* at 13651.

Mother 1 stated, "I knew that [the cardinals] were part of the Catholic Conference of Bishops. I knew that. And I knew that he was a part of it too, so I thought if I wrote to the cardinals they could do something because they were all part of this one 'Conference.'" However, Mother 1 does not recall, and does not believe, that she wrote directly to NCCB officers or staff. 33 *ACTA* 27025-26.

[158] 16 *ACTA* 13643. Mother 1 stated that she wrote both in cursive and print, and that she did not disguise her handwriting. *Id*. at 13657.

[159] 16 *ACTA* 13642.

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"I wrote those letters feeling pure anger. I was enraged. That is exactly what I felt."[160]

Mother 1 stated that the letters were anonymous and that they "might have been three paragraphs."[161] She explained that "she was afraid of being identified" and that "[the letters] did not say it was [her] family or that [she was] a mother."[162] Mother 1 stated, "I did not want to give a hint of who I was." The letters did not identify the author as a man or a woman, did not identify any specific victim, did not mention any of the other Catholic families, and did not claim that others were aware of McCarrick's conduct.[163] In an interview, Mother 1 said, "I did not want to implicate anybody else or get [involved] anybody who did not want to be involved."[164]

While she had difficulty recalling the precise contents of the letters, Mother 1 identified certain words she did and did not use. She recalled that she "used the word 'children'" and "mentioned something about 13- or 14-year-old boys."[165] Mother 1 stated that she was "trying to explain that McCarrick had an attraction to boys."[166] Referring to the time she saw McCarrick "rubbing the inside of [her sons'] thighs" on the sofa, Mother 1 also wrote that she had personally witnessed McCarrick "inappropriately touching" boys.[167]

Mother 1 stated that the letters did not use the terms "predator" or "pedophile."[168] As Mother 1 recalled, "I did not have the language to explain it. The letters I wrote used simple terms. I did not use any fancy words when

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[160] 33 *ACTA* 27027.

[161] 16 *ACTA* 13656.

[162] 16 *ACTA* 13651.

[163] 16 *ACTA* 13650, 13656.

[164] 16 *ACTA* 13651.

[165] 16 *ACTA* 13646.

[166] 33 *ACTA* 27046.

[167] 16 *ACTA* 13656.

[168] 16 *ACTA* 13643.

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I wrote the letters."[169] Mother 1 "signed" the letters with "a sort of signature that you could not make out. A round shape and another round shape, like a squiggle."[170]

After preparing the letters, Mother 1 walked over to a "standing green mailbox that was just outside the door of [McCarrick's] residence," which was "very close" to the library.[171] Mother 1 had brought the Rectory's address with her to Metuchen.[172] Mother 1 recalled, "It was something I just wanted to do, to do it right outside his door. They would be mailed right at his house. I wanted him to see the postmark."[173] Remembering the moment she mailed the letters, Mother 1 stated: "When I went there, my heart was beating so hard that I thought it was going to jump out of my chest for someone recognizing me there in Metuchen or if Ted came out and saw me. My heart was in my throat as I walked to that mailbox. But I got it done."[174]

Mother 1 then drove home. She did not tell anyone what she had done or where she had been.[175] Mother 1 also did not keep a copy of the letters, "lest they be discovered by a family member."[176] Mother 1 stated that she felt

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[169] 16 *ACTA* 13645.

[170] 16 *ACTA* 13657.

[171] 16 *ACTA* 13642, 13649; 33 *ACTA* 27027.

[172] 16 *ACTA* 13649.

[173] 16 *ACTA* 13642; *see also id.* at 13643 ("It was right under his nose. And this is something I knew I was going to do beforehand."); 33 *ACTA* 27037.

[174] 16 *ACTA* 13649; *see also id.* at 13657; 33 *ACTA* 27027.

[175] 16 *ACTA* 13656; *id.* at 13649-50. As noted above, Mother 1 stated that she told two of her sons about the letters during the early to mid-1990s. *Id.* at 13649-50, 13657. During an interview, one of her sons stated, "She said that to me in the 1990s. She told me then she pulled the names out of a book [and] she dropped [the letters] in the mail." *Id.* at 13654. The same son recalled that his mother "always told [him] she did it from Metuchen." *Id.*

[176] 33 *ACTA* 27028.

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"relieved" that it was over but remained "anxious because I was afraid of the repercussions."[177]

Mother 1 waited, hoping that she would see a sign that action against McCarrick would be taken but, as time passed and nothing changed, Mother 1 became upset that her letters appeared to have been disregarded:

> I felt that nothing was being done and that my letter was ignored and I was furious with that and [felt] that this guy was going to continue his behavior and nothing was going to be done about it. And I thought that by contacting the Papal Nuncio that the Pope would know about it and would do something. But I began to feel, as time passed, that it was just a club of men who all knew about it and had ignored it. And then I thought, or feared, that they were actually involved. And I began to doubt anybody was going to do anything about it.[178]

No originals or copies of the letters have been located, including in the records of the Holy See, the Apostolic Nunciature, or the Archdiocese of New York.[179] In addition, and in contrast to other anonymous letters later received in the 1990s (*see* Section X.A), no reference to anonymous letters during the 1980s was found in any of the documentation reviewed for this Report.[180]

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[177] 16 *ACTA* 13657. Specifically, Mother 1 stated that she was concerned that McCarrick "could make life difficult for [her] children." *Id.* at 13656.

[178] 16 *ACTA* 13651.

[179] An attempt to canvass archdioceses headed by a cardinal archbishop during the mid-1980s failed to turn up any record or copy of the letters. In an interview, Mother 1 speculated that the letters "may have been thrown aside" because she had not identified herself. 16 *ACTA* 13651.

[180] Mother 1 stated that she never wrote another letter accusing McCarrick of misconduct. *See* 16 *ACTA* 13649 ("I am sure I only did it once.").

Two of Mother 1's adult sons were interviewed regarding their mother's belief that McCarrick's conduct should be reported. Each had been a minor who went on overnight trips with McCarrick during the 1970s or early 1980s.

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In an interview and a letter, one of Mother 1's sons, who was close to McCarrick and spent a lot of time with him during that period, stated that his mother talked to him about her desire to report McCarrick's behavior to the hierarchy during the late 1980s, when he was a young adult. 16 *ACTA* 13905, 13914. The son recalled: "My mother raised concerns with me over the healthiness of my friendship with Ted. She indicated that Ted's emotional attachment might represent something which was either injurious or could lead to harm. At first, I was taken aback, since no one [had] put such a question to me. But, to me, her motives were unimpeachable." 40 *ACTA* 33640. Mother 1's son stated that he told his mother that McCarrick had only been "clingy" with him but that he "didn't have anything of [his] own personal knowledge that seemed 'reportable' in any way." 16 *ACTA* 13905. In particular, the son explained that McCarrick's conduct with him had not been "something either sexualized or emotionally exploitive." 40 *ACTA* 33641.

In a separate interview, Mother 1 recalled the same conversation, stating that it occurred "a couple of years" after she sent the letters. 16 *ACTA* 13649. She stated that she raised the issue with her son "while we were walking at the beach and he said nothing ever happened with Ted." *Id.*

Another one of Mother 1's sons stated in an interview that his mother told him over the telephone in the early 1990s that she "was intending to go public" with her conviction that McCarrick had behaved inappropriately with him and one of his brothers. 16 *ACTA* 13709. The son specified that this phone call was the first time that his mother had broached the issue of her concern about McCarrick's interactions with him. At the time, her son viewed McCarrick's prior "behavior as 'creepy' and 'uncomfortable'" but "did not perceive it as sexual abuse." *Id.* at 13725. Her son told his mother that he preferred that she not go public "now that we are adults and long past the point where he could abuse us." *Id.* at 13709. The son explained: "It was not a question of dissuading my mother if she thought she had something to say. My point was that I did not think it would be appropriate to use either my own or my older brother's experience as the reason for her decision to go public. Given that so many years had passed and that I didn't view what had happened as sexual, I questioned the utility of her going public. I was in my thirties, all my siblings were adults, and if there had been a time to deal with it, it was before, I felt." *Id.*; *see also* 40 *ACTA* 33647-48.

Though Mother 1 continued to maintain her belief that McCarrick had engaged in inappropriate conduct with her now-adult male children when they were minors, and stated in an interview that it was "something I have never stopped thinking about" (16 *ACTA* 13650), she decided not to accuse McCarrick publicly at that time.

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VII. APPOINTMENT AS ARCHBISHOP OF NEWARK (1986)

In early 1986, Bishop McCarrick was considered a leading candidate for the Archbishopric of Newark.

The Apostolic Nunciature sent out its inquiries regarding McCarrick's transfer to Newark in January 1986. Bishops and other clerics who responded discussed McCarrick's "great administrative and personal skills" and the fact that he knew "the situation in New Jersey quite well."[181] Respondents noted that McCarrick had extensive experience as "dean and President of Catholic Universities," which "would serve him well" in handling issues related to the seminary at Seton Hall University.[182] They also stated that he was "eminently qualified to care for the large Hispanic community in Newark" and that, as the prior Episcopal Vicar of East Manhattan, he had "much experience with the problems and challenges of the inner city."[183] Respondents identified McCarrick as "obviously very pious" and as "very compassionate for those who are poor."[184]

John Cardinal O'Connor, Archbishop of New York and a member of the Congregation for Bishops, "strongly recommend[ed]" McCarrick's appointment to the Archdiocese of Newark.[185] In a 25 April 1986 letter to Nuncio Laghi, O'Connor described Bishop McCarrick as "almost 'made to order'" to address the doctrinal and disciplinary difficulties that were said to have arisen in the Archdiocese of Newark in the prior years, and that he had "the spirituality to accept such a challenge, to undertake the task prayerfully and sensitively, and to revitalize an archdiocese in critical need." Archbishop Laghi expressed no hesitation regarding McCarrick's appointment to Newark, though he noted that McCarrick's "very fruitful" activities in the

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[181] 2 *ACTA* 2508, 2514.

[182] 2 *ACTA* 2502.

[183] 2 *ACTA* 2517.

[184] 2 *ACTA* 2528.

[185] 20 *ACTA* 16501-02.

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"ecclesiastical, political, economic and cultural world of the country" at times "subtracted from other duties such as contact with priests."

As with his prior episcopal appointments, no informant reported knowledge of sexual misconduct with adults or minors, or any other issues relating to moral conduct. Instead, the informants stated that McCarrick was "a very holy Bishop" whose "personal integrity" was "above reproach."[186]

In the *terna* prepared by the Congregation for Bishops, McCarrick was recognized as "an excellent leader" who had "superior intellectual abilities" and who was "faithful to the teaching of the Church and to its disciplinary norm[s]." He was described as "good and pious" and "undisputed" in "his orthodoxy in the doctrinal field." McCarrick was well regarded for his successes in the newly created Diocese of Metuchen, especially for his ability "to organize the curia and foster a sense of unity between the priests and the faithful."[187] McCarrick was also said to be an "extremely good fundraiser" and "very suitable for Newark."[188]

Pope John Paul II appointed Bishop McCarrick as the Archbishop of Newark on 24 May 1986.[189] McCarrick was nearly 56 years old. In a public statement following the appointment, McCarrick stated: "I want to express my deepest gratitude to His Holiness, Pope John Paul II, for the confidence that he has placed in me and my pledge to him of my loyalty, my affection and my total commitment."[190]

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[186] 2 *ACTA* 2549.

[187] 19 *ACTA* 16067-68

[188] 19 *ACTA* 16067-68, 16070.

[189] 19 *ACTA* 16071.

[190] *LWF* 388, 41 *ACTA* 34411. In December 1986, Pope John Paul II appointed Philadelphia Auxiliary Bishop Edward T. Hughes to serve as McCarrick's successor in Metuchen.

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VIII. TENURE AS ARCHBISHOP OF NEWARK (1986 TO 2000)

McCarrick was installed as Archbishop of Newark on 25 July 1986. As Archbishop, McCarrick's profile continued to rise both nationally and internationally.

In November 1986, Archbishop McCarrick was elected chair of the NCCB's Committee on Migration. This was the first of several committee assignments that broadened the scope of McCarrick's international work. He also served as a member (1992) and chairman (1997) of the USCC's Committee on International Policy and as chairman of the NCCB's Ad Hoc Committee on Aid to the Church in Central and Eastern Europe (1993).[191] As part of his NCCB/USCC work, McCarrick regularly made public statements with regard to international issues, including debt relief;[192] disaster relief; immigration;[193] peace initiatives in the Middle East and the Balkans; the 1997 Mine Ban Treaty; inter-religious dialogue; religious freedom and persecution; trade; and human rights.[194]

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[191] 5 *ACTA* 6251-53.

[192] In 1998, Archbishop McCarrick chaired and hosted the Conference on the Ethical Dimensions of International Debt at Seton Hall University. The conference, which was sponsored by the USCC, Seton Hall University and the Pontifical Council for Justice and Peace, was "organized as a response to Pope John Paul II's consistent appeal to policy makers to address the debt burden of the poorest countries." E. Donnelly, "Summary of Conference at Seton Hall on the Ethical Dimensions of International Debt, October 1998," *USCCB*, 27 *ACTA* 20397.

In 1999, during McCarrick's tenure as Chair of the USCC's International Policy Committee, the USCC released "A Jubilee Call for Debt Forgiveness" (Apr. 1999), which reflected the Conference's support of Pope John Paul II's call for debt relief for developing countries as part of the Jubilee Year.

[193] For example, on 4 July 1998, Archbishop McCarrick issued a statement calling for humane treatment of immigrants, arguing that it was morally unacceptable to exclude immigrants from public assistance given their contributions to society. 13 *ACTA* 12821.

[194] *L'Osservatore Romano* (1 Sept. 1999) at 7, 13 *ACTA* 12847. McCarrick's reputation as an advocate for ecumenism, peace and human rights was recognized in the United States and overseas. During this period, Archbishop McCarrick received the Brotherhood-Sisterhood Award from the Conference of Christians and Jews and the Americanism

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McCarrick traveled extensively over the course of his tenure in Newark. He took trips to Romania (1987),[195] Poland (1987, Aug. 1990, Aug. 1996 and June 1997),[196] Portugal (Aug. 1987,[197] Aug. 1992[198] and Aug. 2000[199]), the USSR (Fall 1987 and Nov. 1988),[200] Cuba (Mar. 1988 and Jan. 1998),[201] Vietnam (Jan. 1989 and Aug. 1999),[202] the Philippines (Jan. 1989 and Aug. 1999),[203] Thailand (Jan. 1989),[204] Hungary (Sept. 1990, Feb. 1993 and July 1994),[205] Yugoslavia (Aug. 1990),[206] Czecho-Slovakia (Aug. 1990),[207]

Award from the Anti-Defamation League of B'nai B'rith, and was chosen Representative of Irish Immigrant Families in the Hall of Fame of Ellis Island in New York. In January 2000, the president of Lebanon named McCarrick an Officer of the Order of the Cedars of Lebanon. 27 *ACTA* 20145.

[195] 34 *ACTA* 28231.

[196] 10 *ACTA* 11871; 34 *ACTA* 28231; 38 *ACTA* 32745-46, 32750-51; 42 *ACTA* 35016.

[197] 33 *ACTA* 27211.

[198] 7 *ACTA* 8428.

[199] 38 *ACTA* 32939.

[200] 34 *ACTA* 28137, 28230, 28836; 38 *ACTA* 32024.

[201] 38 *ACTA* 32024-25, 32861.

[202] 10 *ACTA* 11868; 37 *ACTA* 31477; 38 *ACTA* 32872-73.

[203] 10 *ACTA* 11858; 38 *ACTA* 32152.

[204] 38 *ACTA* 32152. In Thailand, McCarrick visited refugee camps along the Cambodian border. *Id.* at 32276.

[205] 32 *ACTA* 25103; 42 *ACTA* 35165, 36187.

[206] 38 *ACTA* 32282; 42 *ACTA* 35016. "All told, from 1990 to 1999, McCarrick and other U.S. bishops made more than a dozen trips to Croatia, Bosnia-Herzegovina, Kosovo and Serbia, including several to Sarajevo during the siege. The bishops also helped give the Church in this war-torn region a voice in Washington by hosting a similar number of visits by Cardinal Kuharic and Cardinal Vinko Puljic of Sarajevo, Bishop Franjo Komarica of Banja Luka, and other Church leaders." G. Powers, "The U.S. Bishops and War Since the Peace Pastoral," 27 *U.S. Catholic Historian* 73, 83 (2009), 27 *ACTA* 20366. Achieving peace in the Balkans was a major international relations priority of Pope John Paul II. *See*, *e.g.*, G. Weigel, *Witness to Hope: The Biography of Pope John Paul II* (2001), at 652-53, 734-35.

[207] 42 *ACTA* 35016.

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Guatemala (Aug./Sept. 1991),[208] Russia (Oct. 1991, June 1996 and Dec. 1999),[209] Turkey (Jan. 1992[210] and Feb. 1994[211]), China (Feb. 1992 and Feb. 1998),[212] Switzerland (Nov. 1992),[213] Croatia (Jan. 1993, Sept. 1994, Oct. 1995 and Apr. 1997),[214] South Korea (Mar. 1993),[215] Albania (Apr. 1993),[216] Spain (June 1993),[217] Romania (July 1994),[218] Lithuania (July 1993 and Aug. 1995),[219] Ukraine (July 1993),[220] Rwanda (Aug. 1994),[221] Burundi (Aug. 1994),[222] Taiwan (Jan./Feb. 1995),[223] Bolivia (Aug. 1995),[224] Brazil (Aug.

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[208] McCarrick traveled to Guatemala with several other U.S. bishops to meet with religious leaders in that country. 38 *ACTA* 32290.

[209] McCarrick traveled to Russia in 1991 as a Public Member of the Conference on European Security and Cooperation (the Helsinki Process). 38 *ACTA* 32294. In 1996, McCarrick met with the Patriarch of Moscow and other religious and political leaders. *Id.* at 32666. During his December 1999 trip, McCarrick met with Secretary of State Cardinal Sodano at the Nunciature in Moscow. 43 *ACTA* 38219.

[210] 38 *ACTA* 32312; 43 *ACTA* 37264-68. In 1992, McCarrick went to Turkey with Rabbi Schneier of the Appeal of Conscience Foundation, on a fact-finding mission regarding religious liberty and the rights of minority groups.

[211] 32 *ACTA* 25011.

[212] 36 *ACTA* 31044; 43 *ACTA* 37238, 38789, 38801, 38809.

[213] 42 *ACTA* 36195. McCarrick traveled to Switzerland in 1992 as part of a delegation that met with the Serbian Patriarch, the Muslim Res Ulema and the representatives of the Catholic community regarding the conflict in Bosnia Herzegovina. *Id.* at 36195.

[214] 10 *ACTA* 11855; 32 *ACTA* 25118, 25155.

[215] 7 *ACTA* 8428.

[216] 38 *ACTA* 32444.

[217] 32 *ACTA* 25109; 38 *ACTA* 32438-39.

[218] 7 *ACTA* 8428.

[219] 32 *ACTA* 25180; 36 *ACTA* 30832; 44 *ACTA* 40708.

[220] 36 *ACTA* 30832; 44 *ACTA* 40465.

[221] 38 *ACTA* 38503; 44 *ACTA* 40753.

[222] 38 *ACTA* 38503; 44 *ACTA* 40753.

[223] 38 *ACTA* 32619-20.

[224] 7 *ACTA* 8428.

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1995 and Sept. 1997),[225] Kazakhstan (Apr. 1996),[226] Belarus (Aug. 1996),[227] Ireland (Sept. 1996),[228] Israel (Dec. 1996),[229] Bosnia and Herzegovina (Apr. 1997),[230] France (Sept. 1997),[231] Hong Kong (Feb. 1998),[232] Lebanon (Oct. 1998),[233] El Salvador (1999),[234] Mexico (Jan. 1999),[235] Colombia (Apr. 1999),[236] Ethiopia (2000),[237] and Mozambique (Aug. 2000).[238]

Much of McCarrick's foreign travel was on behalf of the NCCB/USCC.[239] McCarrick traveled on behalf of other entities during the late 1980s and

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[225] 32 *ACTA* 25168; 10 *ACTA* 11862.

[226] 10 *ACTA* 11853; 38 *ACTA* 32675.

[227] 10 *ACTA* 11854.

[228] 38 *ACTA* 32651.

[229] 38 *ACTA* 32633.

[230] 38 *ACTA* 32762-63.

[231] 38 *ACTA* 32737.

[232] 10 *ACTA* 11861.

[233] 10 *ACTA* 11864; 42 *ACTA* 35317.

[234] 10 *ACTA* 11857.

[235] 38 *ACTA* 32929

[236] 10 *ACTA* 11857; 38 *ACTA* 32898-99. McCarrick traveled to Colombia on behalf of the NCCB. 38 *ACTA* 32898.

[237] 10 *ACTA* 11891.

[238] 10 *ACTA* 11891. One former priest secretary, who traveled with McCarrick to two dozen countries during this period, stated in an interview that he did not observe any improper conduct during the trips: "I was with him a long time in a lot of places and he never did anything to me and I never saw anything he did to anybody else either." 33 *ACTA* 27060.

[239] McCarrick explained in an interview that he regularly traveled to Eastern Europe as chair of the Ad Hoc Committee: "I had been elected to aid the Church in Eastern Europe [and] twice a year I went to visit the people there to see how they were doing." 33 *ACTA* 27006. McCarrick also traveled to Asia approximately once per year as Chair of the NCCB's Committee for Migration and Refugees. 38 *ACTA* 32621.

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1990s as well, including CRS[240] and the Appeal of Conscience Foundation.[241] In an interview, McCarrick stated that he would normally meet with the nuncios and some of the key bishops in the countries to which he traveled, and that he would "always try to check in with the United States ambassadors."[242] McCarrick routinely reported back to the NCCB and the Apostolic Nunciature in the United States regarding his international work, which was the subject of news reports and widely viewed as in line with the priorities of Pope John Paul II.[243]

Through these activities, Archbishop McCarrick met prominent political and religious leaders with whom he would continue to work in the coming decades.[244] In particular, McCarrick regularly communicated with high-level U.S. government officials, including those at the White House, the Department of State, and Congress.[245]

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[240] With respect to CRS travel, McCarrick explained in an interview: "I kept getting re-elected to the board because I wrote reports, was willing to do the travel and, knowing the ambassadors, I was able to present the CRS view to U.S. diplomats in all these countries." 33 *ACTA* 27006.

[241] The Appeal of Conscience Foundation is an interfaith partnership founded by Rabbi Arthur Schneier in 1965, whose stated mission is to promote peace, tolerance and conflict resolution.

[242] 33 *ACTA* 27006; *see also*, *e.g.*, 43 *ACTA* 37264-65.

[243] *See*, *e.g.*, L. Robinson, "McCarrick Stresses Ukrainian Rights in Moscow," *The Star-Ledger* (11 Nov. 1988), 34 *ACTA* 28242.

[244] McCarrick notably met during this period with leaders of the Eastern Orthodox Churches, including His Holiness Ecumenical Patriarch Bartholomew, Archbishop of Constantinople. McCarrick maintained a relationship with Ecumenical Patriarch Bartholomew in the years that followed and credited him with having shaped his views regarding the urgent need to address global environmental issues. 33 *ACTA* 27015; *see also* 43 *ACTA* 37269-70.

[245] *See*, *e.g.*, 43 *ACTA* 37864, 37873, 38751, 38817, 38823, 38829, 38832. For example, McCarrick said in an interview that he would usually have lunch or dinner with Raymond Flynn, the United States Ambassador to the Holy See (1993-1997), when he traveled to Rome. 33 *ACTA* 27006. McCarrick stated, "I worked with him on political issues that were mutually useful to the United States and the Holy See. There were some strained relations with the White House at the time and we worked to improve them." *Id.*

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McCarrick also served the United States government in a variety of roles during the late 1980s and 1990s. In September 1987, McCarrick was appointed as an Observer to the American Helsinki Commission to review the progress of the Helsinki Accords, and he traveled to Poland, Romania and Russia in that capacity. McCarrick was also named a Commissioner of the Federal Commission on Immigration and Economic Policy. He served as a member of the United States Department of State's Advisory Committee on Religious Freedom beginning in 1996, and in 1999 became a founding member of the United States Commission on International Religious Freedom. The United States Department of State issued McCarrick a diplomatic passport for his government work overseas, which included a trip to East Timor and Jakarta.[246]

Archbishop McCarrick eventually traveled to the People's Republic of China ("China") on behalf of the United States government. McCarrick's interest in China dated back to the late 1980s, when he met with Bishop Aloysius Jin Luxian, S.J., the Patriotic Bishop of Shanghai, at the China House at Seton Hall University, a meeting encouraged by Secretary of State Sodano.[247] McCarrick provided a detailed report of his April 1989 meeting to Sodano and to Nuncio Laghi.[248] In 1992, Archbishop McCarrick and Rabbi Schneier traveled together to China on behalf of the Appeal of Conscience Foundation to survey the state of religious freedom in the communist country.[249] McCarrick then traveled again to China and Tibet for a month in February 1998, as part of an ecumenical religious delegation selected by the White House and the Department of State. In China, the delegation met for an hour with President Jiang Zemin, during which McCarrick discussed religious freedom and raised the issue of possible normalization of relations between China and the Holy See.[250] McCarrick handwrote a one-page letter to Pope John Paul II from Lhasa, Tibet, about his trip and his discussion with

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[246] 10 *ACTA* 11886-89.

[247] 34 *ACTA* 28180.

[248] 34 *ACTA* 28176-82.

[249] 43 *ACTA* 37210-11.

[250] 35 *ACTA* 30391; 43 *ACTA* 38767.

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President Zemin.[251] After returning from China, McCarrick and the other members of the delegation presented their separate report to President Clinton at the White House.[252] McCarrick also reported about the trip to Nuncio Cacciavillan, Archbishop Celli, and Archbishop Tauran.[253] The 1998 China trip was the subject of extensive media coverage, including on Vatican Radio.

McCarrick also increased his level of collaboration with the Holy See during this period. In 1987, McCarrick was named a Consultor to the Pontifical Commission on Pastoral Care of Migrants and Tourists, and in 1995 he visited South America as a member of the Commission. McCarrick became a Consultor to the Pontifical Commission for the Preservation of the Artistic and Historic Patrimony of the Holy See, and in 1997 he was appointed by Pope John Paul II as Vice President of the Synod for America's Message Commission.[254] Pope John Paul II also appointed Archbishop McCarrick to the Pontifical Council for Justice and Peace in December 1998.[255]

Archbishop McCarrick came to Rome regularly during the late 1980s and 1990s, often several times each year.[256] He usually stayed at the North American College, where he met American priests and seminarians studying in Rome.[257] On his stays in Rome, McCarrick interacted with Pope John Paul II during audiences and religious events, both public and private.[258]

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[251] 35 *ACTA* 30391.

[252] *Public Papers of the Presidents of the United States: William J. Clinton* (Book I, 1998), at 984.

[253] 35 *ACTA* 30392-30410, 31508. McCarrick later wrote a letter to President Zemin about the normalization of relations, which he sent through the Chinese Ambassador to the United States. 43 *ACTA* 38765-67.

[254] 13 *ACTA* 12832.

[255] 13 *ACTA* 12842-43.

[256] 16 *ACTA* 13537.

[257] 38 *ACTA* 32024, 32304.

[258] 38 *ACTA* 32076, 32103-04, 32304, 32413-14, 32493, 32758-59; 42 *ACTA* 35672, 35676, 36511-12.

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McCarrick traveled on numerous occasions to be present during Pope John Paul II's pastoral visits abroad, including those to Albania (Apr. 1993),[259] Spain (June 1993),[260] Colorado (Aug. 1993),[261] Lithuania (Sept. 1993),[262] Croatia (Sept. 1994),[263] Bosnia and Herzegovina (Apr. 1997),[264] Poland (June 1997),[265] France (Aug. 1997),[266] Cuba (Jan. 1998),[267] Mexico (Jan. 1999)[268] and the Holy Land (Mar. 2000).[269] During papal trips, the Holy Father was customarily accompanied by the Secretary of State, the Substitute and other Holy See officials.

Archbishop McCarrick often wrote to Pope John Paul II, mainly to keep the Holy Father apprised of his international work.[270] McCarrick also

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[259] 38 *ACTA* 32444.

[260] 38 *ACTA* 32438-39.

[261] McCarrick was a principal celebrant at the Mass held in Civic Center Park in Denver, Colorado, on 13 August 1993, during Pope John Paul II's visit for World Youth Day.

[262] 33 *ACTA* 27007; 44 *ACTA* 40708.

[263] 42 *ACTA* 36714-15.

[264] 38 *ACTA* 32762-63. Archbishop Re, then Substitute, offered McCarrick a place on the Papal plane returning from Sarajevo to Rome during this trip. 36 *ACTA* 30552; 42 *ACTA* 35418.

[265] 38 *ACTA* 32745-46, 32750-51.

[266] 38 *ACTA* 32737.

[267] 38 *ACTA* 32861.

[268] 38 *ACTA* 32929.

[269] 38 *ACTA* 32966-67.

[270] An official who handled much of Archbishop McCarrick's correspondence to Pope John Paul II recalled "a significant volume of letters [to the Holy Father] from a variety of locations, mostly when McCarrick was traveling." The priest stated that "McCarrick would write expressing his devotion to the Holy Father and his desire to serve the Church and explain what he was trying to do through his activities in various parts of the world." McCarrick's letters suggested that he "saw himself acting as a sort of intermediary for the Church with political leaders in the United States and around the world." 16 *ACTA* 13446; *see also* 33 *ACTA* 27061.

Another former Secretariat of State official who handled McCarrick's correspondence described McCarrick as "a prolific writer who often wrote directly to the Holy Father"

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occasionally corresponded with the Pope's particular secretary, Monsignor Dziwisz.[271]

Archbishop McCarrick's activity extended to fundraising to assist the Pope in his charitable work throughout the world. In the late 1980s, Archbishop McCarrick helped create the Papal Foundation, which drew upon McCarrick's extensive experience soliciting wealthy Catholic donors in the United States and raised money to fund charitable initiatives recommended by the Holy See.[272] As a member and president of the Papal Foundation, McCarrick traveled to the Vatican on behalf of the Foundation, sometimes twice a year, and arranged the customary visits with the Pope for donors, including over meals.[273] Like other officers of the Papal Foundation,

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during the 1980s. 16 *ACTA* 13533. According to the official, McCarrick "was on the one hand, objectively, doing things that were important. On the other hand, he was making sure that the Pope understood that he was doing things that were important." *Id.* at 13533-34; *see also* 18 *ACTA* 15532.

[271] 42 *ACTA* 36318; 44 *ACTA* 40604, 40542. McCarrick, who often used nicknames for others, referred to Dziwisz as "Monsignor Stan" and "Monsignor Stash" in the salutations. 44 *ACTA* 40604, 40542.

[272] 34 *ACTA* 28300, 28303; 40 *ACTA* 33966-72. In the wake of the Banco Ambrosiano collapse in the early 1980s and the resulting legal problems for the *Istituto per le Opere di Religione* (IOR), McCarrick met with Holy See officials in February 1987 about the Pope's continued need for financial support. In March 1987, McCarrick wrote to New York Archbishop Cardinal O'Connor stating, "I have begun to work on the possibility of a private foundation organized according to United States laws which would enable us to raise large sums of money from a rather small number of donors for the work of the Holy See." 34 *ACTA* 28303. The nascent plan eventually led to the creation of the Papal Foundation, a non-profit corporation with a multi-tier board structure created under United States law, which was intended to provide the transparency, accountability and deductibility demanded by sophisticated American donors. At the time of its creation, the Chairman of the Papal Foundation was John Cardinal Krol and its Executive Secretary was Archbishop McCarrick. 17 *ACTA* 15224. When the Papal Foundation struggled during its early stages, board members asked McCarrick to take on a more prominent role in 1989. 34 *ACTA* 28083-88.

[273] 40 *ACTA* 33969, 33971; 42 *ACTA* 36229; 44 *ACTA* 40554. In his 2 April 1990 Address to the Board of Trustees and Members of the Papal Foundation, Pope John Paul II thanked the members and made special reference to Archbishop McCarrick's role. *Address of His*

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McCarrick attended the annual receptions held at the Apostolic Nunciature in Washington.

During this time frame, McCarrick began in earnest his customary gift-giving to Roman Curia and Nunciature officials, a practice that continued through 2017.[274] McCarrick also sent donations and gifts to prelates, dioceses and charities throughout the world, with a particular focus on building projects[275] and disaster relief.[276]

Notwithstanding his international work and extensive travel, McCarrick was recognized as an effective leader of the Archdiocese of Newark.[277]

Holiness John Paul II to the Board of Trustees and Members of the Papal Foundation in the United States (2 Apr. 1990), 27 *ACTA* 20005-06.

[274] In an interview, McCarrick explained the rationale behind gift-giving to officials of the Roman Curia:

> Many people I knew in the Curia. You know since they don't have a diocese and they are working in government, they are not in the same position to collect money. But they are priests and they have the same calls on them as other priests to help people. They work hard and do not get a big salary, and so giving them money allows them to do charity with others that they otherwise would not be able to do. It is a recognition of their services.

14 *ACTA* 13223. McCarrick also noted that he used gifts to help defray expenses for the Holy See: "I remember the Cardinal for the Congregation for Bishops came for about a week at Metuchen. . . . And I am sure I gave him something substantial to defray the costs of the trip and that [I gave] something for the Congregation to help the Holy See." *Id.* at 13224; *see also* 33 *ACTA* 27019.

[275] *See*, *e.g.*, 34 *ACTA* 28991, 29065-67, 29130; 35 *ACTA* 29650, 29850, 29895.

[276] *See*, *e.g.*, 34 *ACTA* 28857, 28859, 28896, 28933, 29163; 35 *ACTA* 29345, 29809, 29870, 29872. McCarrick's gifts and donations were made from diocesan or personal accounts in the United States. McCarrick never held an account at the IOR. The Papal Foundation also never had an IOR account, and the Diocese of Metuchen, the Archdiocese of Newark and the Archdiocese of Washington each report having no record of ever having an IOR account.

[277] McCarrick later described a discussion with Pope John Paul II about the challenges of balancing work inside and outside of the diocese. The discussion took place during a

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McCarrick helped build the new Archdiocesan Center in downtown Newark, which was opened in 1995. To assist impoverished parishes, McCarrick sought increased donations at the diocesan level and forgave some $10 million in parish debt.[278] To foster vocations and promote internationalism within the clergy, especially in light of the multi-cultural and multi-ethnic composition of Newark, McCarrick erected a Redemptoris Mater diocesan seminary in the Archdiocese of Newark. This initiative was favored at the time by Pope John Paul II and brought seminarians from around the world to study and be ordained in Newark.[279] As Archbishop of Newark, McCarrick hosted both Pope John Paul II and President Clinton during the

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private meeting with the Pope on the occasion of one of McCarrick's visits to Rome in the early 1990s:

> I had a conversation with Pope John Paul II when I was Archbishop of Newark. I told him that I had accepted several responsibilities outside of the Archdiocese of Newark and that it was bothering me that they were taking so much time. I explained that some were for the Bishops' Conference, some for public bodies, and some for the Holy See. They were all good things to do – for refugees, for peace, for the poor around the world, and for helping some bishops in difficult areas. The Holy Father then proceeded to give me a truly beautiful meditation about the place of the bishop in his own diocese and how that was the real priority in all our lives.
>
> I was just about to say to him, "Thank you, Holy Father, I will drop all these other things," when he then started to give an equally beautiful meditation about the bishop's responsibility to the whole world and to the whole Church and not just to his home diocese. After he was finished, we just looked at each other and smiled. I said to him, "Your Holiness, I guess I should just keep doing what I'm doing, then?" Pope John Paul smiled again and shrugged his shoulders and we moved to another subject.

Thinking of You 23.

[278] 44 *ACTA* 40819.

[279] On 29 May 1999, McCarrick ordained sixteen priests in the Cathedral Basilica of the Sacred Heart in Newark, including candidates from Philippines, South Korea, Dominican Republic, Trinidad and Tobago, Poland, Wales, Mexico, Tanzania, Malta and Vietnam. 13 *ACTA* 12821; *see also* 38 *ACTA* 32426, 32595, 32833.

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Pope's visit to the United States in October 1995, a major national and international event for the Archdiocese.[280]

Archbishop McCarrick was known for his work ethic in Newark. One of McCarrick's priest secretaries at the time recalled that McCarrick "worked 24/7 and expected his secretary to work 24/7 also."[281] A lay assistant described McCarrick as a man who worked from "5 in the morning to 10 at night."[282] She stated that she was "constantly" kept busy either typing up letters he had drafted or proofreading letters that had been typed up by another assistant; there were sometimes "scores" of letters that he would often dictate to her either directly or by calling into an answering machine dedicated for that purpose.[283] Another priest secretary said, "The Archbishop, as I got to know him, was a workaholic. He never took time off. When he did take time off, he would like to go down to the shore house and he was always surrounded with work."[284]

During his time as Ordinary of the Archdiocese of Newark, McCarrick made numerous contacts in State and federal law enforcement.[285] With the

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[280] 36 *ACTA* 30552.

[281] 14 *ACTA* 13068.

[282] 14 *ACTA* 13279.

[283] 14 *ACTA* 13277, 13279; *see also* 33 *ACTA* 27062.

[284] 14 *ACTA* 13065. Aside from any properties that may have been rented or borrowed (of which no evidence has been located), there were two beach houses used by McCarrick during his time in Newark. The first house, located in the borough of Sea Girt, New Jersey, had been purchased by the Diocese of Metuchen in 1985, and was sold to the Archdiocese of Newark in 1988. The Archdiocese sold it to a private party in 1997 and bought another larger beach house from the Diocese of Metuchen in 1997, this time located in borough of Mantoloking (Curtis Point), New Jersey. 14 *ACTA* 13287; 22 *ACTA* 17062-63. There are no known allegations of misconduct by McCarrick at the second beach house, which was sold to a private party in 2002. *See* 14 *ACTA* 13287; 40 *ACTA* 33695, 33702.

[285] 37 *ACTA* 31438, 31464; 42 *ACTA* 35667, 36108; 43 *ACTA* 38593. McCarrick, whose uncle was a captain in the police department and later the head of the police academy, was comfortable among law enforcement. 14 *ACTA* 13210; 38 *ACTA* 32672. A former priest secretary stated in an interview that McCarrick "had a very close relationship with the police" and that he "always made a big deal over the police and they made a big deal

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assistance of his well-connected New Jersey attorney, Mr. Thomas E. Durkin, McCarrick met the leaders of the New Jersey State Troopers and the head of the FBI in New Jersey.[286]

Beginning shortly after his installation in Newark and continuing through 1999, Archbishop McCarrick worked with Cardinal O'Connor, the neighboring Archbishop of New York, on a wide range of matters. Both O'Connor and McCarrick traveled on separate trips to Cuba in 1988[287] and collaborated on the release of Cuban political prisoners.[288] The two prelates worked together with respect to the Northeast Hispanic Catholic Center in New York.[289] They served together for many years on the Papal Foundation, where Cardinal O'Connor was Vice Chairman.[290] O'Connor and McCarrick

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over him." 16 *ACTA* 13586; *see also* 40 *ACTA* 33693. A priest who formerly served as a police officer in New Jersey noted that while McCarrick had a good relationship with the police department, "this was not atypical since relations between the Archdiocese and Newark police have historically been close and cooperative." 33 *ACTA* 27063.

[286] Attorney Durkin was a close friend and confidant of Cardinal O'Connor, who relied on Durkin to conduct special or highly sensitive investigations. 16 *ACTA* 13508-09; 40 *ACTA* 33706.

[287] McCarrick went to Cuba with Rabbi Schneier of the Appeal of Conscience Foundation, where he met with Fidel Castro. *See* J. Treaster, "As O'Connor Goes to Cuba, Shift is Hinted," *The New York Times* (17 Apr. 1988), 26 *ACTA* 19416.

[288] 34 *ACTA* 28215-18, 28226-27, 31480. In addition to the release of political prisoners, Cardinal O'Connor and Archbishop McCarrick's long-standing interest in Cuba focused on immigration and religious freedom. *See*, *e.g.*, 26 *ACTA* 19438.

[289] 43 *ACTA* 39202-03, 39208, 39439-45.

[290] 34 *ACTA* 28264; 42 *ACTA* 36214-15; 43 *ACTA* 37323, 37327, 38865, 39215, 39434, 39466. On 27 October 1999, Cardinal O'Connor wrote to McCarrick about a potential re-organization of the Papal Foundation: "Let's not delude ourselves. I have been the figurehead; you have given the active, thoughtful leadership. In my judgement, it is essential that we come up with a waiver to retain you, uniquely, as an active member of the Board, not simply a consultant." 43 *ACTA* 38960.

O'Connor appears to have had a different perspective on McCarrick's fundraising for the Newark Archdiocese, which sometimes involved soliciting wealthy New York Catholics. McCarrick recalled O'Connor making a joke about it at a public event, stating, "'Archbishop McCarrick is here, so sew up your pockets.'" 16 *ACTA* 13581.

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regularly corresponded about matters of diocesan governance, such as tribunals,[291] priests,[292] religious[293] and laypersons.[294] McCarrick urged Cardinal O'Connor to take time off from work at the Jersey Shore beach houses, especially after O'Connor began to experience health problems.[295] Cardinal O'Connor does not appear to have ever accepted the invitation,[296] though he did express gratitude for McCarrick's support and concern over his health.[297]

McCarrick maintained his close relationship with certain Catholic families from the New York area during this period. As Archbishop of Newark, McCarrick performed marriage ceremonies for his now-grown "nieces and nephews" and baptized many of their children as well. Continuing the annual

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[291] 43 *ACTA* 37328.

[292] 34 *ACTA* 28222, 28266; 43 *ACTA* 37421,

[293] 34 *ACTA* 28282.

[294] 34 *ACTA* 28284. On 10 February 1996, McCarrick wrote: "I add a note on a personal level. I learned from Tom Durkin of your nephew's illness and I have been keeping him very much in my prayers." 43 *ACTA* 38868.

[295] *See*, *e.g.*, Letter from Archbishop McCarrick to Cardinal O'Connor (7 Jan. 1993), 42 *ACTA* 36168 ("Take care of yourself. You know the place in Sea Girt is always at your disposal!"); Letter from Archbishop McCarrick to Cardinal O'Connor (5 Feb. 1999), 43 *ACTA* 38992 ("Thanks for being a friend. With every good wish and always renewing my offer of our palace by the Shore for a few days of R&R").

[296] On 9 February 1999, Cardinal O'Connor wrote to McCarrick: "Thanks, again, for your concern. Thankfully, I am on the mend. One of these days I will surprise you and take up the offer to stay at the Shore. You are very kind." 43 *ACTA* 38990.

[297] *See* Letter from Cardinal O'Connor to Archbishop McCarrick (22 Dec. 1995), 43 *ACTA* 38884 ("Your presence at the celebration of my 50th meant so much, as did your warm letter which I will cherish always. If but a few of the things you said are true, I am grateful to God. Whatever my 'place in history', I always will know what the history writers may miss: it is the prayers and support of others, particularly my brothers in the presbyterate, that have helped my own priesthood bear fruit. Thank you, friend."); Letter from Cardinal O'Connor to Archbishop McCarrick (21 Sept. 1999), 43 *ACTA* 38969 ("Perhaps one never fully appreciates the meaning of the Fraternity of the Episcopacy until confronted with the sense of aloneness brought on by unexpected and traumatic news. Although the medical reports I am now receiving are highly optimistic, your remembrance arrived at a critical moment. There is no way in which I can thank you adequately.").

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tradition that began in Metuchen, McCarrick also held "Uncle's Day" celebrations in Newark, which brought members of the New York families, including "nieces and nephews," down from New York for Mass and a picnic.[298] McCarrick wrote in his newspaper column about these large reunions, which were mostly organized by select members of the families, and which were attended by priests, seminarians and lay secretaries from Newark. Those attending from the Archdiocese reported that, by all appearances, there was a healthy and natural relationship between McCarrick and the families.[299]

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[298] 38 *ACTA* 32436-37, 32513, 32660-61; 42 *ACTA* 35783.

[299] "Uncle's Day" celebrations were planned well ahead of time and recorded in the Archdiocesan calendars both in Newark and in Washington. In an interview, a lay employee who served as one of McCarrick's assistants in Newark stated the following about these reunions:

> [The families] would come down every year and people were all smiles. And they did call him Uncle Ted. They used that expression. It wasn't something he just invented. And I was at these celebrations. And it was wonderful to see their love for him. The priests would come too. Whole families would come. I never saw anything inappropriate or any sign of anybody being upset.

14 *ACTA* 13278; *see also id.* at 13070.

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IX. BISHOP HUGHES, BISHOP SMITH AND BISHOP MCHUGH'S KNOWLEDGE OF MCCARRICK'S MISCONDUCT

This section sets forth incidents of McCarrick's misconduct known to Bishop Hughes, Bishop Smith and Bishop McHugh.

A. Information Received by Bishop Hughes from Priest 4 (1989)

Priest 4, a parish priest who has also held various administrative positions in the Diocese of Metuchen, provided information over the course of several interviews regarding his interactions during the 1980s with Bishop McCarrick and Bishop Edward Hughes, McCarrick's successor in Metuchen.[300]

Priest 4 became a seminarian of the Diocese of Metuchen in the Summer of 1984.[301] At the time, Priest 4 had heard that McCarrick was a "wonderful" bishop who "loved the Church."[302] McCarrick also "had the reputation of being genuinely and charismatically interested in seminarians."[303]

Soon after becoming a seminarian in Metuchen, Priest 4 received a telephone call from Monsignor Anthony Joseph Gambino, the Diocese's Vocations Director, who told him, "Bishop McCarrick wants to see you."[304] Priest 4 had just returned from a summer trip to Puerto Rico with college friends.

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[300] Information about Priest 4's experience was first provided to the Holy See in an account transmitted to Archbishop Christophe Pierre, Apostolic Nuncio to the United States, in August of 2018, following which Priest 4 provided additional information during interviews conducted in 2019 and 2020. 17 *ACTA* 14679-82. In an interview, Priest 4 explained that he was initially reluctant to speak in 2018: "Having to go over these things, which I had recounted to few people, was very painful. I also believed that the time had long passed to address this. However, while I had little hope that it would actually make a difference given my personal experience, I decided to report again what I knew." 40 *ACTA* 33897.

[301] 40 *ACTA* 33842-43.

[302] 40 *ACTA* 33843.

[303] 40 *ACTA* 33897.

[304] 40 *ACTA* 33844.

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Monsignor Gambino instructed Priest 4 to go to the Bishop's Residence that Saturday for a meeting with McCarrick.[305]

Priest 4, who was not yet a deacon, dressed for the meeting in regular street clothes, including a golf-type pullover shirt. At the date and time arranged by Monsignor Gambino, Priest 4 drove to the Residence, where he met and conversed with McCarrick in a living room area with an adjoining sun porch.[306] After a while, McCarrick led Priest 4 into the kitchen, where he commented on a rash that he noticed on Priest 4's neck and collar bone. Priest 4 explained that it was impetigo, a skin condition that he had picked up at the beaches of Puerto Rico. Bishop McCarrick remarked that he too had contracted the malady years before while serving as president of the university in Ponce, Puerto Rico.[307] Facing Priest 4 and saying that he wanted to examine the rash, McCarrick put his hand on Priest 4's shirt and then touched his chest, remarking, "You have a strong hairy manly chest."[308] Priest 4 explained what happened next:

> He unexpectedly pulled [the shirt] over my shoulder. It was a collared pull over. He pulled it off my shoulder from the top down, to look at the rash. And then put his hand there, touched my chest, and fingered the gold chain and medallion I always wore that I had received at communion. Then his hand moved to my shoulder and back across the front of my chest in the middle. . . . And he rubbed his fingers through the hair on my chest.[309]

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[305] 40 *ACTA* 33844.

[306] 40 *ACTA* 33844.

[307] 40 *ACTA* 33844; *id.* at 33897-98.

[308] 40 *ACTA* 33845.

[309] 40 *ACTA* 33845.

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Bishop McCarrick's actions made Priest 4 "extremely uncomfortable." He felt that the physical contact was "odd and creepy," but he did not perceive it as sexual at the time.[310]

Over the course of the next year, Bishop McCarrick made occasional unannounced visits to the seminary Priest 4 was attending, where McCarrick sometimes took the Metuchen seminarians out for pizza. More than once following the outings, McCarrick visited Priest 4 in his room, where he sat on Priest 4's bed and, without asking, began lightly touching Priest 4's shoulders and back. McCarrick accompanied these gestures with words like, "'Someday I will lay hands on you when I ordain you.'"[311] Though he found the physical contact intrusive, Priest 4 described McCarrick's comportment in his room as "mild" and "not aggressive." Priest 4 explained: "I was not a sheltered kid at all, but perhaps I was naïve; this way of acting seemed very odd to me, but at the time, I just did not think of these gestures as sexual. Because he was to my mind pretty old, the sexual thing just did not register."[312]

During the Summer of 1985, Bishop McCarrick's priest secretary telephoned Priest 4 to tell him that McCarrick had invited him on an overnight trip to the beach house in Sea Girt, New Jersey, along with some other seminarians.[313] The invitation made Priest 4 uneasy given McCarrick's previous behavior, so he decided to speak to Monsignor Gambino, whom he trusted. Gambino told him that he "should go" and that "if I did not accept

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[310] 40 *ACTA* 33845-46.

[311] 40 *ACTA* 33898.

[312] 40 *ACTA* 33898.

[313] 40 *ACTA* 33846. Priest 4 noted that McCarrick's invitations to the beach house were only extended to certain seminarians and that this "created some tensions and morale issues among us [seminarians]." The "other seminarians got jealous in the sense of them saying, 'Hey, how come *I* wasn't invited?'" The seminarians who were not invited to the beach house also "chided" and teased those who received an invitation. *Id.* at 33846, 33848.

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the invitation it would be frowned upon by the Bishop," so Priest 4 decided to accept.[314]

Priest 4 received directions to the Sea Girt house, which was a few blocks from the beach, and drove there in his own car. Priest 4 described the house as two stories with a spacious living room that was furnished with some recliners and chairs.[315] The house had three bedrooms upstairs, with two double beds in one room and one bed in another.[316] In the third room, where McCarrick stayed, there was one large bed, a "king or queen."[317]

The first trip to the beach house was uneventful. Nothing transpired that was alarming to Priest 4, who has little memory of the trip. Priest 4 stated that it seemed "normal" and that this allayed his initial anxiety.[318]

Later in the summer, Priest 4 again received a call from Bishop McCarrick's priest secretary who invited him, on McCarrick's behalf, on a second trip to the beach house.[319] About this trip, Priest 4 has a clear recollection.

Priest 4 arrived at the beach house around mid-morning. In addition to Priest 4, three other seminarians came to the house that day. After going to the beach, McCarrick and the seminarians returned to the house for showers and then went shopping for food. Following time relaxing at the house in the afternoon, McCarrick had the seminarians "participate in a 'circle' in which we were encouraged to share our 'vocation stories.'" In the late afternoon, Bishop McCarrick celebrated Mass.[320]

After dinner, Bishop McCarrick dictated the sleeping arrangements. McCarrick told the group that he had over-calculated the number of guests

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[314] 40 *ACTA* 33848.

[315] 40 *ACTA* 33847.

[316] 40 *ACTA* 33847.

[317] 40 *ACTA* 33847.

[318] 40 *ACTA* 33899.

[319] 40 *ACTA* 33899.

[320] 40 *ACTA* 33847; *id.* at 33899.

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and beds – a fact about which the seminarians were well aware – and said to Priest 4, "There is not enough room; don't worry about it, you can come with me.'"[321] In light of the previous incidents, and given that McCarrick's "miscalculation" appeared to be a ploy, the sleeping arrangements announced by McCarrick made Priest 4 anxious, but he felt "pressured" because there was no other bed available and the Bishop "insisted that it would be fine since it was a large bed."[322] Reluctantly, Priest 4 did not object: "The situation made me uncomfortable, but I thought I could tolerate it because I had seen the bed so I knew that it was large enough that I could have my own side."[323]

In Bishop McCarrick's bedroom, "with the door closed," Priest 4 began to change for bed. Priest 4 felt "upset" because "I was placed in the position of having to change into sleeping clothes in front of my bishop."[324] When McCarrick noticed that Priest 4 was wearing pajamas over his underwear, he was displeased, stating "'What are you wearing those for? It's warm.'"[325] McCarrick himself changed quickly in the bathroom and emerged wearing only "tighty-whitey" underwear and a sleeveless undershirt.[326]

Initially, Bishop McCarrick asked Priest 4 to sit with him on the bed and began talking about how he had "'so many troubles'" and "'a diocese to run,'" and complained about the fact that his back hurt.[327] McCarrick asked Priest 4 to rub his back, which Priest 4 did "[b]ecause it was very difficult to say 'No' in that situation." Soon McCarrick lay down on the bed and asked Priest 4 to continue rubbing his back. McCarrick then offered to give Priest

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[321] 40 *ACTA* 33848.

[322] 40 *ACTA* 33899; *id.* at 33848.

[323] 40 *ACTA* 33899.

[324] 40 *ACTA* 33848-49.

[325] 40 *ACTA* 33849.

[326] 40 *ACTA* 33848.

[327] 40 *ACTA* 33849.

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4 a backrub; although Priest 4 "did not want a backrub from him," he "found it was very difficult to say no" and felt compelled to acquiesce.[328]

After the exchanged backrubs, the lights went out for sleep. Though on guard, Priest 4 hoped that the touching had ceased and, wishing to avoid any further physical contact, he lay on his side near the edge of the bed turned away from McCarrick. Sometime later, but while Priest 4 was still awake, McCarrick began to rub Priest 4's back again and, as he drew closer, reached around and rubbed Priest 4's chest from behind. Then, rubbing his back again, McCarrick worked his way down to Priest 4's buttocks. Priest 4 felt "frozen and trapped."[329] As McCarrick "wrapped his body around me," Priest 4 described himself as being "ensnared" and could feel that McCarrick was sexually aroused. This "shocked" Priest 4 out of his frozen state, and he realized that he "had to escape." Priest 4 recalled what happened next:

> I told him point blank, "I don't like this." I didn't like it. "I don't like this." And he said, "Oh, I'm not doing anything;" "Uncle Teddy is under pressure;" "I don't mean anything;" "Oh, it's just a rub down, it's ok." I said, "You know what? I just can't sleep here." And when I objected like that and let him know it would not be OK to continue like that, he got pissed. He got mad. At first, he was trying to convince me to stay and trying to convey that he was doing nothing wrong. He was trying to be reassuring: "It's OK, it's between us." But then he got angry. He got so angry when I left, and when I went downstairs [to sleep on a recliner], he was so pissed off at me. So much so that he did not even address me the next morning. He did not even say hello. . . . [H]e gave me a very bad look but did not

[328] 40 *ACTA* 33849.

[329] 40 *ACTA* 33849.

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> communicate with me. And I just left [the beach house]. I thought, "I am finished in the diocese."[330]

Shortly after his return to Metuchen, Priest 4 went to see Monsignor Gambino to tell him what McCarrick had done, expecting to receive support. Priest 4 recalled Gambino's reaction: "I explained what had happened to me and, according to the way he handled it, he treated me like *I* was somehow at fault for making an accusation."[331] Gambino admonished Priest 4 that he was making "serious accusations" against the Bishop and that he needed to go to counseling or else he "'may not be ordained.'"[332]

Monsignor Gambino arranged for Priest 4 to meet with Father Edward Zogby, S.J., a counselor who was affiliated with Fordham University.[333] After the counseling, which also involved taking Priest 4's confession, Father Zogby wanted to give Priest 4 a hug, and then tried to kiss him and grabbed his crotch.[334] Priest 4, outraged because "it was happening again," "pushed Zogby down hard in his chair." "I said, '[Expletive] you!' and got out of the room." Priest 4 recalled that "the message I got from that 'counseling' session was clear: 'Don't think you are going to get anywhere with a complaint against your bishop because it will be useless.' It was not like an open threat. It was a way of saying: 'You are powerless; you won't be believed.'"[335]

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[330] 40 *ACTA* 33850; *see also id.* at 33852 ("I was not a willing participant. I objected. I left the room. I could not tolerate it. What I experienced was power and the abuse of power. How could a seminarian defend himself? It was a betrayal of trust.").

[331] 40 *ACTA* 33853.

[332] 40 *ACTA* 33901. Priest 4 explained that he and Gambino discussed McCarrick's misconduct again years later and that Gambino "believed [Priest 4] afterwards. He understood." *Id.* at 33854-55.

[333] 40 *ACTA* 33901.

[334] 40 *ACTA* 33854.

[335] 40 *ACTA* 33901. Father Zogby, who died in 2011, was recently the subject of a public accusation by another adult male. 26 *ACTA* 19400.

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In May 1986, McCarrick was appointed Archbishop of Newark, and Priest 4 remained in Metuchen.

While attending seminary during the Fall of 1986, Priest 4 became friends with another seminarian (Priest 5).[336] In January or February of 1987, Priest 5 discussed with Priest 4 how accusations had been made against several priests in his diocese of origin. During these discussions, Priest 5 revealed to Priest 4 that he had been sexually "accosted" by a priest several years before.[337] After Priest 5 spoke about his own experience, Priest 4 opened up about what had happened with Bishop McCarrick and with Father Zogby. Priest 4 also described his unsuccessful attempt to report Bishop McCarrick's misconduct to Monsignor Gambino.[338]

Priest 4 was ordained by Bishop Edward T. Hughes, McCarrick's successor, in 1988.[339] Priest 4's impression of Hughes was that of a "very strait-laced bishop" who was "very quiet, introverted, . . . [and] a holy man."[340]

Bishop Hughes wanted to meet with each of his priests approximately a year following their ordination. The appointment between Bishop Hughes and Priest 4 was scheduled to take place in 1989.[341] Prior to the meeting, Priest 4 and Priest 5 discussed that, given that McCarrick had been transferred to Newark and that nothing had been done by Gambino, the meeting with Bishop Hughes would be Priest 4's opportunity to report McCarrick's misconduct to someone who could take action.[342]

At the outset of the meeting with Priest 4 in 1989, Bishop Hughes asked, "How are you doing?" Priest 4, as a newly ordained priest, recalled feeling

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[336] Priest 5 was separately interviewed in 2020.

[337] 40 *ACTA* 33887.

[338] 40 *ACTA* 33888-89.

[339] 40 *ACTA* 33856.

[340] 40 *ACTA* 33856.

[341] 40 *ACTA* 33856.

[342] 40 *ACTA* 33891; *id.* at 33902.

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"intimidated" but "determined," and he responded by stating: "'I am still very upset about what happened to me.'"[343] Priest 4 then "told [Hughes] that McCarrick was despicable, that while I had been at the seminary, he invited me to the beach house and that he tried to do things to me. That he touched me."[344] Although Priest 4 did not go into "graphic detail," he "said plenty to make it clear to Hughes that it had happened to me; that it was McCarrick who did it; that it was sexual; that it was an assault; and that I had to escape the room. And that the place it happened was at the beach house."[345]

Priest 4 recalled that Bishop Hughes, as he listened to the account, "shook his head, grimaced and turned red."[346] Priest 4 explained:

> Hughes did not react as though he had never heard of McCarrick's behavior before. He was angry. He turned red. But he was not shocked or surprised by what I was saying. He did not act as though he was hearing something for the first time. I discussed it with him as something that I understood him to be aware of, even if he did not know what had specifically happened to me until I told him. I was speaking to someone who was obviously familiar with what I was describing, as uncomfortable as it was for him to have to face up to it.[347]

After Priest 4 had finished his account, Hughes assured Priest 4, "I will take care of it."[348] Priest 4 felt that he had done what he could and that the matter was now Hughes' responsibility, since "[y]ou can't go higher than the bishop in a diocese."[349]

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[343] 40 *ACTA* 33856.

[344] 40 *ACTA* 33856.

[345] 40 *ACTA* 33857; *see also id.* at 33902.

[346] 40 *ACTA* 33871.

[347] 40 *ACTA* 33902.

[348] 40 *ACTA* 33856.

[349] 40 *ACTA* 33858. Other than Bishop Hughes, Monsignor Gambino, Father Zogby and Priest 5, Priest 4 did not tell anyone about the incidents with McCarrick until 2018.

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Following his meeting with Bishop Hughes, Priest 4 spoke to Priest 5 about what had occurred. In an interview, Priest 5 stated that Priest 4 was "relieved" and "overjoyed" after the meeting because he felt that Hughes understood and "would do something" about McCarrick's misconduct.[350] Priest 5 recalled that, for Priest 4, the meeting "was a confirmation from Hughes that he was finally being heard" and that Priest 4 "felt confident leaving the meeting that something would finally be done."[351]

Bishop Hughes never told Priest 4 whether he took any action: "I don't know what he did. But I know that Hughes never followed up with me about it."[352] According to Priest 5, the fact that Hughes did not speak with Priest 4 again about it had an "impact" on Priest 4: "He came forward, said something important that was not easy to say, was told that it would be dealt with and, then, nothing."[353]

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[350] 40 *ACTA* 33893.

[351] 40 *ACTA* 33892.

[352] 40 *ACTA* 33858. Reflecting on what had occurred, Priest 4 noted that Hughes was likely ill-equipped to deal with such situations:

> Hughes could not handle it. He did not want to accept that there was sex abuse in the Church, much less by a Bishop. And, as holy a man as he was, he was also a person who believed that nearly blind obedience to bishops was a foundational principle. So dealing with an issue like this with regard to the Archbishop of Newark would have opened a real crack in that foundation. It was not something that this man was ready to do.

[353] 40 *ACTA* 33894. In an interview, Priest 4 stated that the long-term corrosive effect of his experiences had less to do with the physical violations, and much more to do with the way it profoundly undermined his trust in bishops and the power structure in the Church:

> I spoke up at the time and I think that, if I had been listened to, things might have been different. I have what I believe to be justifiable anger and frustration because what happened to me makes it difficult for me to trust bishops, and I know that many other priests feel the same way. Bishops hold so much power over us and it is so easy for them to turn our lives upside down without just cause. This is real clericalism, the kind of power that may prevent others from coming forward.
>
> Bishops need to understand that someone like me is a victim too and needs to be listened to, understood, and taken seriously. To address the kind of

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There is no evidence that Bishop Hughes ever told anyone, whether at the Holy See, the Nunciature or in the ecclesiastical hierarchy in the United States, about Priest 4's accusation against Archbishop McCarrick.

B. Information Received by Bishop Hughes from Priest 1 (1993 to 1996)

Priest 1 was a seminarian in the Diocese of Metuchen starting in 1986. He was ordained a priest of Metuchen by Bishop Hughes in 1990.[354]

In 1993, on the recommendation of his spiritual advisor, Priest 1 approached Bishop Hughes to request help given his sexually inappropriate relationship with two teenage boys from his parish. At the time, neither the minors nor their families had alleged misconduct. In a videotaped statement recorded in 2006 and provided to the Holy See in 2020, Priest 1 described his meeting with Bishop Hughes:

> I met with Bishop Hughes in his office and I just told him that I had done some things that I'm not proud about. I allowed myself to get involved with two minors. I started crying and apologizing. And I just said that, you know, I need some help. And then, as my tears were coming out, I said, you know, I just, there's certain things that I can't get off my chest, and can't forget in my mind, and that goes back to the times that I've experienced sexual abuse with Bishop McCarrick and what took place with him and the surroundings with him and other priests. [inaudible]. I just broke down and I just said I just need

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problem that McCarrick represents, the hierarchy must not remain passive, simply waiting for victims to come forward, but needs to actively seek out victims – whether lay or clergy – and provide them the assistance they need.

[354] Because Priest 1 declined repeated requests for an interview, this section is largely based upon the documentation contained in his file. Portions of the account are not included out of privacy concerns.

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> some help because I'm so confused and I'm lost and don't want to live this way.
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> [Bishop Hughes] was glad that I came in and spoke to him and told him the truth. And [he said] that there are some treatment centers that are out there that would be of great benefit for me, and we'll see what happens once you go and get some intensive therapeutic treatment.[355]

After Priest 1's meeting with Bishop Hughes, the Vicar for Personnel for the Metuchen Diocese referred Priest 1 for a psychological evaluation, which took place in November 1993 at a treatment center for priests.[356]

Following the evaluation, a psychiatrist, psychologist and counselor prepared a Comprehensive Psychodiagnostic Assessment of Priest 1.[357] The Assessment set forth Priest 1's account regarding misconduct by Archbishop McCarrick:

> While [Priest 1 was] home for the summer [during seminary], the former Bishop of [Priest 1's] diocese contacted him by phone on several occasions. [The former Bishop], reportedly, invited him on a fishing trip with him and two other priests. After spending the day fishing, they spent the night in a motel. [Priest 1] shared that he was in one double bed with one of the priests and that the former Bishop was in the other double bed with the second priest. [Priest 1] shared that he saw the former Bishop "on top of the priest" and that they were "touching each other." The priest who was with him, reportedly, told him, "don't worry, everything's fine" and the former Bishop,

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[355] 45 *ACTA* 42074 (at 16:48 to 17:54).

[356] 11 *ACTA* 12010.

[357] On 30 November 1993, the treatment center's program director sent Bishop Hughes "the diagnostic impressions and recommendations which resulted from the assessment conducted at [the center] from November 15, 1993 to November 18, 1993" and stated that "[a] complete report will be forthcoming." 11 *ACTA* 12224. The full report later became part of the Diocese of Metuchen's file regarding Priest 1.

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> reportedly, said "don't worry [Priest 1], you're next." [Priest 1] said that when the former Bishop came to him he was "curled up in a ball pretending to be asleep." [Redacted].
>
> After this incident, the former Bishop continued to try to make contact with [Priest 1]. . . . At another point in the summer, the former Bishop asked [Priest 1] to drive him to New York for a dinner meeting with some businessmen. After they left the restaurant he drove to his apartment in New York and invited [Priest 1] to stay the night. While the former Bishop was taking a shower [Priest 1] said he noticed there was only one bed in the apartment. The former Bishop asked [Priest 1] to sleep with him and, reportedly, began "touching" and "wrapping his legs around" him. [Priest 1] shared that early in the morning he "jumped out of bed" saying that he "didn't feel well." The former Bishop, reportedly, invited him back into bed with him, handing him a striped shirt and tight shorts and requesting that [Priest 1] don them. [Priest 1] says that he has no recollection of the rest of the night. He said "I don't know where I woke up - I don't know if I put on the shorts or shirt." The next thing he remembers was being in the car returning home. The former Bishop continued to remain in contact with [Priest 1] by phone throughout the rest of the summer and into his second year at the seminary. He called [Priest 1] several times a week, wrote to him and asked him to call him "uncle."[358]

In May 1994, while still undergoing treatment at a hospital, Priest 1 wrote a ten-page letter to Bishop Hughes. The letter, which is quoted extensively in Section XX, detailed the two incidents involving McCarrick. While the files of the Diocese of Metuchen do not establish whether Bishop Hughes received the letter in 1994, the record strongly indicates that Hughes was

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[358] 11 *ACTA* 12015. In written corrections to the assessment, Priest 1 stated that the former Bishop was the "Archbishop of Newark" and that "[t]he Archbishop did not invite me to spend the night. He told me." *Id.* at 12022.

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aware of Priest 1's letter, and establishes that he was cognizant of the subject matter of the correspondence at that time from other sources.[359]

In August 1994, Priest 1 was discharged from the hospital. The discharge summary, which was provided to the Diocese of Metuchen, stated that Priest 1 had previously provided "a history of one blackout experience involving his former Bishop while he was in seminary, and report[ed] he has recaptured some of the details since in therapy. . . . The Bishop in question has since been transferred to another diocese."[360]

On 28 April 1995, a psychologist ("Psychologist 1") wrote to Bishop Hughes, stating that Priest 1 had "been the victim of sexual harassment in the seminary, in the Diocese of Metuchen, and at the hospital."[361] Psychologist 1 also stated that Priest 1 was "not a sexual offender" and did not present a danger to the community.[362]

Bishop Hughes responded on 9 May 1995, stating:

> I note that in your letter you make certain allegations that [Priest 1] has been the victim of sexual harassment in the seminary, the Diocese of Metuchen and at [the hospital]. I further note that

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[359] On 14 June 1994, Father John F. Harvey, OSFS, the founder and Executive Director of *Courage*, wrote a letter to the Vicar for Personnel, which was copied to Bishop Hughes and Priest 1. In the letter, Father Harvey wrote that Priest 1 had sent him "a 10 page document on what had happened to him before ordination and afterwards, including a description of near-rape by a member of the hierarchy -- not his ordinary." 11 *ACTA* 12035.

After Priest 1 was incardinated in another diocese in the late 1990s, it appears that the Diocese of Metuchen sent the other diocese Priest 1's personnel file, which was later forwarded to the Congregation for the Doctrine of the Faith in 2005. *See* Section XIX.D. The file sent by the Diocese of Metuchen to Priest 1's new diocese contained the last six pages of Priest 1's letter of May 1994 to Bishop Hughes, but the first four pages – including the detailed descriptions of the two incidents with McCarrick – appear to have been missing. 11 *ACTA* 12029-34.

[360] 11 *ACTA* 12041.

[361] 11 *ACTA* 12218.

[362] 11 *ACTA* 12218.

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> you believe [Priest 1] was misdiagnosed at [the hospital]. I find these allegations very troublesome. I presume your conclusions about sexual harassment must be based solely on [Priest 1's] statements. I would not want my silence in this matter to be interpreted as agreeing with your allegations. These are serious charges which should be responsibly evaluated and appropriately addressed. At the present time, I do not have a sufficient factual basis for making such a determination.[363]

In the same letter, Bishop Hughes stated to Psychologist 1 that he "officially reject[ed]" the psychologist's conclusion regarding Priest 1's misconduct with the two teenage parishioners and stated that the Diocese "will not admit [Priest 1] to full ministry until there is a full report from [the hospital], or another resident facility approved by the Diocese, that would support his suitability for such ministry."[364]

Psychologist 1 responded on 19 June 1995, stating he believed that Priest 1 was "credible" with respect to his history of victimization.[365] Psychologist 1 also wrote: "As a mental health professional who specializes in the area of child sexual abuse, my judgment is highly conservative when the issue of child endangerment is present. It is with careful consideration that I assessed [Priest 1] to present no risk for child abuse and neglect. I recommend that he be entrusted with the responsibilities for full ministry."[366]

In November 1995, Bishop Hughes returned Priest 1 to limited ministry as an assistant in a parish.[367]

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[363] 11 *ACTA* 12053. The former Vicar for Personnel in Metuchen stated in an interview that while he did not specifically recollect how Bishop Hughes had handled Priest 1's case, Hughes generally paid "very close attention" to such cases and "read the files himself." 33 *ACTA* 27299.

[364] 11 *ACTA* 12053.

[365] 11 *ACTA* 12054.

[366] 11 *ACTA* 12056.

[367] 11 *ACTA* 12065.

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In 1996, Dr. Richard P. Fitzgibbons, a psychiatrist from Pennsylvania, was asked by the Diocese of Metuchen to evaluate whether he was also of the opinion that Priest 1 was fit to return to full-time ministry.[368] Dr. Fitzgibbons evaluated Priest 1 over the course of six sessions. On 8 November 1996, Dr. Fitzgibbons wrote to Metuchen's Vicar for Personnel, stating: "[Psychologist 1] has summarized the history of sexual harassment which [Priest 1] has been subjected to . . . in the seminary, as a young priest, and by other priest patients at the [hospital]. After thoroughly evaluating [Priest 1], my professional opinion concurs with that of [Psychologist 1] in that [Priest 1] has been victimized and is not the victimizer."[369] In early December 1996, Bishop Hughes replied to Dr. Fitzgibbons in a letter copied to the Vicar for Personnel, asking for a "more detailed explanation" as to how Fitzgibbons reached his conclusion.[370] Priest 1 was thereafter assigned by Bishop Hughes as an associate pastor in two parishes in January 1997, and then transferred to another diocese later that same year.[371]

Until his letter in response to Nuncio Montalvo's inquiry in May 2000,[372] there is no evidence that Bishop Hughes informed any Holy See official regarding Priest 1's allegations against McCarrick.

C. Information Received by Bishop Hughes from Priest 3 (1994)

Priest 3 grew up and attended seminary in Brazil.[373] Upon ordination in 1985, he was incardinated into his home diocese at the age of 27.[374] After a little

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[368] 19 *ACTA* 16095.

[369] 11 *ACTA* 12216.

[370] 11 *ACTA* 12064.

[371] 11 *ACTA* 12197.

[372] *See* Section XIII.

[373] Priest 3 is Father Lauro Sedlmayer, who agreed to be identified. This section is based upon an interview with Priest 3 in 2020 and a certification signed by Priest 3 under penalty of law in March 2012. *See* 33 *ACTA* 27108-13, 27130-45, 27162-66.

[374] 33 *ACTA* 27157.

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more than a year of ministry in Brazil, Priest 3 learned from an official in his diocese "that there was a need for priests in New Jersey where there was a large Portuguese community."[375] Priest 3's bishop granted him permission to come to the United States in 1988.[376] At that time, Priest 3, who spoke little English, took on responsibilities as the Parochial Vicar at St. Benedict in Newark, working primarily with the Portuguese-speaking community in the city's Ironbound district.[377]

In early 1989, Archbishop McCarrick requested and received permission from Priest 3's bishop in Brazil to have Priest 3 remain in Newark. In his letter to the bishop, McCarrick referred to Priest 3 as "a true apostle to our Brazilian people" who would be given "charge of the ministry to our new Brazilian community."[378] In a letter to the United States Embassy in Rio de Janeiro regarding Priest 3's immigration status in April 1989, McCarrick informed the Embassy that Priest 3 "would be extraordinarily helpful to us in working" with new immigrants from Brazil and that he was a pastor of "great apostolic zeal" who "understands his people, and is really loved by them."[379]

In October 1989, with Bishop Hughes' approval, Priest 3 began to minister to Brazilian and Portuguese immigrants in Perth Amboy and South River in the Diocese of Metuchen.[380] Priest 3 also continued to work at St. Benedict's in Newark during this period.[381]

In 1991, Priest 3 began to receive special attention from Archbishop McCarrick, who would tell Priest 3 that he noticed how hard he worked with Newark's Portuguese-speaking community. McCarrick told Priest 3 that he

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[375] 33 *ACTA* 27131.

[376] 33 *ACTA* 27131.

[377] 33 *ACTA* 27107, 27155.

[378] 33 *ACTA* 27105.

[379] 33 *ACTA* 27105.

[380] 33 *ACTA* 27157.

[381] 33 *ACTA* 27133.

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had "a house at the beach and it would be good [for Priest 3] . . . to go there."[382] In an interview, Priest 3 stated, "I felt when he invited me it was going to be to talk about my work and about the Brazilian apostolate, what he had seen, and that was my main motivation to go see him."[383]

Priest 3 recalled that two other priests, whose names he has not been able to remember, were also guests at the beach house on the overnight trip.[384] Priest 3 stated that at bedtime, and in front of the other guests, McCarrick took Priest 3 upstairs to his bedroom, where he closed and locked the door.[385] After questioning Priest 3 about how he liked living in the United States and the ways it was different from Brazil, McCarrick asked Priest 3 to give him a back massage on the bed.[386] Priest 3 did so, although he felt it was "very strange" to be in a locked bedroom with the Archbishop.[387] At McCarrick's urging, and despite Priest 3's reluctance, the massage led to explicit sexual activity.[388]

After the beach house trip, Archbishop McCarrick continued to show interest in Priest 3. On one occasion, also in 1991, McCarrick sent a limousine to pick up Priest 3 from his parish and take him to the Waldorf Astoria Hotel in New York City. After a meeting in the hotel, McCarrick invited Priest 3 to his hotel room, where sexual activity again took place. A third and final sexual incident occurred that same year, also at the Waldorf Astoria Hotel.[389]

Priest 3 stated that he "knew these things were wrong and tried to object," but that McCarrick "tried to convince me that priests engaging in sexual activity with each other was normal and accepted in the United States, and

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[382] 33 *ACTA* 27142.

[383] 33 *ACTA* 27142.

[384] 33 *ACTA* 27142.

[385] 33 *ACTA* 27109.

[386] 33 *ACTA* 27109.

[387] 33 *ACTA* 27147.

[388] 33 *ACTA* 27109, 27147.

[389] 33 *ACTA* 27109-10, 27144, 27148.

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particularly in that diocese."[390] In light of the fact that McCarrick was his superior, Priest 3 felt "conflicted, confused and afraid."[391] Priest 3 also stated that he felt that he was in a vulnerable position given his immigration status at the time.[392]

After these incidents, McCarrick continued to contact and extend invitations to Priest 3, which made Priest 3's "life as a priest very difficult."[393] In September 1991, Priest 3 moved to the parish in Metuchen to work there full time and, he recollected, "to be at a distance from McCarrick."[394]

In approximately 1993, in the context of confession, Priest 3 described the sexual incidents that had occurred with Archbishop McCarrick to Father Lawrence H.F. Smith, an older priest of the Diocese of Metuchen, now deceased, who worked nearby.[395] Smith encouraged Priest 3 to report the matter to Bishop Hughes, stating that it was important for Priest 3 to "alert" Hughes about McCarrick's sexual behavior with him.[396] Priest 3 said he felt Smith was supportive of him and tried to help guide him in light of the difficult situation.[397] When the two occasionally met over the next year or so, Smith would raise the issue, asking, "'So, did you speak with Bishop Hughes?'"[398]

Sometime in 1994, Priest 3 went to the Bishop's Residence in Metuchen to invite Bishop Hughes to a parish activity.[399] According to Priest 3, even though his primary purpose in meeting with Hughes was to extend the

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[390] 33 *ACTA* 27148; *see also id*. at 27143.

[391] 33 *ACTA* 27147.

[392] 33 *ACTA* 27134, 27148.

[393] 33 *ACTA* 27148.

[394] 33 *ACTA* 27137.

[395] 33 *ACTA* 27110, 27134.

[396] 33 *ACTA* 27136.

[397] 33 *ACTA* 27136.

[398] 33 *ACTA* 27136, 27138.

[399] 33 *ACTA* 27135.

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invitation, "I had in my heart that I needed to tell him about what happened with Archbishop McCarrick. I needed to let him know what happened to me. It was in my mind since when I had spoken in confession about it. I felt it was something that I needed to bring to somebody. To a bishop, so that they would know. I needed to tell somebody, as Father Smith asked me to do."[400] Priest 3 said that his intent before his meeting with Hughes was "to try to protect other people. That is what I had in my mind. To alert somebody."[401]

At one point during their meeting, which lasted "maybe twenty minutes to a half hour," with Bishop Hughes sitting "behind his desk," Priest 3 recalled saying, "'Bishop Hughes, I want to tell you something that is private.'"[402] Although he felt "ashamed" and "humiliated," Priest 3 then told Bishop Hughes "what [had] happened. I opened my heart to him."[403] Priest 3 made it "very clear" to Hughes, using explicit language to describe how McCarrick had engaged in sexual conduct with him on more than one occasion and at more than one place.[404] Although Priest 3 could not remember the exact words he used to describe the sexual activity, he stated that he expressed that "[McCarrick] touched me." He also recalled, "I used the word 'masturbation' to explain what had happened." In an interview, Priest 3 said, "Specifically, I told him about the details. I did not feel comfortable. I felt very afraid. I was trying to follow Father Smith's direction in talking to him. But it was very hard."[405]

Priest 3 stated that Bishop Hughes remained impassive during his account of the incidents with McCarrick. "The behavior of Hughes was to not be emotional. He was seeming very distant. Very cold. But he listened." Priest 3 added that Hughes "was not acting like it was something that surprised him. He acted like it was something normal or something he heard about

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[400] 33 *ACTA* 27136.

[401] 33 *ACTA* 27136.

[402] 33 *ACTA* 27143; *see also id.* at 27135, 27138.

[403] 33 *ACTA* 27137.

[404] 33 *ACTA* 27137, 27139.

[405] 33 *ACTA* 27138.

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before."[406] After Priest 3 finished describing the incidents, Bishop Hughes advised Priest 3 to forget about McCarrick's misconduct and to forgive McCarrick "for the good of the Church."[407] Hughes did not offer any further comment on what Priest 3 had reported.

Priest 3 told Smith about the meeting but, stating that he took Bishop Hughes' advice "into my heart," he did not discuss the incidents with McCarrick with anyone else until he underwent counseling in 2010.[408]

Bishop Hughes incardinated Priest 3 into the Diocese of Metuchen in May 1995.[409] There is no record that Bishop Hughes ever told anyone about Priest 3's report of McCarrick's misconduct.

D. Incident at a Newark Catering Hall (January 1990)

Monsignor Dominic Bottino, a priest of the Diocese of Camden in New Jersey who currently serves as a diocesan tribunal judge and hospital chaplain, described an incident involving Archbishop McCarrick that he witnessed on 25 January 1990, at a dinner also attended by Newark Auxiliary Bishop John Mortimer Smith and the new Bishop of Camden at the time, James Thomas McHugh.[410]

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[406] 33 *ACTA* 27139.

[407] 33 *ACTA* 27133-34.

[408] 33 *ACTA* 27139-40. Bishop Hughes, who remained as emeritus bishop of Metuchen until his death in 2012, never again mentioned the matter to Priest 3.

[409] 33 *ACTA* 27157.

[410] 16 *ACTA* 13748; 40 *ACTA* 33500. Monsignor Bottino, who was ordained in 1978, wrote a letter about the incident to Apostolic Nuncio Archbishop Christophe Pierre on 10 August 2018. In his letter, Bottino stated: "I write to you to share an incident which I saw first-hand twenty-eight years ago. My purpose in writing to you is to relieve any burden of conscience that I had about the incident and to provide information that might assist the Church's effort in the present situation regarding Archbishop McCarrick." 17 *ACTA* 14683-85.

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In late 1989 and early 1990, Monsignor Bottino was serving as Vocations Director under Bishop McHugh.[411] McHugh had previously served as part of the delegation of the Permanent Observer Mission of the Holy See to the United Nations in New York, after which he had served for 18 months as an Auxiliary Bishop in Newark. Like Bishop Smith, Bishop McHugh had received his episcopal consecration from Archbishop McCarrick on 25 January 1988. While serving as Auxiliary Bishops in the Archdiocese of Newark, both Smith and McHugh had resided with McCarrick at the Newark Cathedral Rectory.[412]

On 25 January 1990, Bishop McHugh and Monsignor Bottino concelebrated a funeral Mass for a pastor in southern New Jersey. After the funeral, Bishop McHugh unexpectedly asked if Bottino was available to drive him to an appointment at the Holy See's Permanent Observer Mission in Manhattan. Agreeing to his Bishop's request, Bottino drove McHugh to the Mission, where McHugh met with Archbishop Martino, who was then serving as the Permanent Observer. Bottino was briefly introduced to Archbishop Martino and socialized with several priests in the Mission during the bishops' meeting, which lasted less than 30 minutes.[413]

After leaving the Mission, Bishop McHugh asked Bottino to drive him from Manhattan to Newark, stating that he had to stop and see someone before the return to Camden. In the car, McHugh provided directions through the streets of Newark to a back alley in the rear of a large catering hall. McHugh and Bottino, neither of whom had eaten, arrived at the hall at about seven o'clock in the evening. McHugh did not tell Bottino beforehand that they were going to a small dinner in celebration of the second anniversary of McCarrick's consecration of Smith and McHugh.[414]

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[411] 16 *ACTA* 13748, 13751-52.

[412] 16 *ACTA* 13753-54; *see also* 17 *ACTA* 14082-86, 14092-93.

[413] 16 *ACTA* 13753.

[414] 16 *ACTA* 13755-56, 13985. As former priest secretary to Bishop George Guilfoyle of the Diocese of Camden during the 1980s, Monsignor Bottino had previously met

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Bishop McHugh brought Bottino into the building through the kitchen, where the cooks greeted McHugh as "Father Jim" and someone stated, "They're in the other room."[415] McHugh and Bottino then walked through a door into a massive banquet room, which could seat approximately 500 people. Near the door, a single round dining table had been set with five seats arranged in a semi-circle on one side, with the chair backs to the kitchen door. Other banquet tables and stacked chairs were stored in racks along the perimeter of the hall. There was one crystal chandelier above the table, the only chandelier that was lit in the room. There were no other guests in the catering hall that evening.[416]

When McHugh and Bottino arrived, Archbishop McCarrick was already seated at the table, with an empty chair to his left. A young adult cleric was seated on McCarrick's right, and Bishop Smith was seated to the cleric's right, with an empty chair between the two. McHugh was shown to the seat between the young cleric and Smith, while Bottino was invited to sit in the chair on McCarrick's left.[417]

In an interview, Bottino stated that it looked like McCarrick, Smith and the young cleric "had been there for a while."[418] It also appeared that McCarrick had been drinking, because he had a large tumbler in front of him, with another empty glass on the table near him. Several hors d'oeuvres had already been served, and waiters continued to bring more appetizers to the

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Archbishop McCarrick at provincial meetings and other official events, but he had never had any prolonged direct interaction with him. *Id.* at 13748, 13982.

[415] 16 *ACTA* 13985.

[416] 16 *ACTA* 13985, 13997-98.

[417] 16 Acta 13755-56, 13986, 13994, 13999. Monsignor Bottino explained that the table could seat eight people and that, with all five persons seated, just over half of the table was occupied. *Id.* at 13996.

[418] 16 *ACTA* 13755.

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table. The young cleric sitting next to McCarrick looked nervous and remained silent.[419]

Soon after Bishop McHugh and Monsignor Bottino sat down, McCarrick turned to speak to Bottino, referring to him as the "new attaché at the Mission of the Holy See at the United Nations." Bottino was "blindsided" by McCarrick's words, since McHugh had never informed him that the trip to the Permanent Observer Mission in New York might relate to him, and he had "no idea until that moment" that his Bishop had made arrangements for him to begin work at the Mission. Bottino "looked over at Bishop McHugh right away and [McHugh] shook his head and crunched his eyebrows, as he often did, indicating to [Bottino], 'Don't say anything.'"[420]

Bottino recalled that McCarrick explained to him that the Permanent Observer regularly received a diplomatic pouch which contained, among other things, episcopal appointments for dioceses in the United States. Placing his hand on Bottino's arm, McCarrick asked whether he could "count on" Bottino once he became the attaché to provide him with information from the pouch.[421] After Bottino stated that it would seem that the material in the pouch needed to remain confidential, McCarrick patted his arm and replied, "You're good. But I think I can count on you." At that moment, Bottino gained the impression that McCarrick was inebriated.[422]

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[419] 16 *ACTA* 13755-56, 13986, 13995. Bottino stated that he has struggled over the years to recall the cleric's name, but never could. *Id.* at 13756.

[420] 16 *ACTA* 13757. Monsignor Bottino explained that he was in fact assigned to the Permanent Observer Mission in March 1991, but that he preferred pastoral work and that he requested and received a transfer back to the Diocese of Camden after about five months. *Id.* at 13572, 13981. Bottino said that Bishop McHugh was "very upset" by his decision and that the two had a "cold" and distant relationship following his return to Camden. *Id.* at 13752.

[421] 16 *ACTA* 13759.

[422] 16 *ACTA* 13988. In an interview, Bottino reported that McCarrick telephoned him on two occasions during Bottino's later service at the Mission, leaving messages with a secretary. Bottino declined to take McCarrick's calls, which eventually stopped. *Id*. at 13769.

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Bottino stated that McCarrick then turned his attention to McHugh and Smith. While talking to the two bishops, McCarrick pounded the table and blurted out "I deserve New York!"[423] Bishop Smith quickly changed the subject by standing up and raising his glass to make a toast to the occasion of the dinner, namely the anniversary of the consecration of Smith and McHugh. McHugh, Bottino and the young cleric, but not McCarrick, stood up for the toast.[424]

After everyone sat back down, Monsignor Bottino observed McCarrick turn towards and begin speaking to Bishops Smith and McHugh about the consecration. In the same moment, Bottino saw McCarrick move his right hand to the young cleric's crotch area. Bottino observed McCarrick "moving his fingers up and down on [the cleric's] crotch" for several seconds, which was "plenty of time to see what he was doing." As McCarrick was touching him, the young cleric looked as though "he was paralyzed," with his eyes "wide open" like "a deer in the headlights."[425]

According to Monsignor Bottino, Bishop McHugh "saw me looking down and so he too looked down." In an interview, Bottino explained what happened next:

> No sooner had we looked down nearly simultaneously, than we looked up, this time simultaneously because McCarrick was talking. I remember seeing and looking at McHugh first and then looking at the young man, terrified. Then I looked over at Smith, and Smith saw what was happening by the angle of McCarrick's arm, and by our reaction. McHugh then

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[423] McCarrick did not expressly mention Cardinal O'Connor by name when he spoke, and Bottino stated that he only subsequently realized that the phrase "I deserve New York" referred to McCarrick's apparent desire to replace O'Connor. 16 *ACTA* 13757-58.

[424] 16 *ACTA* 13988.

[425] 16 *ACTA* 13761, 13990.

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> immediately and abruptly stood up, in a sort of panic, and said, "We have to leave."[426]

Monsignor Bottino stated that McCarrick tried to convince them to remain for dinner and mentioned that he had room for them to sleep overnight in Newark, but McHugh responded that it was a long drive and apologized for being unable to stay. As he was leaving, Bottino shook the young cleric's hand, which "was very sweaty and cold, in shock I think." McHugh and Bottino then departed the dining hall back through the kitchen to return to McHugh's car. Bottino stated that they had been in the catering hall for only "about 20 minutes," and that he had not touched the hors d'oeuvres that remained on the table at the time of their sudden departure.[427]

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[426] 16 *ACTA* 13768, 13986.

[427] 16 *ACTA* 13758, 13760-62, 13770, 13990. Monsignor Bottino reported that it was clear to everyone, except perhaps McCarrick, that he and McHugh were leaving because they had seen McCarrick touching the cleric's crotch. He thought that McCarrick himself may have been too intoxicated to realize that this was the reason for their departure. *Id*. at 13763.

Monsignor Bottino was closely questioned in interviews as to whether it was possible that there was some confusion or error regarding whether McCarrick was actually touching the cleric's groin area, or just the cleric's leg. Bottino responded that there was absolutely no question in his mind, "to a moral certainty," that McCarrick's hand touched the cleric's crotch. He also stated, "to a moral certainty," that McHugh, seated on the young cleric's immediate right, had seen McCarrick's misconduct, and that Smith had understood what was happening as well. 16 *ACTA* 13765. Bottino described the scene:

> From where Smith was, he could see where McCarrick's hand was resting indirectly through the position of his arm. I had a direct line of sight and McHugh had a direct line of sight on McCarrick's hand. Smith had a more indirect line of sight where he could see what was going on and he could see that I was focused down. He probably could not see the hand. He could see his arm from the elbow up.

Id. at 13762. Monsignor Bottino said that McHugh's face displayed surprise, anger and indignation when he saw what was happening, and that Smith had a surprised look as well, with eyes wide open and a gaping mouth. *Id.* at 13995. Bottino is certain that both McHugh and Smith saw the young man's terrified expression. *Id.* at 13994.

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In the car on their way back to Camden, McHugh commended Bottino for the way he had "handled" what he had seen at the table. Monsignor Bottino responded, "I really couldn't believe what I was seeing." Bishop McHugh replied, "Well, you know, sometimes the Archbishop says things and does things that are very 'different.'" Upset by what he had witnessed and by the news of his unanticipated transfer to the Permanent Observer Mission, Bottino remained silent for the rest of the two-hour drive back to Camden. McHugh and Bottino never spoke further about the incident.[428]

Monsignor Bottino stated that he informed his spiritual advisor, now deceased, about the incident a week afterwards, letting him know how much it had disturbed him.[429] Until the summer of 2018 when he informed his bishop and Archbishop Pierre, Bottino never told anyone in the ecclesiastical hierarchy about the incident.[430] Monsignor Bottino explained that McHugh, his Bishop at the time of the incident, already knew what had happened, and Bottino figured that no one else would take his account seriously.[431]

There is no evidence that either Bishop Smith or Bishop McHugh reported the catering hall incident to any Holy See official, including Archbishop Pio Laghi, who was then the Apostolic Nuncio to the United States.

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[428] 16 *ACTA* 13768, 13991-92.

[429] 16 *ACTA* 13769.

[430] Bottino noted that his Ordinary, Bishop Dennis Sullivan, unhesitatingly encouraged Bottino to report whatever he had seen.

[431] 16 *ACTA* 13993.

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X. ALLEGATIONS AGAINST MCCARRICK DURING HIS TENURE AS ARCHBISHOP OF NEWARK (1992 TO 1997)

The record reflects no information received by the Holy See of any sexual misconduct by McCarrick, with either minors or adults, prior to the 1990s.[432]

A. Anonymous and Pseudonymous Letters (1992 to 1993)

In late 1992 and 1993, when Archbishop McCarrick was 62-63 years old, a total of six anonymous letters and one pseudonymous letter alleging sexual misconduct by McCarrick were sent by first class mail to various Catholic prelates and institutions.

In early November 1992, Cardinal O'Connor received a one-page anonymous handwritten letter, dated 1 November 1992 and postmarked Newark, New Jersey.[433] Addressed to "NCCB members," the letter stated:

> A SCANDAL INVOLVING AN ARCHBISHOP LOOMS!
> NCCB HAS BEEN RELUCTANT TO ADDRESS THE PROBLEM, THOUGH HIS MISCONDUCT HAS BEEN COMMON KNOWLEDGE IN CLERICAL AND RELIGIOUS CIRCLES FOR YEARS.
>
> CIVIL CHARGES AGAINST ARCHBISHOP THEODORE McCARRICK WILL INCLUDE PEDOPHILIA OR INCEST, DEPENDING UPON THE STATE'S RULING ON RELATEDNESS TO HIS OVERNIGHT GUESTS.
>
> CHARGES ARE SUBSTANTIAL AND WILL SHATTER THE AMERICAN CHURCH. THE COURT OF PUBLIC OPINION, NOT KNOWN FOR ITS FAIRNESS OR SENSITIVITY, WILL QUESTION THE PRIVATE MORALITY OF ALL ECCLESIASTICAL AUTHORITIES.

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[432] As stated above in Section VI, no original or copy of Mother 1's letter to the Nuncio in 1985 or 1986 was located.

[433] 20 *ACTA* 16503-04.

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Cardinal O'Connor forwarded the letter to McCarrick shortly after receiving it, adding a short personal note:

> I trust this letter finds you well. Enclosed herein, please find the contents of a recent mailing to the Residence. The letter, as you can see, is unsigned. The envelope was marked "personal" and is postmarked Newark, New Jersey. Know that I will remember you in my prayers. Please pray for me as well.[434]

In his response on 21 November 1992, McCarrick thanked Cardinal O'Connor for having forwarded the letter and suggested that an investigation be undertaken to determine who was the author, stating, "You might want to know that I have shared [the letter] with some of our friends in the FBI to see if we can find out who is writing it. I am afraid he is a sick person and someone who has a lot of hate in his heart."[435]

In late February 1993, Cardinal O'Connor received a second anonymous letter about McCarrick.[436] The typed, one-page letter, dated 24 February 1993 and postmarked Newark, stated:

> TO: CARDINAL BERNARDIN
>
> THOUGH HE POSTURES AS A HUMBLE SERVANT . . . . . AS AN ADVOCATE OF FAMILY LIFE AND FAMILY VALUES . . . . . THEODORE MC CARRICK, ARCHBISHOP OF NEWARK, IS ACTUALLY A CUNNING PEDOPHILE.

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[434] 20 *ACTA* 16505.

[435] 20 *ACTA* 16506. Cardinal O'Connor knew many FBI agents in New York. *See*, *e.g.*, L. Freeh, *My FBI: Bringing Down the Mafia, Investigating Bill Clinton, and Waging War on Terror* (2005), at 259 ("John Cardinal O'Connor, Navy admiral chaplain and the best archbishop New York ever had, was a great friend and teacher. Over the years he had personally expended great efforts, prayers, and real help to dozens of FBI agents and their families --- especially to me. Later, Cardinals McCarrick and Law continued this special ministry to the FBI family, who revered both of them.").

[436] 19 *ACTA* 16131-32.

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AUTHORITIES HERE AND IN ROME HAVE KNOWN FOR DECADES OF MC CARRICK'S PROCLIVITY FOR YOUNG BOYS (HE IS NOT A QUEENIE)[437] . . . . . OF HIS RELATIONSHIPS WITH SO-CALLED 'NEPHEWS'. . . . . OF HIS BED-SHARING IN RECTORIES, MOTELS. (THE NUMBER IS SUBSTANTIAL.)

> JER. 9-11 THEY (. . . . PRIESTS) ACT AS IF MY PEOPLE'S WOUNDS WERE ONLY SCRATCHES. "ALL IS WELL," THEY SAY, WHEN ALL IS NOT WELL.

THE VICAR GENERAL TURNS A BLIND EYE. THOUGH MANY COLLEAGUES KNOW OF MC CARRICK'S MISCONDUCT, THEY FEAR HIM . . . . AND FOR GOOD REASON!

PUBLIC DISCLOSURE OF THIS ABOMINATION . . . . . AS WELL AS THE CHURCH'S CONTINUING INACTION AND APATHY WHEN DEALING WITH THE PRIEST PEDOPHILE . . . . . WILL ENRAGE AN ALREADY-ANGRY LAITY AND COMPLETELY DESTROY MORALE IN OUR EMBATTLED PRIESTHOOD. THE REPUTATIONS OF ALL IN PRIESTLY MINISTRY ARE ON THE LINE.

WE ASK THAT YOU, THE MOST POWERFUL ESSLESIASTIC (SIC) IN THE AMERICAN CHURCH, PERSONALLY ADDRESS THIS MATTER OR WE WILL "LET UNBELIEVERS JUDGE THE CASE." THEODORE MC CARRICK . . . . . ONE OF YOUR OWN . . . . . WILL BE EXPOSED FOR THE SICK BASTARD THAT HE IS! THE BALL IS IN YOUR COURT! DO YOU HAVE THE MORAL COURAGE TO DO WHAT IS DEMANDED?

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[437] "Queenie" is a slang term, sometimes used derisively, to refer to a homosexual man.

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> 1 COR. 6:1 IF ONE OF YOU HAS A DISPUTE WITH A FELLOW CHRISTIAN, HOW DARE HE GO BEFORE HEATHEN JUDGES INSTEAD OF LETTING GOD'S PEOPLE SETTLE THE MATTER?
>
> (Unsigned)
>
> EPH. 5:13 AND WHEN ALL THINGS ARE BROUGHT OUT TO THE LIGHT THEN THEIR TRUE NATURE IS CLEARLY REVEALED.
>
> Copies to: The Holy Father, The Papal Nuncio, American Church Hierarchy, and others.

(ellipses in original).[438]

On 4 March 1993, William Cambria, the general counsel for the Newark Archdiocese, forwarded to McCarrick the anonymous letter dated 24 February 1993, which Attorney Cambria had separately received from the USCC. Attorney Cambria stated, "The attached letter was received by Mark Chopko at the USCC in Washington. You will recall there was a similar letter last year."[439] The enclosed letter included the original franked envelope in which the letter had been sent to Attorney Chopko, who at the time was the general counsel for the USCC and the NCCB.[440]

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[438] 19 *ACTA* 16132. The word "(Unsigned)" appears in the original.

[439] 18 *ACTA* 15551.

[440] 22 *ACTA* 17000-01. In an interview, Attorney Chopko did not recall receiving anonymous letters related to Archbishop McCarrick. Chopko explained that, as a matter of practice, he would have brought such letters to the General Secretary of the NCCB and followed the instruction given by his client. 14 *ACTA* 13071-72.

In interviews, current and former General Counsel for the USCCB concurred that the NCCB/USCC had no policy regarding how to handle anonymous allegations during this period. However, some dioceses at the time maintained a policy whereby a priest who was anonymously accused was informed of the complaint. *See* NCCB Ad Hoc Committee on Sexual Abuse, "Objective No. 1 Diocesan Policies Outline" (Nov. 1994), 27 *Acta* 20020 ("No action regarding a priest will be taken on the basis of anonymous, uncorroborated accusations. Anonymous complaints are dismissed in the absence of

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On 15 March 1993, Archbishop McCarrick responded to Cardinal O'Connor regarding the same letter.[441] McCarrick wrote:

> I am grateful for your letter and for the transmission of the Anonymous note. Cardinal Bernardin had already been kind enough to call me to tell me that my "secret admirer" had struck once again. It is, of course, painful for me to learn of this second letter only four months after the first missive was sent. The ancients compared attacks like that to boxing shadows, and no one of us is safe from unsigned attacks of this kind.
>
> When the first letter arrived, after discussion with my vicars general and auxiliary bishops, we shared it with our friends in the FBI and local police. They predicted that the writer would strike again and that he or she was someone whom I may have offended or crossed in some way but someone probably known to us. The second letter clearly supports that supposition. The writer knows that I have no immediate family, that I have a large extended family of cousins and lifelong friends whose children have often traveled with me and who continue to be close to me. These young people, whom I have married and whose children I have baptized, are, by the way, well-known to the priests with whom I have lived and worked and, indeed, to many of my brother bishops.
>
> I have discussed this second note with the members of our presbyteral council at our meeting earlier last week. I felt that it was important that they be aware of these attacks and of the possibility that they will continue. Thank God, I have lived a very public life and that for years my calendar has been in the

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accompanying firm, and/or readily verifiable, facts. The priest is informed of the anonymous complaint and of the disposition of the matter.").

[441] 20 *ACTA* 16511.

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> hands of my priest-associates who know at all times where I am and with whom.
>
> I am grateful to you once again for sharing the letter with me, and thank you for your prayers.

On the same date, Archbishop McCarrick wrote a letter to Archbishop Agostino Cacciavillan, the Apostolic Nuncio to the United States since 1990, enclosing the letter to Cardinal O'Connor.[442] In his letter to the Nuncio, McCarrick stated:

> I am not sure whether Your Excellency knows that over the past few months two Anonymous letters have been circulated among the cardinals and several bishops attacking my reputation. These letters, which presumably are written by the same person, are unsigned and obviously very annoying. On each occasion, I have shared them with my auxiliary bishops and vicars general and with our friends in the FBI and the local police. The second of the letters, which was addressed to Cardinal Bernardin, I also shared with the members of our presbyteral council.
>
> Cardinal O'Connor has sent me copies of the letters and I have responded to him by means of the enclosed letter, which I thought I would share with Your Excellency for your own information.
>
> It is obviously a painful thing to be accused of these crimes and not to be able to defend oneself or one's reputation. We are all in the Hands of God and I pray that this unfortunate enemy will himself be used by the Lord as an instrument of making me

---

[442] 20 *ACTA* 16510. Consistent with his duties, Archbishop Cacciavillan traveled repeatedly to the Archdiocese of Newark during his term as Nuncio, including during the Spring of 1993, when he visited the Immaculate Conception Seminary on the Seton Hall University campus. 1 *ACTA* 798, 801, 803.

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> more useful and that ultimately this too will be for the Glory of God and the welfare of the Kingdom.
>
> I felt it only proper that I would share this with Your Excellency.

In mid-March 1993, a third anonymous letter was sent to Nuncio Cacciavillan, Cardinal O'Connor and the NCCB.[443] The one-page handwritten letter, dated 10 March 1993 and postmarked Newark, was addressed to Nuncio Cacciavillan, with "copies" to "the Holy Father and others." The letter stated:

> WITH THE ROCK OF CLERICAL CREDIBILITY SHATTERED, ALL SORTS OF EVILS ARE CRAWLING OUT INTO THE LIGHT.
>
> ARCHBISHOP THEODORE McCARRICK'S SEXUAL MISCONDUCT WILL BE REVEALED. HE WILL BE EXPOSED AS AN EPHEBOPHILE (CHRIST NEVER EXAMPLED THIS!)
>
> A FOLLOWER OF CHRIST

Cardinal O'Connor sent his copy of the letter to Archbishop McCarrick. In a handwritten note at the bottom of the typewritten cover letter, Cardinal O'Connor wrote, "This stuff drives me crazy. I hate to send it to you, but would want you to do the same for me. Your letter about the Priests Council and your daily schedule reflects your outstanding wisdom and prudence."[444]

On 18 March 1993, Attorney Cambria also sent a copy of the 10 March 1993 anonymous letter to McCarrick, including the franked and cancelled envelope addressed to Attorney Chopko.[445] In the cover note, Attorney Cambria wrote, "The USCC has received another anonymous letter about

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[443] 20 *ACTA* 16509; 19 *ACTA* 16129-30.

[444] 17 *ACTA* 14013.

[445] 18 *ACTA* 15554.

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you. Please let me know if I can help in any way. How can anyone do something so unChristian and claim to be 'A Follower of Christ'?"

On 22 March 1993, Nuncio Cacciavillan responded to Archbishop McCarrick's letter, as follows:

> I have received your letter of March 15, 1993 with enclosure regarding some Anonymous letters. Thank you for the information.
>
> I can tell you that two have reached me also, and I have destroyed them.[446]

In late March 1993, a two-page, typed anonymous letter relating to McCarrick was sent to Nuncio Cacciavillan.[447] This letter, dated 23 March 1993 and postmarked Newark, stated:

> TO: HIS EXCELLENCY THE MOST
> REV. AGOSTINO CACCIAVILLAN
>
> THE SEXUAL MISCONDUCT OF ARCHBISHOP THEODORE MC CARRICK – WHICH HAS BEEN FACILITATED BY HIS STATUS AS BISHOP/ARCHBISHOP AND WHICH HAS TAKEN PLACE IN CATHEDRAL RESIDENCES IN NEWARK AND METUCHEN – IS AN ABOMINATION.
>
> CARDINAL O'CONNOR IS CORRECT WHEN HE STATES THAT CELIBACY IS NOT THE CAUSE OF SEXUAL MISCONDUCT. THE PRIESTHOOD HAPPENS TO BE AN EXCELLENT CAREER COVER FOR PEDOPHILES.

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[446] 1 *ACTA* 738. Cardinal Cacciavillan stated in an interview that he "destroyed the two anonymous letters precisely because they were anonymous and because they lacked substance." 16 *ACTA* 13555.

[447] 17 *ACTA* 14016.

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MC CARRICK USES THE PRIESTHOOD FOR OPPORTUNITY AND ACCESS TO YOUNG BOYS BY INGRATIATING HIMSELF WITH THEIR FAMILIES, BY OPENLY DISPLAYING THESE 'FAKE' NEPHEWS (EVEN TO THE HOLY FATHER LAST SUMMER), BY SEXUALLY EXPLOITING THEM WHILE THEIR TRUSTING FAMILIES GENUFLECT BEFORE HIM.

THIS IS THE BIG PICTURE. AN HONEST INTERNAL INVESTIGATION WILL CLARIFY THE DETAILS AND WILL REVEAL –

(1) THAT THE NUMBER OF INCIDENTS AND THEIR RECURRENCE OVER TWENTY YEARS FORECLOSE ANY CREDIBLE CLAIM OF A SIMPLE INDISCRETION OR A LAPSE OF JUDGMENT,

(2) THAT HIS CONDUCT IS NOT AMBIGUOUS, SUBJECT TO DIFFERENT INTERPRETATIONS,

(3) THAT HE IS A CONSUMMATE SEX OFFENDER,

(4) THAT HE IS PSYCHOLOGICALLY UNFIT TO SERVE AS SHEPHERD,

(5) AND THAT, UNDER OUR PENAL CODE, HE IS A CRIMINAL.

THE CHURCH CANNOT BELITTLE NOR DENY THE REALITY OF THIS ABUSE. PRIEST PEDOPHILIA BORDERS ON INCEST AND IS VIOLENCE COMMITTED AGAINST THESE YOUNG PEOPLE AND THEIR FAMILIES.

CARDINAL BERNARDIN SAYS "THE CHURCH'S FIRST CONCERN IS THE SAFETY OF CHILDREN." HOW

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VEHEMENT IS THE CHURCH ABOUT SEXUAL ABUSE OF CHILDREN WHEN A PRIEST IS THE PERPETRATOR? HOW EFFECTIVE ARE SEX ABUSE POLICIES WHEN THE ARCHBISHOP, HIMSELF, IS AN OFFENDER? HOW FAR DO LOYALTY AND SERVICE TO THE BISHOP OF ROME GO TO MAKE UP FOR ONE'S MISDEEDS?

NEITHER PUBLIC EXPOSURE OF MC CARRICK NOR FINANCIAL REMUNERATION IS OUR AIM.

HOWEVER, FAILURE OF CHURCH AUTHORITIES TO INVESTIGATE AND TAKE WHATEVER STEPS ARE REQUIRED TO CORRECT THIS OUTRAGE WILL BE TRANSLATED AS A COVER UP AND WE WILL, THEN, JOIN THE EXPONENTIALLY INCREASING NUMBER COMING FORWARD IN THESE MATTERS. OUR LEGAL ACTION WILL NOT LACK FOR WITNESSES.

PRIESTS' MISCONDUCT AND THE APPEARANCE OF LAXITY BY THE CHURCH HAVE EXACTED A HEAVY TOLL ON THE FAITHFUL.

YOURS IN CHRIST,

THE FAITHFUL[448]

On 31 March 1993, an attorney in the USCC/NCCB's Office of the General Counsel forwarded the 23 March 1993 anonymous letter to Attorney Cambria, along with the original franked envelope addressed to Attorney Chopko.[449] Attorney Cambria himself forwarded the letter to McCarrick the following month, stating "Mark Chopko has received a copy of another

[448] 17 *ACTA* 14016-17.

[449] 18 *ACTA* 15559.

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Anonymous letter written about you. I have asked for a brief meeting with you to discuss this."[450]

In mid-April 1993, Nuncio Cacciavillan received an anonymous note by mail, handwritten in block letters and postmarked Newark.[451] The note was attached to a copy of a 2 December 1992 article entitled "Policy on abuse reflects caring," published by Archbishop McCarrick in the *Catholic Advocate*, the newspaper of the Newark Archdiocese. The anonymous note stated:

> McCARRICK'S "WORDS ARE FULL OF DEADLY DECEIT; WICKED LIES ROLL OFF (HIS TONGUE) . . ." ROM 3.13
>
> HE HIMSELF IS A PEDOPHILE AND DOES NOT SHARE THE PAIN OF HIS VICTIMS OR THEIR FAMILIES.
>
> HIS SEXUAL INDISCRETIONS ARE WIDELY KNOWN.
>
> BY SAYING YOUTHS ARE HIS NEPHEWS, HE HAS FACILELY EXPLAINED OVERNIGHT TRYSTS WITH THEM IN HOTELS AND IN HOMES OF BENEFACTORS FOR OVER TWENTY YEARS.

There is no information indicating that this note was sent to anyone other than the Nuncio.

On 23 April 1993, Attorney Cambria sent the anonymous letters he had received to Mr. Durkin, a now-deceased attorney who practiced criminal law and represented the Archdiocese of Newark and Archbishop McCarrick.[452] In his cover letter to Attorney Durkin, Attorney Cambria stated:

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[450] 18 *ACTA* 15558.

[451] 1 *ACTA* 757-58.

[452] 18 *ACTA* 15563.

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> Archbishop McCarrick has asked me to share copies of the enclosed letters with you. These letters have been sent to members of the American hierarchy and the United States Catholic Conference on several occasions over the past year.
>
> I have discussed with the Archbishop the possibility of pursuing a confidential investigation to determine if the letters have been originating from within the Chancery or the Cathedral. He has asked me to confer with you about this before he makes a decision.
>
> I will be attending the annual meeting of the Diocesan Attorneys Association in Seattle through Wednesday, April 28, 1993. Upon my return, I will call you to discuss this.
>
> As always, I appreciate your assistance.

On 26 July 1993, Archbishop McCarrick wrote to Nuncio Cacciavillan regarding an accusation that Monsignor Robert Morel, a priest of the Archdiocese of Newark, had abused a minor.[453] The accusation was widely reported in the East Coast media. Enclosing a letter he had recently written to Newark priests about the matter, McCarrick stated:

> As you may have heard or seen in the newspaper coverage, I have had a situation in the Archdiocese where the accusation of sexual abuse against a teenager has been made against one of the priests who has recently been honored with the title of Monsignor.
>
> As a matter of fact, the alleged incident apparently took place after a party held in his rectory to celebrate that very occasion.
>
> Obviously, this is very distressing to the Church of Newark, to our presbyterate and in a special way to me. I do not know at this time what the outcome will be, but we are pursuing the

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[453] 1 *ACTA* 753.

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> archdiocesan policy which has already been in place and approved by all the bishops of the Province here in New Jersey.
>
> Because of the shock that this caused since the priest is a highly respected member of our presbyterate, I have written to all the priests of the Archdiocese and I thought that it would be proper to share a copy of that brief letter with Your Excellency.
>
> I ask you prayers for the Church of Newark and for all those involved and I will surely keep you informed as to the progress of this unfortunate situation.

On 2 August 1993, Nuncio Cacciavillan received a letter from someone pseudonymously identifying himself as "Fr. Joseph Whelan," which enclosed two recent newspaper articles related to the allegations against Morel.[454] The letter, marked "Personal + Confidential" and postmarked Palatine, Illinois, contained the header "St. Peter Damian Newark New Jersey." The letter stated:

> Dear Archbishop Cacciavallan (sic):
>
> Enclosed are a series of newspaper clippings reporting the recent sexual molestation of a young boy by a priest of the Archdiocese of Newark on the eve of being raised to monsignoral rank. Although the priest intially (sic) admitted to the act, he has now--through the advice of his attorney--withdrawn the intial (sic) admission.
>
> I have prayed long and hard before writing you. No doubt you share the saddness (sic) of many of us who have seen the integrity of the priesthood impugned and the work of the Church so compromised by such reports.
>
> However, you need to know that this event in this Archdiocese is no isolated one. The priest in question is part of a larger group

[454] 20 *ACTA* 16518-23.

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of priests, many of whom enjoy positions of responsibility and in the Archdiocese, and who themselves are known to have such problems. In fact, many were known as such even through their seminary years and yet they managed to be advanced to ordination.

In fact it should be said that there is talk among many of the priests of the Archdiocese concerning the scandalous behaviour of the Ordinary himself with young seminarians at his summer residence. It was indeed telling that the priest-spokesman of the Archdiocese reported on the evening news that this incident would be handled in light of the Official Archdiocesan Policy for "Inappropriate" behaviour.

That problems of homosexual behaviour exist in the seminary have been known for some time. When some attempt to root it out as did the last rector, Msgr. Richard Liddy, they find themselves soon transferred to other assignments.

I have not been so foolish as to give my true identity in this letter, quite frankly for fear of reprisal. You may then be prompted to dismiss these accusations as reckless or uncharitable, but I would hope not before you yourself have done a thorough investigation of them.

And this I beg you to do for the good of souls and the integrity of the Church.

In Jesus and Mary,

[signature]

Fr. Joseph Whelan

As with the note of April 1993, there is no indication that this letter was sent to anyone else.

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The sixth anonymous letter was a one-page handwritten note sent in late August 1993 to Nuncio Cacciavillan, Cardinal O'Connor, and the NCCB.[455] The letter, dated 24 August 1993 and postmarked "Kilmer GMF" (General Mail Facility), New Jersey, stated:

> Why did Bishop Theodore McCarrick admit a known-priest pedophile into our Diocese when he was Bishop -- and then conceal his history?[456] The answer is simple -- Bishop McCarrick himself is a pedophile.
>
> Church hierarchy and priest associates have long known of the Bishop's propensity for young boys. His transfer to Metuchen removed him from the spotlight in New York.
>
> Msgr. Turtora lived with him at the Cathedral and knew of his misconduct, but did nothing.[457] He knew that the Bishop's young guests never stayed overnight in guest rooms, but spent the night with the Bishop.

This letter also contained a photocopied partial picture of McCarrick with his hand on a tall individual's knee.[458] The individual's head is cropped from the picture, but general appearance suggests that the person was a young man.

On 31 August 1993, an attorney in the NCCB's Office of General Counsel forwarded the 24 August 1993 anonymous letter to Attorney Cambria,

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[455] 20 *ACTA* 16524-25.

[456] This may be a reference to the case of Father Eugene O'Sullivan. *See* J. Franklin, "Guilty of Rape, Priest Got Church Post in N.J.," *The Boston Globe* (16 July 1993), 26 *ACTA* 19009-10.

[457] Monsignor Dominic A. Turtora (1921-1999) was the first Rector of St. Francis of Assisi Cathedral in the Diocese of Metuchen.

[458] 17 *ACTA* 14019.

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including the franked envelope addressed to Mr. Chopko.[459] Attorney Cambria forwarded the letter to McCarrick on 13 September 1993, stating:

> Mark Chopko received another anonymous letter about you. After I discussed with you the possibility of investigating these letters, I followed your advice and spoke with Tom Durkin. He suggested we wait and see if more letters were received. If you concur, I will tell him about this new letter.[460]

Following the handwritten note of 24 August 1993, the anonymous letters stopped abruptly. There is no record of any other anonymous or pseudonymous letter during this period. It remains unknown whether the anonymous letters were written by a single person, multiple persons working together, or multiple persons acting independently. Despite efforts, no further information has been uncovered regarding the anonymous letters, including whether they were ever circulated more broadly beyond the Nuncio, McCarrick, the two American Cardinals (O'Connor and Bernardin), the Newark Archdiocese, and attorneys for the NCCB/USCC.[461]

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[459] 18 *ACTA* 15577.

[460] 18 *ACTA* 15576.

[461] There is no known evidence that the USCCB leadership after 2000 was aware of the anonymous letters regarding McCarrick from the early 1990s. Witnesses interviewed who were part of the USCCB leadership after 2005 stated emphatically that they never knew about any anonymous letters accusing McCarrick of misconduct. *See*, *e.g.*, 40 *ACTA* 33509, 33516, 33551.

In the 1990s, the NCCB also became aware of an allegation against McCarrick by an employee within a branch of the NCCB offering services to refugees. The employee, an adult male who was being discharged due to unsatisfactory job performance, asserted during the severance process that he was being released in part because he had declined an invitation by McCarrick, then the Chairman of the Committee on Migration, to come to his hotel room after a Committee meeting. In a recent letter to the Apostolic Nuncio to the United States, the USCCB stated that there exists no documentation reflecting the allegation and that legal counsel at the time only vaguely recalled the employee making the claim, which was viewed as an unfounded attempt on the part of the employee to receive additional severance compensation. 7 *ACTA* 8157-69. This information, which was

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While the anonymous letters from 1992-1993 identified a category of potential victims ("nephews") and general locations where misconduct might have taken place ("rectories" and "motels"), the author(s) did not name any specific victim and did not claim to have been victimized. The anonymous author(s) also did not identify themselves as being family members or friends of any victim, or as having any personal knowledge of any specific incident. Given the prior exemplary reports of Archbishop McCarrick's moral fitness from ecclesiastical sources and the absence of named complaints or known concerns about moral conduct, and in light of the skepticism with which anonymous denunciations were treated in the period, the anonymous letters appear to have been viewed as libelous attacks made for improper political or personal motives. They did not result in any known investigation of McCarrick's conduct.[462]

B. Cardinal O'Connor's "Verification" and Information Received Prior to the Papal Visit (Late 1993 to 1995)

There is evidence that Cardinal O'Connor received further information related to potential misconduct by McCarrick in late 1993 or early 1994, during the planning of a visit by Pope John Paul II to the United States. The papal trip was originally planned to coincide with the United Nations proclamation of 1994 as the International Year of the Family, and

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first received by the Nuncio in late 2018, was not reported to the Holy See or the Apostolic Nunciature during the 1990s.

[462] In a letter submitted during the examination, a witness who frequently shared a bed with McCarrick in the Archbishop's Residence in Newark as a young man and who stated that McCarrick had exhibited an "emotional need" for physical closeness but had not engaged in sexual misconduct with him, stated: "At some point in 1993, [McCarrick] told me that he had to impose a 'no sleep-over' policy on all priests within the Archdiocese, a policy that he – as the bishop – would also have to observe." 33 *ACTA* 27219. When questioned in an interview about the witness's recollection regarding the "no sleep-over" policy, McCarrick recalled, "That's right. There was something like that because people were critical." *Id.* at 27286.

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Archbishop McCarrick actively solicited Pope John Paul II's visit to Newark.[463]

Because Cardinal O'Connor knew that Pope John Paul II was considering making Newark one of his stops, he carried out, with the Nuncio's knowledge and approval, what the Nuncio described as a "verification" regarding whether McCarrick had engaged in misconduct with adults and whether such information was likely to be the subject of media attention if Pope John Paul II were to visit Newark.[464] Letter exchanges and a brief memorandum indicate that this "verification" – the first known inquiry related to concerns over McCarrick's conduct – took place through someone Cardinal O'Connor described as a "trusted person." While O'Connor did not provide the Nuncio with any details of the inquiry in writing at the time, the record indicates that the "verification" related to the allegations made by Priest 1.[465] Upon completion of the inquiry, Cardinal O'Connor informed the Nuncio that there were "no impediments" to a papal visit to Newark.[466] Nuncio Cacciavillan reported this information to Archbishop Giovanni Battista Re, Substitute for General Affairs in the Secretariat of State.

The Holy See next received information related to possible misconduct by McCarrick with adults in the Spring of 1994 during the extended planning of the papal visit, which had been postponed for unrelated reasons until 1995. In April 1994, Mother Mary Quentin Sheridan, Superior General of the Religious Sisters of Mercy of Alma (Michigan), telephoned Nuncio Cacciavillan to express concern over potential scandal were Pope John Paul II to visit Newark. Specifically, she told Archbishop Cacciavillan that she

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[463] 17 *ACTA* 14024, 14027. In correspondence to Nuncio Cacciavillan on 11 January 1994, Archbishop McCarrick wrote: "For the last few years, I have constantly been mentioning to the Holy Father our great desire to have him visit the Church of Newark if he would ever come to this area once again . . . . You know that if there is any way in which I can help this great event become a reality for the good of the Church here in New Jersey, I would do whatever might be possible to foster it." *Id.* at 14024.

[464] 19 *ACTA* 16085.

[465] *See* Section XII.

[466] 18 *ACTA* 15588; 19 *ACTA* 16085.

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considered it her "duty to report" that during a spiritual retreat a priest had spoken to her of the bad moral conduct of Archbishop McCarrick with young seminarians."[467] Mother Mary Quentin suggested that Archbishop Cacciavillan speak directly to the priest who had supplied her the information. The Nuncio told her that the priest need not contact him, as he would "see about it" himself. Very shortly thereafter, the priest – someone already known to the Nuncio – telephoned to tell Cacciavillan what he had heard.

Nuncio Cacciavillan's notes record the information the priest provided:

> Archbishop McCarrick on the beach with groups of seminarians (of Seton Hall)…one in bed…Things of several years ago, but these young men resent it now. Recently seven young priests, one the Secretary of the Prelate [McCarrick], have gone "on leave"…Seton Hall is doing badly …Danger of scandal, if the Pope goes to Newark.[468]

The priest, like Mother Mary Quentin, did not claim any direct knowledge of misconduct by McCarrick. According to the Nuncio's notes, the priest, wishing to "give credence to what he was saying," told the Nuncio that "Card. Hickey confronted him (Msgr. McCarrick)" about his conduct. The Nuncio thereafter telephoned James A. Cardinal Hickey of Washington seeking to verify the priest's account. At the time, Cardinal Hickey was the Archbishop of Washington and a highly respected figure in the Catholic Church in the United States, who was trusted by Nuncio Cacciavillan. Instead of confirming the account, Cardinal Hickey told the Nuncio that he

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[467] 19 *ACTA* 16085.

[468] 19 *ACTA* 16085 (ellipses in original). On a theological plane, the importance of avoiding scandal derives from the Fifth Commandment of the Decalogue. *See Catechism of the Catholic Church*, 2284 ("Scandal is an attitude or behavior which leads another to do evil. The person who gives scandal becomes his neighbor's tempter. He damages virtue and integrity; he may even draw his brother into spiritual death. Scandal is a grave offense if by deed or omission another is deliberately led into a grave offense.").

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"fell from the clouds" over what the Nuncio was reporting to him regarding the alleged conversation.[469]

Following his consultation with Cardinal Hickey, Nuncio Cacciavillan "had the impression" that what the priest told him was the product of "possible slander or exaggeration" and that the Mother Superior was reporting the allegations against Archbishop McCarrick because "she wanted to make herself appear important."[470]

On 24 April 1994, Cardinal Hickey wrote the following letter to the Nuncio:

> I was saddened to receive your call last Friday reporting a call you received from Father [redacted] as well as a call from Mother Mary Quentin, R.S.M., with respect to allegations against Archbishop McCarrick. Allow me to share some observations.
>
> Let me assure Your Excellency that I have known Archbishop McCarrick for many years. As Rector of the North American College, I came to know the then-Msgr. McCarrick well when he served as Cardinal Cooke's Secretary. He was unfailingly kind and helpful. He served as Secretary with the future Bishop Lawrence Kinney and both had the reputation of being exemplary priests. I continued our friendship and frequent contact after McCarrick's appointment as Auxiliary to Cardinal Cooke and throughout his subsequent service as Bishop of Metuchen. We continued to collaborate on various projects in the years since he went to Newark; our conversations are frequent and always most cordial.
>
> I can truly say that I know of no one more dedicated to the service of the Church than Archbishop McCarrick. He truly goes above and beyond the call of duty in supporting the Holy Father and the Church's teaching. He has addressed significant

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[469] 19 *ACTA* 16085.

[470] 19 *ACTA* 16085.

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doctrinal, fiscal and personnel problems in Newark. He has brought an end to practices like general absolution and has worked to strengthen the clergy. It cannot be discounted that he may have earned a few enemies along the way!

Never in all the years that I have known the Archbishop have I seen any evidence of sexual impropriety. He has never told an off-color joke nor have I seen him relate to anyone in either a suggestive or improper manner. It should be remembered that tendencies such as Father [redacted] described do not emerge in one's 50's and 60's but rather in early adulthood. If the Archbishop had those tendencies, it would be very surprising that no one had detected them until recently. In addition, the Archbishop does not live alone but rather in the Cathedral Rectory where many other priests reside. To the best of my knowledge, no priest with whom he has ever lived and worked has accused the Archbishop of improper behavior.

I do not know Father [redacted] well; as you know, however, I was with him at the [Council of Major Superiors of Women Religious] meeting just prior to his call with you. I know he is doctrinally sound but I also detected a strong ideological edge to his conversation. For example, he attacked the Archbishop as being pastorally weak in my presence without even adverting to the possibility that I might know the Archbishop quite well! I found his manner to be somewhat disturbing.

All this does not completely eliminate the possibility of some wrongdoing; my counsel is to proceed very slowly and cautiously. I would not recommend that you personally interview the accuser; it may be better for a priest at the Nunciature such as Father M_____ to place this individual under oath and then to conduct the interview with yet another Nunciature priest as witness. If any credible evidence emerges, I would be willing to offer further counsel. If the accuser is unwilling to come forward, then I would suggest that these allegations be dropped.

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> Let me also assure you that, like Cardinal O'Connor, I continue to support the visit of the Holy Father in October to the Archdiocese of Newark. I do not think there is any credible reason for these plans to be changed; certainly, nothing has been proven against the Archbishop. On the contrary, he should be presumed completely innocent in view of his many years of devoted service and his well-deserved reputation as a churchman beyond reproach. I truly believe the Holy Father's visit to Newark will bring much encouragement not only to the Archbishop but to the entire Archdiocese. It is a very challenging and difficult place and the prospect of the Pope's visit there is most welcome.
>
> I know that the report you received was very perplexing. Please be assured of my constant support and willingness to be of assistance in this difficult matter. In closing, however, let me reiterate my strong support for Archbishop McCarrick who has served the Church so devotedly for many years as priest and bishop.[471]

In light of Cardinal O'Connor's prior conclusion, Cardinal Hickey's defense of McCarrick, and the fact that no accuser had ever come forward, the priest's report of rumors about McCarrick's improper conduct – allegations that did not involve minors – was not pursued further at that time.[472]

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[471] 19 *ACTA* 16072-74.

[472] The same priest who contacted Cardinal Hickey and Nuncio Cacciavillan also talked to Bishop Hughes in Metuchen about McCarrick on two or three occasions during the late 1980s or early 1990s. 14 *ACTA* 13241. In an interview, the priest stated that he spoke with Hughes regarding "the escalating talk about McCarrick," including "[c]arrying on" at the beach house, the "nephews," and "[c]ertain preference[s] for the young and good looking among the clergy." 40 *ACTA* 33596. The priest stated that he eventually "realized that Hughes was not capable of addressing these kinds of issues in any way." *Id.*

The priest spoke with Cardinal O'Connor about McCarrick during the early 1990s as well, in a telephone call arranged by Mother Mary Quentin. 40 *ACTA* 33586-87, 33598; 14 *ACTA* 13242. According to the priest, O'Connor "did not act surprised when I told him

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Pope John Paul II's 1995 visit to Newark was widely reported by secular and religious media as successful and there was no resulting scandal attributable to McCarrick's conduct.[473]

C. Information Received from Cardinal O'Connor and Dr. Richard Fitzgibbons (1996 to 1997)

As discussed above, Dr. Fitzgibbons, the psychiatrist from Pennsylvania, was asked by the Diocese of Metuchen in 1996 to evaluate whether Priest 1, who had self-reported his sexual abuse of two teenage males, was fit to return to full-time priestly ministry.[474] Over the course of the six-session evaluation, Priest 1 told Dr. Fitzgibbons that he had witnessed Bishop McCarrick engage in sexual conduct with another priest and that he himself had been sexually assaulted by McCarrick in a small apartment in New York City.[475]

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about McCarrick's reputation" and promised "that he would do something about it in Rome." 40 *ACTA* 33598.

[473] *See* 18 *ACTA* 15616-20. David Gibson, a journalist in New Jersey for *The Bergen Record* (1990-1998) and *The Star-Ledger* (1999-2002) who covered McCarrick for many years, recalled hearing rumors in the mid-1990s about McCarrick previously sharing beds with seminarians. In an interview, Gibson stated:

> I tried to chase down leads. I tried to identify priests and former seminarians who might speak to me. I heard a lot of second- and third-hand stuff. It was information that suggested that something strange was going on, but nothing that rose to the level of sexual conduct. And a lot of people said that they would get somebody in touch with me or give me a name, but I never managed to get a first-hand account.

40 *ACTA* 33951. Gibson also reported that he knew of a colleague who "tried to follow up on some of the rumors at that time as well but it never went anywhere." *Id.* at 33955. Gibson stated, "over time you got the feeling that the same rumors, which never get confirmed, are just getting repeated over and over, again and again and again and again. So you hear it again, but you say, 'OK, but there is nothing new here. These are the same old rumors.'" *Id.* at 33955-56.

[474] *See* Section IX.B; 19 *ACTA* 16095.

[475] 19 *ACTA* 16096.

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Troubled by Priest 1's account, Dr. Fitzgibbons consulted Monsignor James Cassidy, a respected priest-psychologist from the Archdiocese of New York. Priest 1 agreed to speak with Monsignor Cassidy, and the two had a session over the telephone, likely in September 1996.[476]

Monsignor Cassidy reported the matter to Cardinal O'Connor, who telephoned Bishop Hughes.[477] According to Hughes' account, memorialized in a letter to the Nuncio in 2000, he told Cardinal O'Connor that he "did not know whether the charges were true or not" but that he "had little confidence in [Priest 1's] ability to present facts objectively since he had a history of blaming others for his own problems."[478]

On 3 October 1996, Cardinal O'Connor wrote to Nuncio Cacciavillan about the potential elevation to the episcopate of a priest from the Archdiocese of Newark.[479] O'Connor stated that he understood from a source that the priest was "too closely identified with Archbishop McCarrick" and had been "imprudent" as to whom he chose for companionship. He further wrote that "because of what appears to be a rather unsettled climate of opinion about certain issues in the Archdiocese of Newark which must ultimately be clarified, a delay in possible promotion seems to be indicated." Cardinal O'Connor did not expressly mention any misconduct by McCarrick. The priest in question was stricken from the list of candidates to become an Auxiliary in Newark and Nuncio Cacciavillan thereafter contacted Archbishop McCarrick to request that he suggest alternative candidates for the position.

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[476] 19 *ACTA* 16096.

[477] 19 *ACTA* 16120.

[478] 17 *ACTA* 14097-98. In 2000, after Cardinal O'Connor's death, Bishop James McHugh informed the Nuncio at the time that O'Connor had told him that "Bishop Hughes was very uncomfortable and not very informative" during his telephone conversation with O'Connor. *Id.* at 14085; *see also* Sections XII and XIII.

[479] 17 *ACTA* 14032.

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Also in October 1996, and at Cardinal O'Connor's request, Monsignor Cassidy met with Dr. Fitzgibbons and Priest 1.[480] Cardinal O'Connor later wrote that both Monsignor Cassidy and Dr. Fitzgibbons seemed "convinced" that Priest 1 had been victimized by Bishop McCarrick, but O'Connor himself did not find their conclusions "definitely persuasive."[481]

In March 1997, Dr. Fitzgibbons traveled to Rome to share the information he had received from Priest 1. On 7 March 1997, he met with an official at the Congregation for Bishops, who described the interaction in a memorandum to the Congregation's Secretary, Archbishop Jorge María Mejía:

> 1) On the evening of Friday, March 7, 1997, I received a phone call from one of the ushers informing me that there was a visitor waiting to see me from the United States. The visitor's name was Richard Fitzgibbons, M.D., a psychiatrist from Philadelphia, (Pennsylvania). He is Director of "The Providence Program", a center for psychiatric evaluation in the Philadelphia area. I had never met this man before. He explained that his reason for visiting this Congregation was that he had received disturbing information concerning a Prelate in the United States. As a Catholic layman and for the good of the

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[480] 19 *ACTA* 16097, 16120.

[481] 19 *ACTA* 16120; *see also* Section XII. A priest who worked closely with McCarrick in Newark stated in an interview that McCarrick told him, at the beach house in the mid to late 1990s, that he had received a "disturbing" telephone call from Cardinal O'Connor regarding the sharing of beds with seminarians at the house. The priest recalled: "It was a phone call that the Archbishop reported to me so I can only share what the Archbishop shared with me. He said, 'You know, I received a telephone call from Cardinal O'Connor and he said, "What's going on? Word is going around that you are having seminarians down at the Sea Girt house and people are talking about it…You've gotta knock this stuff off."'" The priest stated that, "from that point on, and this is what I remember crystal clear. After that, *boom!* No seminarians were invited down again. And, as a matter of fact, the priests that he would invite down changed and only his closest collaborators were invited." 40 *ACTA* 33684; *id.* at 33695-96; *see also* 33 *ACTA* 27065, 27289.

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> Church, he felt in conscience he should share this information with this Dicastery.
>
> 2) Dr. Fitzgibbons proceeded to relay the following information. In the Spring of 1996, he was asked by the Bishop of Metuchen, (New Jersey) the Most Rev. Edward Hughes, to evaluate a young priest who had been a patient at [hospital]. Bishop Hughes desired to have a second opinion as to this priest's suitability to return to active priestly ministry in his diocese.
>
> 3) Dr. Fitzgibbons met with the priest for six sessions and in the course of his evaluation, the abovementioned priest related information concerning two separate occasions when, during his seminary years (around 1985), Archbishop McCarrick (then Bishop of Metuchen) made sexual advances toward him. These events allegedly took place in the summertime in the context of "vacation outings" with the bishop. Dr. Fitzgibbons went on to relate that the same seminarian had witnessed other inappropriate behavior on the Bishop's part.
>
> 4) I immediately asked Dr. Fiztgibbons (sic) if he would be willing to put this information in writing, with his signiture (sic), and submit it to this Congregation. He agreed to do so.[482]

On 11 March 1997, Dr. Fitzgibbons delivered a signed letter to the Congregation for Bishops, addressed to Prefect Bernardin Cardinal Gantin. Dr. Fitzgibbons wrote:

> As a Catholic psychiatrist, I feel I must advise your office about a situation of which I learned while performing an evaluation on a priest of the diocese of Metuchen, New Jersey.
>
> The Director of Clergy Personnel of the Diocese of Metuchen referred this priest to me in the fall of 1996 for deterination (sic)

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[482] 19 *ACTA* 16092.

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of his ability to return to full time priestly ministry. The patient had been performing limited ministry for two years, after being discharged from [the hospital]. This priest, [redacted], was unable to respond in an appropriate manner to aggressive sexual advances from an adolescent male. [Redacted]. The priest was troubled by his inability to deal with this situation, and went to his bishop for help. Thus, he was sent for evaluation at [the hospital], and was subsequently hospitalized for over six months.

At the time of my evaluation of this priest, he had been working as a chaplain in a nursing home, with weekend parish ministry, and was doing well in his outpatient therapy.

It is notable that, prior to this incident, he had no previous sexual difficulties in his priesthood, and did not view himself as a homosexual.

During my six session evaluation, this priest told me that, when he was a seminarian at [redacted name of seminary], Bishop Theodore McCarrick (then bishop of Metuchen) called him and invited him to go on a fishing trip with him, which the patient accepted. At the end of the first day, the young priest was shocked when he walked into the bedroom and found Bishop McCarrick engaging in sexual relations with another priest. The bishop, upon seeing my patient in the bedroom, asked him if he wanted to be next. The priest refused. My patient noted that the bishop and the other priest later administered the Sacrament of Reconciliation to each other.

After this incident, Bishop McCarrick called my patient regularly and wrote to him at his summer assignment. Three to four weeks later this priest accepted an invitation to have dinner with the bishop in New York, expecting that the bishop was going to apologize for his behavior on the fishing trip. The dinner ended very late at night, and the bishop told the priest that he had an apartment in New York, with ample room for

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both of them. When they entered the apartment, which was in a hospital, he was shocked to discover that there was only one bed in the room. This frightened young seminarian reluctantly got into the bed, after which Bishop McCarrick made numerous sexual advances, which he refused.

My evaluation indicated that this priest was a very gentle, loving and somewhat passive young man, who did not have any major emotional, mental or personality disorders. Based on my clinical findings and the numerous interviews, I believed the patient's stated history of the inappropriate behavior of Bishop McCarrick.

The patient's inpatient psychologist at [the hospital], aware of the history with Bishop McCarrick, asked him to discuss this emotional trauma with the other priests in the group therapy sessions. The priest refused. However, another patient who was in [the hospital] at the same time did relate in group therapy the sexual trauma he suffered from Bishop McCarrick.[[483]] This was corroborated by another patient of mine, who was also at [the hospital] at the same time as the two victimized priests.

The patient's current outpatient psychologist is also aware of this history, and believes it to be true.

Since this was the most troubling history I have heard in over 20 years of practice as a psychiatrist, I felt it necessary to consult with Monsignor James Cassidy, Ph.D., a respected priest psychologist and healthcare administrator in the Archdiocese of New York. The patient agreed to communicate with Monsignor Cassidy, and I arranged to have this priest speak with Monsignor Cassidy on the phone during one session. Monsignor Cassidy related the history to Cardinal O'Connor,

[483] This may have been a reference to Priest 6, who is discussed in Bishop Hughes' 22 May 2000 letter to Archbishop Montalvo. *See* Section XIII.

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> who asked him to meet with the accuser and myself, which was done in October of 1996.
>
> I believe that, if this priest were contacted, he would attest this history in a signed statement, although he has been reluctant to publicly accuse Archbishop McCarrick.
>
> Your Eminence, my reason for writing this is to protect the Church. Of course, confidentiality is essential in situations such as this, for the protection of patients, therapists and the accused. Furthermore, if this situation becomes public knowledge, numerous other accusations against Archbishop McCarrick may come to light, further harming the Church's reputation.
>
> If you have any questions, please do not hesitate to contact me.[484]

This letter, and the related memorandum by the official, were provided to Archbishop Mejía, the Secretary of the Congregation for Bishops.[485] A search of files failed to locate a signed statement by Priest 1 and no reference to a signed statement was identified in other documents. Attempts to interview Priest 1 were unsuccessful. No evidence has been located indicating that any investigation was ordered or undertaken based upon the information reported by Dr. Fitzgibbons.

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[484] 19 *ACTA* 16095-98.

[485] 19 *ACTA* 16092.

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XI. CANDIDACY FOR THE ARCHBISHOPRIC OF CHICAGO (1997)

On 12 March 1997, Archbishop Mejía wrote to Cardinal Laghi, member of the Congregation for Bishops and *ponente* for the Chicago provision, concerning "allegations *in re turpi*" against Archbishop McCarrick.[486] Mejía stated:

> On separate occasions, one most recent (enclosures), this Congregation has received information which concerns allegations *in re turpi* against Archbishop Theodore E. McCarrick of Newark. It could well be, as far as we can see, that all these allegations come from the same source and reflect, one way or the other, the same story. While the Nunciature has been aware of these accusations, the Nuncio has affirmed that they have been investigated and not substantiated, and is basically convinced that they are not really credible. Nevertheless, this Dicastery would note that, in his letter of April 4, 1994, while Cardinal James Hickey mentions that [McCarrick] should be presumed innocent, he wrote: "All this does not completely eliminate the possibility of some wrongdoing; my counsel is to proceed very slowly and cautiously". On the other hand, Cardinal O'Connor, as the Nuncio has told me in a personal conversation, after having checked the story with the present Bishop of Metuchen [Edward Thomas Hughes], seems not to consider it reliable.
>
> While it may be that these allegations are unfounded and false, and the good name of Archbishop McCarrick has to be respected above all, this Dicastery is very conscious of the highly charged atmosphere of the United States, particularly in Chicago following upon the allegations, later retracted, which had been made against Cardinal Joseph Bernardin.[487] It is in this light that I send to you

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[486] 19 *ACTA* 16099.

[487] In November 1993, Chicago Archbishop Cardinal Bernardin was accused of having sexually molesting a teenage seminarian, identified as a minor, during the mid-1970s. The former seminarian retracted the accusation in early 1994. *See*, *e.g.*, "Accuser Drops

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> the enclosed documentation with all the reservations the matter itself implies (and indeed with great confidentiality), deeming it necessary that your Eminence should be aware of this information which was contained in the Archives of this Office.[488]

The Ordinary Meeting of the Congregation for Bishops took place on 20 March 1997 to discuss the provision for the Archdiocese of Chicago.[489] Several cardinals and archbishops participated, including Joseph Cardinal Ratzinger, Secretary of State Angelo Cardinal Sodano, Cardinal Prefect Gantin, Cardinal O'Connor, Cardinal Laghi, Cardinal Cassidy and Archbishop Mejía.

Archbishop McCarrick was generally praised in the Provision. He was recognized for his "'*savoir faire*', his resourcefulness, [and] an affable and helpful character inspiring trust and commanding respect." McCarrick was described as being "equipped with superior intellectual qualities" and having a "high sense of responsibility." He was said to be "tireless in work," "undisputed in his orthodoxy" and "one of the most brilliant in the United States at fundraising." It was noted that McCarrick had held important

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Abuse Charge Against Cardinal in Chicago," *The New York Times* (1 Mar. 1994), 26 *ACTA* 19387.

[488] 19 *ACTA* 16099-100. A priest who worked as an official at the Congregation for Bishops during the late 1990s stated in an interview that he heard rumors regarding McCarrick hosting seminarians at the beach house on the New Jersey Shore. Though the priest never received first or second-hand information, he recalled hearing about McCarrick having "'favorite' seminarians" and about "the number of seminarians at the beach house exceeding the number of beds." The priest noted that "these rumors were definitely floating around Rome in the mid to late 90s. And not just in Rome, but also back in the United States. Even talking to priests in different dioceses, it was pretty commonly known. But the rumors never referred to explicit sexual advances. They conveyed the idea of something strange or unusual, but not sexual." 33 *ACTA* 27066; 40 *ACTA* 33651.

[489] 19 *ACTA* 16101. Cardinal Bernardin had died on 14 November 1996.

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positions within the NCCB and USCC, had skillfully supported the Papal Foundation, and had done a "fruitful job" in Newark.[490]

The first negative comment regarding Archbishop McCarrick in the Provision came from Cardinal O'Connor, who questioned whether McCarrick would offer the Archdiocese of Chicago the "firmness necessary to 'compensate' for the prevailing permissiveness" following Cardinal Bernardin's tenure. But the Provision also carried information about a telephone conversation between Cardinal O'Connor and Nuncio Cacciavillan, during which O'Connor "admitted" to Cacciavillan that McCarrick could be effective in Chicago at addressing the same kinds of theological abuses that he had found in Newark. According to the report of the phone call, O'Connor also "observed that 'Msgr. McCarrick often goes outside the archdiocese, and that there had been some accusing voices: but on this last point [O'Connor] said that he had heard nothing further.'"[491] The Provision reported that in his "final judgment" of the candidates, Nuncio Cacciavillan expressed the strongest support for McCarrick, considering him superior to the other candidates because he was older, had been a bishop longer, and because of his "greater stature in the national and international fields."[492]

The Congregation ultimately determined that McCarrick was not the appropriate choice for Chicago. While he was viewed as "orthodox and loyal, endowed with great skill and sound experience of diocesan government, he has a tendency to be diplomatic[493] and 'self-promoting', and in regard to him a less reassuring voice has surfaced that now seems to

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[490] 19 *ACTA* 16108-09. McCarrick's success in Newark was particularly notable, since it was considered a challenging diocese in the United States. *See*, *e.g.*, Archdiocese of Newark, *Quinquennial Report (1993-1997)*, at 42-44, 30 *ACTA* 23561-65.

[491] 19 *ACTA* 16109.

[492] 19 *ACTA* 16110.

[493] In this context, the term "diplomatic" in Italian carries a negative connotation.

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have fallen silent; probably unfounded: but in the flammable Chicago environment it would be risky for him to be exposed [right] now."[494]

[494] 19 *ACTA* 16111. The record remains uncertain about whether Cardinal Ratzinger, Cardinal Sodano and Cardinal Cassidy were aware in 1997 of any allegations or rumors regarding McCarrick.

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XII. CANDIDACY FOR THE ARCHBISHOPRIC OF NEW YORK (MID-1999 TO EARLY 2000)

In 1998, Archbishop Cacciavillan concluded his tenure as Apostolic Nuncio to the United States and returned to Rome. On 5 November 1998, Cacciavillan was appointed President of the Administration of the Patrimony of the Apostolic See (APSA), a position he would hold until 2002. His successor as Nuncio in the United States, Archbishop Gabriel Montalvo, was appointed on 7 December 1998.

In late June or early July 1999, Pope John Paul II intimated to Cardinal O'Connor that he was considering appointing McCarrick to a different diocese.[495] According to Cardinal O'Connor, "Our Holy Father seemed to make clear to me in his own subtle way that he was very much interested in and grateful to Archbishop McCarrick, and that he might want to place him in a higher position, even as my successor as Archbishop of New York."[496] At the time, Cardinal O'Connor was a long-standing and respected member of the Congregation for Bishops, having served on the Congregation since 1984.

In a July 1999 conversation with Nuncio Montalvo, Cardinal O'Connor told the new Nuncio that he was aware of "some elements of a moral nature that advised against" consideration of McCarrick's candidacy for the succession of the Archdiocese of New York.[497] To ensure that the Superiors of the Congregation for Bishops were informed, Montalvo took it upon himself to ask O'Connor to set forth his concerns in writing.[498]

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[495] 19 *ACTA* 16119.

[496] 19 *ACTA* 16119.

[497] 20 *ACTA* 16526.

[498] 20 *ACTA* 16526. A seasoned member of the Holy See's diplomatic corps, who served in the Nunciature during this period and was chosen by Archbishop Montalvo to assist him on an exclusive basis with regard to the McCarrick inquiry, stated that Montalvo took allegations of misconduct seriously once he felt they were credible: "With regard to accusations against people, [Archbishop Montalvo] was inclined . . . to be skeptical until and unless there was something more, some evidence to sustain it. If Montalvo received

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On 27 October 1999, Nuncio Montalvo sent a report to Lucas Moreira Cardinal Neves, Prefect of the Congregation for Bishops, regarding the Provision for the Archbishopric of New York.[499] The Nuncio reported that McCarrick was Cardinal Hickey's first choice for the New York See. Hickey emphasized McCarrick's "exceptional qualities of governance and administration," his "exceptional role as President of the 'Papal Foundation,'" his broad experience in international affairs, and his effectiveness in addressing matters of doctrine and discipline in Newark. Cardinal Hickey also noted McCarrick's background in New York, including his extensive understanding of its Catholic schools and healthcare institutions. With respect to vocations, Cardinal Hickey stated that McCarrick's "goodwill towards the neocatechumenals" in Newark was "a sign of zeal for the new evangelization and his involvement in the formation of the seminarians." Cardinal Hickey wrote that McCarrick also "worked well with the Spanish language community and will have a unique ability/capacity to handle the problems and the situations of immigrants." Overall, Hickey viewed McCarrick as the "most qualified" candidate and concluded that he would be "a worthy member of the College of Cardinals."[500]

Nuncio Montalvo reported that other senior American prelates also endorsed McCarrick, stating that he was "totally dedicated to the work of the Church" and could become "a great leader" of the Archdiocese of New York. However, the Nuncio wrote that Bernard Francis Cardinal Law, then the Archbishop of Boston, stated that from time to time "a cloud" appeared over McCarrick's head regarding what he termed a "misplaced affection." Law

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an allegation of any kind, he would always keep it pending on the chance that additional information might come in. He would not just archive it. He was not afraid to pursue such cases whenever he considered it appropriate to do so. He was an intelligent and experienced Nuncio, and a careful man." 16 *ACTA* 13433.

[499] 2 *ACTA* 2179-2217.*

[500] 2 *ACTA* 2197-98.

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told the Nuncio that he had "no evidence in this regard, but nowadays even vague allusions are enough to damage the position of a person."[501]

On 28 October 1999, Cardinal O'Connor wrote a letter in response to Nuncio Montalvo's prior request in July 1999.[502] Cardinal O'Connor's letter was dated just weeks after the Cardinal had been released from an extended stay in the hospital for surgery to remove a brain tumor, a condition from which he would die on 3 May of the following year.

Cardinal O'Connor's six-page letter, accompanied by exhibits, was received by Nuncio Montalvo, who forwarded it to the Congregation for Bishops and to the Secretariat of State.[503] Archbishop Re, at that time the Substitute of the Secretariat of State, informed Pope John Paul II of Cardinal O'Connor's letter.[504]

Cardinal O'Connor's letter to Nuncio Montalvo stated the following:

> ***HIGHLY PERSONAL AND CONFIDENTIAL***
> ***FOR THE EYES OF HIS EXCELLENCY,***
> ***ARCHBISHOP GABRIEL MONTALVO***
> ***APOSTOLIC NUNCIO***
>
> Your Excellency,
>
> As you have requested I relate here what has been brought to my attention concerning a good friend and a devoted servant of our Holy Father, His Excellency, the Most Reverend Theodore McCarrick. This is an extremely difficult letter for me to write, because I have seen his extraordinary contributions at first hand and believe that he has untiringly advanced the cause of the Church for many, many years. For the good of the same Church

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[501] 2 *ACTA* 2199.

[502] 19 *ACTA* 16119-38.

[503] 20 *ACTA* 16526-28.

[504] 20 *ACTA* 16529.

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and in integrity, however, most particularly if our Holy Father should have in mind a new and even more important assignment for Archbishop McCarrick, especially a Cardinatial See, I have no choice but to provide you with this information.

I might add, most confidentiality (sic), that during my most recent very personal visit with our Holy Father in late June or early July of 1999, our Holy Father seemed to make clear to me in his own subtle way that he was very much interested in and grateful to Archbishop McCarrick, and that he might want to place him in a higher position, even as my successor as Archbishop of New York.

I now provide the description of events, as related to me by absolutely impeccable authorities as occurring in the Archdiocese of Newark during this past year.[505]

> 1) After Archbishop McCarrick was appointed as Ordinary, it was said that he would frequently invite male visitors for dinner and to stay overnight. Usually they shared a bed, although there were sufficient guestrooms. Archbishop McCarrick referred to the visitors as neighbors or cousins. They were not cousins since he had no siblings. This did not become known outside the house, but it was a cause of concern for those who live there.
>
> 2) Shortly after coming to Newark, the Archbishop persuaded Bishop Edward Hughes, then Bishop of Metuchen, to sell to the Archdiocese of Newark a house belonging to the Diocese of Metuchen in

[505] As explained below, it is reasonable to infer that Bishop James T. McHugh, the former Auxiliary Bishop of Newark, and Bishop Edward T. Hughes, the Bishop Emeritus of Metuchen, were two of the "impeccable authorities" referenced by Cardinal O'Connor.

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> Spring Lake, New Jersey, a seashore resort.[506] The Archbishop frequently visited the house and often arranged for seminarians to visit. The arrangement was for seven seminarians, six of whom shared the guestrooms and one of whom shared the bed with the Archbishop. This became known and was a source of joking among the clergy.
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> 3) A young priest from Metuchen received much attention and accompanied the Archbishop at least once on a trip to Puerto Rico. This priest subsequently left the priesthood.[507]

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[506] This is a reference to the beach house in Sea Girt, New Jersey.

[507] The overall record demonstrates that this was likely a reference to Priest 2, who was a seminarian of the Diocese of Metuchen from 1984 to 1987. In 1987, Priest 2 was ordained by Bishop Hughes and served as a parish priest in Metuchen for approximately a year. He left active ministry in 1988. Priest 2 is Robert Ciolek, who agreed to be identified in this Report.

In September 1995, Priest 2 petitioned Pope John Paul II for dispensation from the obligations arising from the priesthood and from celibacy and for dismissal from the clerical state. 25 *ACTA* 18500. In his petition, Priest 2 stated that he had been viewed as Bishop McCarrick's "favorite" and that this "was due, in part, because I came from the cathedral parish and I would often attend and assist at the cathedral services which gave me regular access to the bishop. As a result, I developed a very good relationship with the Bishop [McCarrick]. Eventually, he would take me with him on trips and vacations, including one to Puerto Rico. I would occasionally stay at his residence after his appointment as Archbishop of Newark[.] He spoke often of how nice it would be for me to study canon law at the Vatican upon my ordination. He often observed that I was such a fine candidate and had enormous potential." *Id.* at 18512. Priest 2, who provided Archbishop McCarrick's name to the Diocese of Metuchen as a source of information that would support the petition for return to the lay state, did not claim in the petition that his relationship with McCarrick was inappropriate. *Id.* at 18518.

In an interview, Priest 2 stated that "McCarrick himself had nothing to do with my decision to leave the priesthood." Priest 2 explained that he left because he was unable to maintain his vow of celibacy and because he was in a relationship with a woman with whom he was going to start a family. 33 *ACTA* 27296.

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> 4) A key authority relates that the stories, especially in regard to the seashore house, circulated in the Diocese of Metuchen, as well. At the same time, this authority states that he had no personal knowledge of any specific problems, but believes that some problem did occur involving at least one person, perhaps a priest, and that Bishop Hughes handled that personally and secretly. I, myself, recall talking with Bishop Hughes by telephone very privately, regarding this same case, which did in fact involve at least one priest,[508] and perhaps two. As I recall, both where (sic) in psychiatric treatment. I personally asked a priest psychologist of the Archdiocese of New York[509] to speak with the psychiatrist[510] who was treating at least one of the priests involved, and perhaps another as well. Both the priest psychologist and the psychiatrist seem convinced that the priests or priests (sic) in treatment were victimized, willingly or unwillingly, in their inappropriate relationship with the then Bishop McCarrick, while Bishop of Metuchen. I must confess that I did not really find my discussion with the priest psychologist or the findings of the psychiatrist to be definitely persuasive. At the same time, I could not dismiss their findings, because of the gravity of the allegations.

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[508] Based upon the description in the letter and the remainder of the record, this was a reference to Priest 1.

[509] This probably refers to Monsignor Cassidy, the New York priest psychologist who was mentioned in Dr. Fitzgibbons' March 1997 letter to the Congregation for Bishops. 19 *ACTA* 16090.

[510] This refers to Dr. Fitzgibbons.

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> 5) In another vein, several years ago a so-called "preppy murder" took place in Central Park. A young man apparently engaged in sexual activities with a young woman [who] was convicted of murdering her. Archbishop McCarrick wrote a letter on behalf of the young man. As memory serves, the Archbishop asked for reduction of bail, in order [to] facilitate the young man's being released from prison during preparatory time for the trial. As I recall, the parents of the young woman who had been murdered were irate. The newspapers discovered a copy of the Archbishop's letter, so that the matter became public. It has arisen again, particularly in speculation about who might become the Archbishop of New York. The explanation the press has given for the letter is that the young man's mother was known to Archbishop McCarrick, and he wanted to give her some support. The general assessment seems to be that the Archbishop had made a well-intentioned but unfortunate error in judgment.
>
> 6) It is reliably reported that the various events and behavioral activities described above have changed completely, and that no similar events have occurred in recent times. Nonetheless, rumor and gossip about these earlier activities persist among the clergy, many of whom feel that there has been little interest in them or in the diocese.

Permit me to comment on the above, first by repeating that what has been related above has been provided me by unimpeachable and highly knowledgeable authorities. In addition I enclose a Sub-Secreto Pontificio letter of October 3, 1996, addressed by me to His Excellency, the Most Reverend Agostino Cacciavillan, then Apostolic Pro-Nuncio, in response to his

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inquiry of September 3, 1996, Protocol Number [redacted]. The letter concerns the potential elevation to the episcopacy of [redacted], of the Archdiocese of Newark [redacted]. As you can see, I recommended a "dilata", for reasons given. In addition, however, you will note that I felt it necessary to suggest that the climate of opinion of the Archdiocese of Newark about certain issues in the Archdiocese should be ultimately clarified before a possible promotion might be indicated. [Please see Enclosure 1][511]

In addition, I regret to have to provide copies of four letters received before (sic) November of 1992 and September 1993. Please note that it has been my long-standing policy, whenever I receive an anonymous letter about a priest or bishop, simply to send him a copy of the letter with a covering note, making no judgement, and usually expressing my personal support. If verifiable, obviously, these letters would be severe indictments. [Please see Enclosures 2, 3, 4, and 5][512]

I enclose, as well, a copy of my letter addressed on April 25, 1986 to His Excellency, the Most Reverend Pio Laghi, then Apostolic Pro-Nuncio in response to his telephone inquiry concerning the appointment of an Ordinary for the Archdiocese of Newark. At the time, I knew nothing of any allegations or rumors concerning the then Bishop Theodore McCarrick, Bishop of Metuchen.[513] As you can see, since I had known Bishop McCarrick while he was an Auxiliary Bishop in the

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511 This letter from 1996 is discussed above in Section X.C.

512 Enclosures 2 through 5 contained the anonymous letters from 1 November 1992, 24 February 1993, 10 March 1993, and 24 August 1993, including the envelopes addressed to Cardinal O'Connor, related cover letters from O'Connor to McCarrick, and McCarrick's response to O'Connor dated 21 November 1992. 19 *ACTA* 16126-36. This correspondence is discussed in Section X.A.

513 This suggests that Cardinal O'Connor was unaware of Mother 1's anonymous letter from the mid-1980s.

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Archdiocese of New York and I was an Auxiliary Bishop in the Military Vicariate, then situated in the Archdiocese of New York, I found him very impressive and I had no hesitancy in recommending him in first place for the Archdiocese of Newark. [Please see Enclosure 6][514]

The comments concerning the one or two Metuchen priests, my discussions with Bishop Hughes, with [the] priest psychologist and his report from the psychiatrist, are unknown to at least one of the authorities providing me with all the other allegations stated above. I offer them on the basis of my own authority, but without complete certitude concerning the charges alleged by the priest or priests, despite the apparent certitude of their validity on the part of the priest psychologist and psychiatrist. On the other hand, the priest psychologist after consulting with the psychiatrist, seemed certain of the validity of these charges of inappropriate behavior involving the priest or priests.

A certain context might be provided concerning Archbishop McCarrick's referring to visitors as neighbors or cousins. It is widely understood that the Archbishop was an orphan, with no living relatives. Nonetheless, he seems to be very close to what appears to be a highly well-adjusted family whom he always refers to as his cousins, although it is alleged that he has no living relatives. I remember while we were both in New York dining in their home with him many years ago, his relationship seemed to be a very healthy one. He speaks, at times, of a brother in Washington, with whom he seems to stay when visiting there. A similar situation seems to prevail, that he may call someone that he feels close to "brother" or "cousin", not in any way to be literal, but to express a closeness in relationship and to feel part of a blood-related family, although such is not the case.

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[514] Cardinal O'Connor's letter from 1986 is discussed above in Section VII.

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This is an Archbishop of extraordinary talent, of exceptional linguistic ability, given to a pattern of almost unceasing work. Outside the circles described above, I have never heard the vaguest references to these alleged aberrations. Certainly, I am personally unaware that any such may be known to the National Conference of Catholic Bishops, unless, of course, the Conference has received anonymous letters, such as those I have enclosed. He works unceasingly on various committees, in giving congressional testimony and in travelling almost constantly to various parts of the world as a member or head of various committee activities. As President of the Papal Foundation, he travels likewise extensively to raise funds for our Holy Father's charities.

Your request of me has not been to assess the Archbishop's overall activities, but only the unfortunate allegations described above. I should note, as perhaps germane, however, that if I am properly informed, a major question or even criticism is raised about his seemingly incessant need to travel outside the Archdiocese to different parts of the world and in so doing to subordinate the demands of the Archdiocese. I mention this only to question whether there is any relationship between this seeming need to travel outside the Archdiocese and his apparently having put his former alleged inclinations behind him. This would be difficult to determine. It is quite conceivable, however, that he has, by way of this travel, put all of his energies into Church business, in part as a way of displacing the use of that energy in the kinds of inappropriate activities described above.

What, then, would be my overall assessment at this moment? With deep regret, I would have to express my own grave fears and those of authoritative witnesses cited above, that should Archbishop McCarrick be given higher responsibility in the United States, particularly if elevated to a Cardinatial See, seem[] sound reasons for believing that rumors and allegations

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about the past might surface with such an appointment, with the possibility of accompanying grave scandal and widespread adverse publicity. It has been my personal experience over many years that the truth is very difficult to determine in such complex cases. Obviously, however, while charity must prevail and the benefit of the doubt always given to the "accused", the good of souls and the reputation of the Church must be seriously considered and the potential for scandal given equally serious consideration. I can not, therefore, in conscience, recommend His Excellency, Archbishop McCarrick for promotion to higher office, should this be the reason for your inquiry concerning him at this time. On the contrary, I regret that I would have to recommend very strongly against such promotion, particularly if to a Cardinatial See, including New York. Nevertheless, I subject my comments to higher authority and most particularly our Holy Father. I would support unconditionally any appointment of our Holy Father, including an appointment to the Archbishopric of New York, and give every assistance to anyone appointed, including Archbishop McCarrick. At the same time, I consider it a grave obligation to recommend to higher authority, including our Holy Father personally, against such an appointment.

Although I have forewarned neither, Your Excellency might wish to consult with His Excellency, the Most Reverend James McHugh, currently Coadjutor-Bishop of Rockville Centre, previously Auxiliary Bishop of Newark, with Archbishop McCarrick as his Ordinary, then Bishop of Camden, NJ, within the same State of New Jersey and the same Metropolitan Province. Bishop McHugh is highly authoritative in this matter. You might want to consult, as well, the exceptionally authoritative Mr. Thomas Durkin, Esq., very well known attorney in the Archdiocese of Newark. Mr. Durkin, a devout Catholic, highly knowledgeable, is consulted by many, most particularly, in criminal cases, used by both the Archdiocese of Newark and the Archdiocese of New York in assisting when

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> priests have been accused of grave offenses. Mr. Durkin has been frequently a benevolent advisor to Archbishop McCarrick and, from time to time, has warned him strongly concerning various issues of judgment and spoken with him very forthrightly about rumors and allegations cited above. Mr. Durkin's address is: [redacted]. Another who might be consulted would be the Reverend Monsignor James Cassidy, the priest psychologist cited above, whose address is: [redacted].
>
> I must emphasize, finally, that it is conceivable that Archbishop McCarrick has never been given the opportunity to defend himself against these allegations.
>
> With deep regret for having to provide the above at the request of Your Excellency, and writing very painfully about a personal friend of extraordinary ability, I nonetheless submit the above in conscience. I am sure that Your Excellency will be kind enough to advise me if this letter meets your needs, or if you would consider it inadequate as written, in which case I would try to improve upon it and to provide whatever other information you may desire.

Available information does not reveal that either Attorney Durkin or Msgr. Cassidy was ever contacted regarding the allegations contained in Cardinal O'Connor's letter. According to the Archdiocese of New York, a search of the files of the Archdiocese failed to uncover either the October 1999 O'Connor letter to Nuncio Montalvo, or the March 1993 letter from McCarrick to O'Connor.

On 5 November 1999, Nuncio Montalvo transmitted Cardinal O'Connor's letter to Cardinal Moreira Neves, Prefect of the Congregation for Bishops.[515] In a separate, handwritten note enclosing the communication to Substitute

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[515] 19 *ACTA* 16117-18.

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Archbishop Re, Nuncio Montalvo left it to Re to "inform the Holy Father as to the matter in the manner you deem appropriate."[516]

In his letter to Cardinal Moreira Neves, Nuncio Montalvo stated that "Cardinal O'Connor repeatedly underscores the personal qualities and merit of the excellent work tirelessly carried out by Archbishop McCarrick for the good cause of the Church and the Holy See. At the same time, with great clarity, sense of responsibility and vision of the Church, the Cardinal sets forth the serious reasons why [McCarrick] should not be considered for possible promotion."[517]

After assessing Cardinal O'Connor's letter, Nuncio Montalvo wrote:

> Unfortunately, the reading of the document and its annexes leaves a painful, quite negative, impression regarding the moral behavior that His Excellency McCarrick seems to have had. However, [Cardinal O'Connor] clearly states that these are facts that occurred in the past and that "the various events and behavioral activities have changed completely and that no similar events have occurred in recent times." He also notes that moving the Prelate to another important place, poses a risk of the public reappearance of comments and criticisms, which would seriously damage the Church.
>
> The charges leveled against His Excellency McCarrick appear to be known to some priests among the Metuchen clergy and probably to some of the country's Bishops. In this hypothesis, which appears true, and to avoid the possibility of causing a scandal of great proportions, it would seem that not only would it be more prudent to not consider S.E. McCarrick for transfer, but that it would be necessary either to leave him in his present office [i.e., Newark] or to think of entrusting him with some other duty outside the United States. It is in fact to be feared

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[516] 20 *ACTA* 16528.*

[517] 19 *ACTA* 16117-18.*

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> that a possible resignation by the Prelate of his pastoral governance of Newark could not occur without causing a serious scandal. All carefully considered, I would be of the humble opinion that it is better, as things stand today, "*quieta non movere.*"[518]

Following Nuncio Montalvo's communication, Substitute Re, acting on the instruction of Pope John Paul II, requested that Archbishop Cacciavillan provide his views. The request was based upon the esteem and trust that both Pope John Paul II and Substitute Re had for Archbishop Cacciavillan, and because he had served eight years as Nuncio in the United States. Archbishop Montalvo, the Nuncio in service, had to that date served less than a year.[519]

In response, Archbishop Cacciavillan, who would soon become a member of the Congregation for Bishops, wrote a memorandum dated 19 November 1999 entitled "Observations on the letter of Cardinal O'Connor to the Apostolic Nuncio in the U.S.A regarding Archbishop McCarrick"[520]

With regard to the first two areas of concern identified in Cardinal O'Connor's letter, Archbishop Cacciavillan observed that while "one speaks of a 'shared bed' between him and 'cousins' or 'neighbors,' 'male visitors' and 'seminarians'," these were acknowledged to be "rumors and accusations" arising in the "years after Bishop McCarrick's nomination (1986) as Archbishop of Newark." Archbishop Cacciavillan also noted that

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[518] 19 *ACTA* 16118.

[519] In an interview, Cardinal Dziwisz, Pope John Paul II's former particular secretary, explained that "[i]t was the Pope's approach to base his decision on the information that he thought was the most accurate and credible and to receive help from his closest collaborators." 16 *ACTA* 13641. Dziwisz stated that Cardinal Cacciavillan "was a very serious and very intelligent person" who was "trusted" by Pope John Paul II, who "knew him from his trip to India" when Cacciavillan was the Nuncio in that country. *Id*.; *see also* 33 *ACTA* 27317 (senior Holy See official stating that "Montalvo had just arrived" in Washington and that "[t]he Pope trusted in Cacciavillan, who was in contact with many American bishops").

[520] 18 *ACTA* 15616-20.*

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Cardinal O'Connor himself had provided an alternative explanation for the sharing of beds based upon McCarrick's family history.[521]

With respect to the third point – regarding the young priest (Priest 2) who was said to have received special attention from McCarrick and who subsequently left the priesthood – Archbishop Cacciavillan stated that the information "does not contain anything wrong in and of itself." [522]

Regarding the fourth area of concern, relating to the allegations previously made by Priest 1, Archbishop Cacciavillan observed that the information in O'Connor's letter "contains nothing new with respect to what had been gathered in 1995." He pointed out that Cardinal O'Connor had "made some inquiries, precisely of the people mentioned in no. 4 of his present letter, and concluded that the Pope could go to Newark." Archbishop Cacciavillan referred to Cardinal Hickey's strong letter of support written to him in April 1994, and noted that "Newark was one of the stops of the Holy Father's visit, and all went very well." He further stated that Cardinal O'Connor seemed unclear as to key information – such as whether it involved one or two priests – and that Cardinal O'Connor himself acknowledged that "he is not completely certain." Archbishop Cacciavillan added: "If I remember correctly, in 1995 the belief was that the priest, psychiatrically disturbed, was not reliable."[523]

As to the fifth point in Cardinal O'Connor's letter, which related to the "preppy murder" case, Archbishop Cacciavillan noted that it "concerns something completely different."[524]

With regard to the sixth point, Archbishop Cacciavillan pointed out that Cardinal O'Connor's letter "explicitly affirms that there has been a complete

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[521] 18 *ACTA* 15617.

[522] 18 *ACTA* 15617.

[523] 18 *ACTA* 15616-17.

[524] 18 *ACTA* 15617-18.

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change and nothing similar has happened in recent times; there might be those amongst the clergy who speak about it ('rumor and gossip')."

Archbishop Cacciavillan also addressed the anonymous letters. He noted that the letters had come to the Nunciature in 1992 and 1993 but that, although he had been in Washington for over five additional years, "nothing else like that came to me." Archbishop Cacciavillan stated that the letters spoke of "pedophilia" and the "sharing of a bed" with "so-called nephews," and thus "concern accusations referred to in pages 1-2 of the Cardinal's letter."[525] He also observed that one letter implied prior misconduct in New York, "but Cardinal O'Connor states . . . that he never heard anything until 1986, when he recommended Msgr. McCarrick for the promotion from Metuchen to Newark."[526]

Archbishop Cacciavillan stated that Cardinal O'Connor's letter referred to "episodes few in number, as well as isolated in time." He emphasized that "at least until now, no victim has come forward to publicly denounce the Archbishop of Newark." He nevertheless indicated that it may be better for McCarrick to be nominated for Washington rather than New York, especially since "McCarrick was not Cardinal O'Connor's candidate for his succession (regardless of moral problems)."[527]

Archbishop Cacciavillan also stated that he disfavored speaking to the potential sources of further information identified in Cardinal O'Connor's letter. He wrote, "Nothing new would be learned, and worse, a 'trial situation' could be created against Msgr. McCarrick, leaving the impression of great concern, which would have the effect of receiving answers in

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[525] The first two pages of Cardinal O'Connor's letter discussed the reports of overnight guests at the Rectory, seminarians at the beach house, the trip to Puerto Rico with Priest 2, and the accusation by Priest 1. 19 *ACTA* 16119-20.

[526] 18 *ACTA* 15618.

[527] 18 *ACTA* 15618-19.

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harmony with the expressed concern, rather than a de-dramatization, whereas a de-dramatization might perhaps be justified."[528]

Finally, Archbishop Cacciavillan noted his agreement with Cardinal O'Connor that it was "possible that Archbishop McCarrick has never been given the opportunity to defend himself against these accusations." Accordingly, Cacciavillan suggested speaking directly with McCarrick, which he described as "a gesture of loyalty that [McCarrick] could appreciate."[529]

On 22 November 1999, Substitute Re responded to Nuncio Montalvo, stating "I have received the confidential report regarding S.E. Msgr. Theodore Edgar McCarrick, Archbishop of Newark. I did not fail to refer [the matter] to the Holy Father, who told me to suggest that Your Excellency verify, when the occasion presents itself, without urgency, whether this involves unfounded accusations. This is for the sake of the truth, regardless of the provision of New York, where – as is well known – this Prelate [McCarrick] is not wanted."[530]

In late November and early December 1999, the Nuncio continued to receive letters from bishops and priests endorsing McCarrick's candidacy for New York, including clerics who had known him since "seminary days." They reported that McCarrick was a "greatly respected churchman" who had "the background necessary for the prestigious See of New York."[531]

Two and one half months later, on 8 February 2000, Cardinal Moreira Neves, Prefect of the Congregation for Bishops, responded to Nuncio Montalvo's 5 November 1999 "strictly confidential Report," informing the Nuncio that "[i]n light of the information already present in the Archives of this Congregation, and of that which is now furnished by the Apostolic Nunciature, and aware that Archbishop McCarrick is already in his

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[528] 18 *ACTA* 15620.

[529] 18 *ACTA* 15620.

[530] 18 *ACTA* 15622.*

[531] 2 *ACTA* 2355-56, 2359-60.

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seventieth year, this Dicastery cannot help but be in agreement *in linea di massima* with the assessment of the Apostolic Nunciature, and therefore would consider it opportune that he not be transferred to another See."[532]

[532] 20 *ACTA* 16530. Later that same month, Archbishop McCarrick was in Rome to attend the fifth meeting of the Council of the Secretariat General for the Special Assembly for America of the Synod of Bishops. 27 *ACTA* 20282-83.

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XIII. NUNCIO MONTALVO'S INVESTIGATION OF ALLEGATIONS AGAINST MCCARRICK (MAY TO JUNE 2000)

Prefect Moreira Neves' letter agreeing that Archbishop McCarrick should no longer be considered for transfer did not suspend the prior instruction from the Holy Father, transmitted through Substitute Re to Nuncio Montalvo, to determine whether the McCarrick case involved "unfounded accusations."[533] In mid-May 2000, just following Cardinal O'Connor's death, Nuncio Montalvo inquired separately of each of the four bishops regarding the information supplied by Cardinal O'Connor in his 28 October 1999 letter: Bishop James T. McHugh (Diocese of Rockville Centre, 1998-2000); Bishop Vincent D. Breen (Diocese of Metuchen, 1997-2000); Bishop Edward T. Hughes (Diocese of Metuchen, 1987-1997); and Bishop John M. Smith (Diocese of Trenton, 1997-2010).[534]

Nuncio Montalvo wrote separate but substantively identical letters to Bishops Breen, Hughes and Smith on 12 May 2000. There is no letter to Bishop McHugh, which suggests that Nuncio Montalvo's similar request to McHugh was made in person or over the telephone.[535]

In his letters to the three bishops, Montalvo wrote:

> I write on a matter of the greatest sensitivity and highest confidentiality in which I am duty bound to ask Your

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[533] 18 *ACTA* 15622.*

[534] 17 *ACTA* 14087-89.

[535] The priest who assisted Montalvo with preparation of the letters recalled that they were sent by "private courier for extra security." Before sending the letters, Archbishop Montalvo telephoned each bishop, "because he wanted them to know the letter was coming and wanted to ensure that the inquiries remained absolutely confidential. The idea was that perfect confidentiality, even of the existence of these special letters, would allow the bishops he contacted to speak with full freedom." According to the priest, "[t]he point of these inquiries was to hear from the bishops who had lived in close contact with, or lived in close quarters with, McCarrick, on the theory that they would be the persons most likely to hear or know something of substance." 16 *ACTA* 13434; 33 *ACTA* 27067.

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> Excellency's assistance, *coram Domino* and solely for the good of the Church.
>
> It concerns the person of the Most Reverend Theodore E. McCarrick, Metropolitan Archbishop of Newark.
>
> For the purposes of assisting the Holy Father in his pastoral solicitude for all the Churches, I hereby ask you to give me in writing, in the strictest observance of the Pontifical Secret, any factual information you have relative to any serious moral weakness shown by Archbishop McCarrick, either in the past or in the present. Such factual information may include direct knowledge of times or places, as well as the names, and if possible, the addresses of persons who might have that knowledge. Every other remark or observation that you consider as just and appropriate in an effort to obtain as objective a clarification as possible of this question will, of course, be appreciated.
>
> Please be sure to sign your response, to send it to me in duplicate, duly marked as confidential, at the above address, and to return this letter without keeping any copy of the documentation.
>
> Confident that Your Excellency will appreciate that this difficult task, both for you and for me, seeks only to serve the Church in truth and justice, I remain [etc.][536]

Each of the four bishops responded in writing to the Nuncio's request.[537] The bishops' letters are set forth below in full.

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[536] 17 *ACTA* 14087-89.

[537] 17 *ACTA* 14082-86, 14090-14102.

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On 12 May 2000 – the same date as Nuncio Montalvo's letter of request to the other bishops – Bishop McHugh sent his five-page handwritten letter in response to the Nuncio's inquiry, which stated:

> I write to provide information regarding Archbishop Theodore McCarrick of Newark, N.J. I have known Archbishop McCarrick for many years and I lived with him in the Cathedral Rectory in Newark from 1986 - 1989, during which time I was Vicar General for the Apostolates and Auxiliary Bishop. I have always had a good personal relationship with Archbishop McCarrick.
>
> I never witnessed any improper behavior on the part of Archbishop McCarrick, but at times his familiarity was imprudent. He would invite young men, some of whom were relatives, to visit and occasionally spend an overnight at the Cathedral. The guest shared his bedroom rather than using a guest room. This was known to priests living in the Cathedral Rectory, but not to anyone outside the Rectory.
>
> Archbishop McCarrick also invited seminarians to overnight visits at a vacation house in Spring Lake, NJ.[538] I was never present but the sleeping arrangements at times involved sharing bedrooms and two sleeping in the same bed. This became more widely known.
>
> At one point before leaving the Archdiocese to go to Camden[539] I told the Archbishop that people were speaking about the overnight visits and that although he did not consider it a matter of great concern, there were those who would misinterpret it and use such information to damage his reputation.

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[538] This is a reference to the Sea Girt property.

[539] Bishop McHugh was transferred to the Diocese of Camden in June 1989.

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Another matter of public knowledge was a letter Archbishop wrote on behalf of a young man accused of murdering a woman in Central Park, New York City. The letter asked for leniency in regard to the custody arrangements prior to any indictment or court action. The man was indicted, tried and convicted and sent to prison. This was widely reported in the press and brought up again in other stories involving Archbishop McCarrick. The letter did not claim the man was innocent but it was perhaps too hasty. It became a matter of record and has been associated with Archbishop McCarrick and unfair to his reputation and good intention at the time.

Cardinal O'Connor once asked me for information, confidentially, in regard to these matters. I provided the same information to Cardinal O'Connor. I also suggested that he speak with Bishop Edward Hughes of Metuchen, successor to Archbishop McCarrick in that diocese. The Cardinal said he had attempted to do so on one occasion but Bishop Hughes was very uncomfortable and not very informative. Cardinal O'Connor did not want to press him.

I would recommend that you might speak to Bishop Hughes and Bishop John Smith of Trenton. Bishop Smith also lived in the Cathedral Rectory and was familiar with the information circulating in the Archdiocese of Newark.

I hope this is useful. As I explained, I will return to the hospital this coming Thursday, May 17, 2000 for some corrective surgery and probably be home after 4-5 days. Please feel free to contact me at any time if I can be of further assistance. Also, keep me in your prayers.[540]

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[540] 17 *ACTA* 14082-86. Bishop McHugh did not mention the incident at the Newark catering hall in January 1990, and indeed affirmatively stated that he had "never witnessed any improper behavior on the part of Archbishop McCarrick." *See* Section IX.D.

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On 16 May 2000, Bishop Breen wrote the following two-page typewritten letter to the Nuncio:

> I have received your letter of May 12, 2000 and I wish to respond to your request. First let me say that I will not "Save" this on any computer since computers save even communications that have been deleted. Therefore I will save this directly to an "A" drive disk. I will also send you two typed copies from the "A" drive. I will send you the "A" drive disk.
>
> I will send two signed copies of this letter to you.
>
> First let me say that when I was a priest in Brooklyn before I was named to Metuchen, I heard often about rumors concerning Archbishop McCarrick. Mostly these rumors were about the Archbishop's dealings with young Seminarians and Priests. They implied that he was involved in illicit activities with these young men. I have no way to know were that true (sic).
>
> In July, 1997 I was named the Bishop of Metuchen. At that time, I heard the rumors in New Jersey. The Archbishop owns a house on the Jersey Shore and the rumors were that he took young Seminarians and Priests with him to the Shore House. Rumors had it that he took turns as to which one would sleep with him in his bed. I must stress these were rumors.
>
> In July, 1997 I was named to the See of Metuchen. At that time my Predecessor - Bishop Edward T. Hughes - told me of these rumors and he said that at one point in time he informed Cardinal O'Connor in a letter about these rumors.[541] Bishop Hughes told me of that since he wanted me to know that he took that action - in case he took ill or die[d]. I have no files that I found of that communication with the Cardinal - though they may have been verbal or confidential. I Suggest (sic) that you

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[541] The letter referred to has not been located.

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contact Bishop Hughes since he is my source for this information.

I hope that this information might be of help to you.[542]

Bishop Hughes responded to the Nuncio in a letter dated 22 May 2000, as follows:

May I first apologize for this handwritten letter. My only access to a computer or typewriter might seriously endanger the privacy and confidentiality of the parties involved.

I have no direct, factual information concerning any moral weakness shown by Archbishop McCarrick, either in the past or in the present. Without any specific inquiries, I believe that the Archbishop's reputation in the Diocese is generally good. I do not really know his reputation in the Archdiocese of Newark. There are only two instances where I have known of any allegations against the Archbishop. Both allegations came from priests who were guilty of their own moral lapses, for which they were suspended from active ministry.

The first, rather vague allegation came from [Priest 6], concerning the time he was an associate at the Cathedral in Metuchen. His allegation of sexual aggression by the Archbishop came during his attempts to explain and justify his own moral failure with a young girl (under 16 at the time, I believe). These comments came during an interview with

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[542] 17 *ACTA* 14090-91. According to the priest who served as Vicar for Administration and then Vicar General under Bishop Breen in Metuchen, Breen was already suffering by May 2000 from what would later be diagnosed as early onset, rapidly progressing Alzheimer's disease. 40 *ACTA* 33603. The priest reported that Bishop Breen, who was in his early 60s, "was having a lot of difficulty by 1999. He had trouble completing sentences and he had to fish for words that would not come to him." *Id.* The condition was more pronounced by 2000 (*id.*), and, by September 2001, Bishop John Smith was appointed Apostolic Administrator of Metuchen. 27 *ACTA* 20338. Bishop Breen died in March 2003, at the age of 66. *Id*. at 20341.

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myself and professional personnel at the [hospital]. Since then, [Priest 6] indicated to me personally that on further reflection, he was neither clear nor sure that the Archbishop had behaved in an immoral or inappropriate fashion. At present, [Priest 6] is still suspended from priestly ministry. His last known address to me is: [redacted] [543]

The second allegation came to me indirectly from [Priest 1], a priest of this Diocese who is currently working in [another Diocese], under the Direction of Bishop [redacted], who has been fully informed of Father's past moral failure. [Priest 1] came to me voluntarily to admit that he had been involved with two young boys (both, I believe, under 16). During Father's seminary days, he had been accused of homosexual activity by another student, but the seminary faculty . . . judged that the other student was at fault and recommended [Priest 1] for ordination. [Redacted]. Early in his priesthood, [Priest 1] reported to the police that he was being "stalked" by a woman who would not leave him alone.

After Father's admission, I suspended him from priestly ministry and ordered him to begin therapeutic treatment at [the hospital]. He was not happy there and eventually left to continue treatment at the [hospital] with various psychiatrists or psychologists, finally coming to Dr. John (sic) Fitzgibbons. During my frequent meetings with [Priest 1], I cannot recall any allegation against Archbishop McCarrick, although there may have been veiled hints which I did not catch.

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[543] Priest 6 was first accused of sexual abuse of a minor in December 1990, after which he underwent a psychological evaluation. Bishop Hughes removed Priest 6 from active ministry in January 1991. In December 1997, two victims alleged that Priest 6 had abused them while they were minors, beginning in the late 1970s. Priest 6 was permanently suspended in 1998 and thereafter not permitted to function as a priest in any manner. He was dismissed from the clerical state in 2019.

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The first time I heard of a direct accusation was in a phone call from Cardinal O'Connor, who had heard from Dr. Fitzgibbons, essentially blaming [Priest 1's] problem on the Archbishop's sexual advances and perhaps sexual acts. I indicated to the Cardinal that I did not know whether the charges were true or not. I also added that I had little confidence in [Priest 1's] ability to present facts objectively since he had a history of blaming others for his own problems.

I was further upset by a letter from Dr. Fitzgibbons to our Personnel Director, in which he seemed to absolve [Priest 1] of any blame, and labeled the two young boys as the aggressors and responsible for any immoral activity. Such a conclusion flies in the face of our country's laws, which would account such behavior on the part of [Priest 1] as statutory rape. The Doctor also criticized harshly [the hospital] as incompetent and perhaps contributing to [Priest 1's] failures.

My own position is that, while I do not know if the charges are true or not, I have no confidence in the soundness of either [Priest 1's] accusations (which he did not make directly to me or to other diocesan officials) or in the conclusion of Dr. Fitzgibbons. I expressed my doubts about both to Cardinal O'Connor and briefly and orally to your immediate predecessor.[544] I do not believe that [Priest 1] deliberately lies, but he has a way of winning people, even some professionals, to believe he is an innocent victim and that is the case of Dr. Fitzgibbons. As to the Doctor, I find it hard to believe that a professional therapist would blame two young boys for a sexual relationship with an adult authority figure.

In conclusion, I have no factual information that would clearly indicate any moral weakness on the part of Archbishop McCarrick. I am troubled by the fact that there were two

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[544] This refers to the former Nuncio, Archbishop Cacciavillan.

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> separate allegations, although one was at least partially withdrawn. My practical judgment is that it would be unwise to consider the Archbishop for any promotion or additional honor, since these charges – whether with or without merit – might again surface. On the other hand, I have no completely reliable information that would suggest any disciplinary actions against the Archbishop, who has done so much for the Church Universal.
>
> Your Excellency will have my sincere and continuing prayers as you seek to serve the Church in truth and justice. If Your Excellency wishes to talk to me personally, I will be available at Your Excellency's convenience.[545]

On 18 May 2000, Bishop Smith provided his response to Nuncio Montalvo's inquiry. Smith's typewritten letter, the longest of the four responses, stated:

> I was saddened and shaken to receive your letter of inquiry regarding "any factual information you may have relative to any serious moral weakness shown by Archbishop McCarrick, either in the past or in the present." I have the greatest respect and admiration for Archbishop McCarrick as a man of deep prayer and spirituality, a tireless worker, an extraordinary intellect, a talented leader, a totally orthodox teacher of the Catholic Faith, an effective speaker, an example of charity and a pastorally sensitive diocesan bishop. It has seemed to me that his capacity for leadership in the Church was limited by his

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[545] 17 *ACTA* 14094-14100; *see also id.* at 14101-02. Despite Nuncio Montalvo's request for "any factual information you may have relative to any serious moral weaknesses shown by Archbishop McCarrick, either in the past or in the present," which included a request for the "names . . . of persons who might have that knowledge," Bishop Hughes' letter nowhere mentioned Priest 3's or Priest 4's direct accusations of sexual misconduct against McCarrick. *See* Sections IX.A and IX.C. Instead, Hughes only identified allegations made by Priest 1 and Priest 6, emphasizing that both of these clerics "were guilty of their own moral lapses, for which they were suspended from active ministry." 17 *ACTA* 14095.

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being the Archbishop of Newark rather than being the diocesan bishop of a more prominent or prestigious see.

I resided at the rectory of Sacred Heart Cathedral Newark, which is also the Archbishop's residence, from November 1985 until July 1991 while I served as Vicar General of the Archdiocese prior to my transfer to the Diocese of Pensacola Tallahassee in Florida. Prior to 1985, I did not know Archbishop McCarrick except by reputation as the previous Bishop of Metuchen, Auxiliary Bishop of New York and Secretary to Cardinal Cook (sic). It was only through working closely with him after his transfer to the Archdiocese of Newark that I got to know him personally. During my years of residency at Sacred Heart Cathedral and as Vicar General of the Archdiocese of Newark or subsequently, I have never heard anyone make a substantiated accusation of immoral behavior against Archbishop McCarrick nor have I any evidence of "serious moral weakness shown by Archbishop McCarrick".

The following information, however, may assist you in clarifying whatever rumors, suspicions or accusations may have provoked your inquiry. Archbishop McCarrick comes from a very small natural family. He is an only child raised by a widowed mother and a maiden aunt. From what I have learned, as a young priest in the Archdiocese of New York he established a very close relationship with three or four ordinary middle class Irish-American families who live [redacted]. He considers them and quite openly refers to them as his "family" even although they are not actually blood relatives. He calls those of his own age his "brothers" and his "sisters" and their children are called his "nieces" and his "nephews". The Archbishop is very close to these families and they are very devoted to him often calling him "Uncle Ted". He visits them, gives them Christmas gifts, delights when they have children for him to baptize or marry, announces joyfully that his "niece" just had her third child etc. He speaks quite openly about these

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families and has taken me to visit them in their [redacted] homes when I was his Vicar General. Their relationship with the Archbishop goes back many years and seems to be mutual, natural and quite healthy. The only thing that seemed odd to me was calling people "family" who were not really blood relatives. The Archbishop, however, has very few blood relatives and perhaps found "'family" in these relationships we would usually call friendships. Some of the priests of the Archdiocese of Newark were aware that the Archbishop was an only child and were probably confused when he would talk about his "brothers and sisters, nieces and nephews".

On occasion some of the college age boys from these families would phone the Archbishop requesting permission to come over from New York to talk with him about personal problems, career opportunities, family news etc. They would often arrive about dinnertime, have supper with us at the rectory table and then go off to the Archbishop's part of the house to talk with him. Because they had to return from Newark to New York on public transit in the dead of night and then go on to [redacted], they would sometimes stay at the rectory over night (sic) and leave to return home after breakfast in the morning. They usually had breakfast with us in the morning at the rectory table. I never saw any indication of their being upset, sullen, confused, angry or disturbed during these breakfasts. My perception was that they had enjoyed visiting someone they knew and loved from the time they were little children whom they called "Uncle Ted" who now happened to be the Archbishop of Newark. I never thought there was anything improper or immoral in these visits. One might question the prudence of such visits in an atmosphere where some priests of the archdiocese were very angry with the Archbishop and the rectory lay help were aware of these overnight guests. In these circumstances damaging stories could be invented and spread by unscrupulous and evil persons that could harm Archbishop McCarrick's good

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reputation. The Archdiocese of Newark may well have some of these evil and unscrupulous persons even among the clergy.

Archbishop McCarrick was always interested in promoting vocations to the priesthood and he wanted to know his seminarians personally before ordaining them for the service of the Church of Newark. The Archdiocese has a house for the use of the Archbishop near the sea in Sea Girt, New Jersey, where the Archbishop would go occasionally for prayer, quiet work, reading and recreation. Sometimes he would invite seminarians to accompany him there for a weekend or a few days during their seminary vacations. To the best of my knowledge, the Archbishop always invited a group of seminarians to join him and never went to Sea Girt with any single individual.

Having been in the Diocese of Pensacola Tallahassee since 1991 and in the Diocese of Trenton from 1996 to the present, I have no more recent information that might assist you in this very sensitive matter. I must say that I would be completely shocked if any individual accused Archbishop McCarrick of immoral behavior or of serious moral weakness. It maybe (sic) that viciously uncharitable and malicious talk has arisen in some clerical circles against the Archbishop's good name using the visits to Sacred Heart Cathedral of the young men mentioned above and the taking of seminarians to Sea Girt. I am sorry to say that there are some priests in the Archdiocese of Newark who would do anything to destroy the Archbishop.

I hope the information contained in this letter is somewhat helpful to you in handling this delicate matter. If I can be of any additional assistance to you I would make myself available at any time.

Please be assured of my prayers for your most important and difficult work as our Apostolic Nuncio. I pray that this matter will be quickly resolved for the good Church and Archbishop

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> McCarrick whom I consider one of the truly great men in the Church of the United States.[546]

There is no record indicating that Nuncio Montalvo contacted any of the four bishops with follow-up questions after receiving the letters.[547]

On 21 June 2000, Nuncio Montalvo carried out his "weighty duty" to respond to Archbishop Re's 22 November 1999 confidential letter, "by which the Holy Father had suggested that I verify whether the accusations of a moral nature raised at the time against His Excellency Msgr. Theodore E. McCarrick, Archbishop of Newark, and referred to me by the dearly departed Eminence Cardinal John O'Connor, were without foundation."[548]

The communication was likely directed to Substitute Re not only because Montalvo had received the inquiry indicated by Pope John Paul II through Re, but also because Cardinal Moreira Neves, the Prefect of the Congregation for Bishops, was unwell and had already informed Pope John Paul II that it was becoming increasingly difficult for him to carry out his official duties. Notably, Archbishop Re was soon to be appointed Prefect for the Congregation for Bishops, which occurred on 16 September 2000.

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[546] 17 *ACTA* 14092-93. Like Bishop McHugh, Bishop Smith did not discuss the incident at the Newark catering hall in January 1990. *See* Section IX.D.

[547] During this period, the Nunciature received telephone calls from several anonymous men who stated that McCarrick's promotion would lead to scandal given what the callers believed was McCarrick's prior misconduct with adults. Each of these telephone calls was transferred to the priest whom Archbishop Montalvo had chosen to work with him on the McCarrick question. The priest recalled having received perhaps six phone calls in all, but two specifically. As to the two, the priest requested additional identifying information from the callers to permit the Nunciature to follow up on the allegations, but both callers declined either to provide further information over the telephone or to come to the Nunciature to make out a written signed statement. Following the callers' declinations to provide additional information, the priest referred the matter to Archbishop Montalvo, who told the priest that if the callers refused to provide any specific information, nothing more could be done. 16 *ACTA* 13438-39.

[548] 20 *ACTA* 16534-48.

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Nuncio Montalvo first noted that, given the stated "non-urgency of the task," he had waited until Cardinal O'Connor's successor was appointed in New York "prior to undertaking a limited confidential investigation regarding the whole question."[549]

Montalvo wrote that he had requested information from four bishops, but had "preferred, at least for the moment" not to speak with Monsignor Cassidy and Attorney Durkin – the two prospective informants named by Cardinal O'Connor – "because doing so would seem to me to overstep the limits of legitimate confidentiality to which Archbishop McCarrick is entitled." That said, Nuncio Montalvo also assured Re that he was prepared to undertake further investigation, including speaking with Cassidy and Durkin, with Priest 1, and/or with Fitzgibbons.[550]

Nuncio Montalvo viewed the evidence with regard to sexual misconduct as "uncertain" overall, noting that "no informant provides certain and direct information in this sense, that is to say that, according to what was stated by these bishops, [such information] does not exist, or they are not able to offer, or they do not want to provide, any direct and unambiguous proof of the objective truth of the accusations against Archbishop McCarrick."[551]

Montalvo set forth Cardinal O'Connor's report of "men" not related to McCarrick having slept overnight in McCarrick's room at the Metuchen Rectory. But he also recapitulated Bishop Smith's psychological explanation that "McCarrick, who grew up as the only child of a widowed mother, had, and still has, the habit of using kinship terms to refer to some families, and to some other single person, to whom he feels very close and from whom he lets himself be called 'Uncle Ted'." Montalvo added that Archbishop McCarrick had permitted "young people" to spend the night at the Rectory in Newark but that Bishop Smith, who had witnessed the guests the following morning, stated that "they never showed signs of illness (sadness, confusion, anger, etc.) that could be associated with illicit behavior."

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[549] 20 *ACTA* 16534.

[550] 20 *ACTA* 16535.

[551] 20 *ACTA* 16536.

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Regarding the anonymous letters, Montalvo stated, "By itself, this type of complaint is not at all reliable; on the other hand, in the context of the whole of the above, it does not seem entirely irrelevant."[552]

With respect to the supplemental information received through the responses of the bishops to his inquiries, Nuncio Montalvo determined:

> First of all, it seems clear that, based on the above, there is no evidence, in the legal and technical sense of the word, to be able to state with absolute certainty that the accusations against Archbishop McCarrick are true.
>
> On the other hand, there are a number of indications (circumstantial facts, accusations of different origin and gravity, opinions of bishops and professionals, persistence of rumors and a clear lack of prudence on the part of Archbishop McCarrick) that, as a whole, would seem to raise a reasonable doubt about the moral maturity of Archbishop McCarrick, at least during a certain period of time difficult to specify.
>
> In other words, according to the information at hand, the accusations against the prelate are neither definitively proven nor completely groundless.[553]

In reaching his conclusions, Montalvo viewed the information provided by Bishop Hughes and Bishop McHugh as "the most reliable" due to their "impartiality and consistency," and observed that Hughes, in particular, had articulated a "prudent and comprehensive position" in his letter.[554]

Based upon this assessment, Nuncio Montalvo, while noting that Bishop Hughes could now be identified as one of O'Connor's "*absolutely impeccable authorities*" (and therefore not an independent source of

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[552] 20 *ACTA* 16537-43. Unlike the anonymous letters, none of the four bishops suggested that Archbishop McCarrick had ever been sexually involved with a minor.

[553] 20 *ACTA* 16546.

[554] 20 *ACTA* 16546-47.

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information), and while acknowledging that McCarrick had not yet had the opportunity to address the allegations, reached a conclusion similar to that of both Cardinal O'Connor and Bishop Hughes, namely that "it would be imprudent to consider Archbishop McCarrick for more important responsibilities in the Church."[555]

[555] 20 *ACTA* 16547.

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XIV. EPISCOPAL ENDORSEMENTS FOR MCCARRICK'S TRANSFER TO WASHINGTON (MAY TO JULY 2000)

Both before and after submitting his report to Substitute Re, the Nuncio continued to receive endorsements for McCarrick's appointment for Washington.

On 25 May 2000, Bishop Joseph Fiorenza, the President of the NCCB, wrote to Nuncio Montalvo regarding McCarrick's appointment to Washington. Bishop Fiorenza praised McCarrick's intelligence and experience, and he stated that McCarrick seemed to be "a perfect fit to the diplomatic corps in Washington."[556] He noted that McCarrick had been the chairman of the USCC Committee on International Policy and that he "was the best leader this committee has had in my experience."[557] Bishop Fiorenza strongly endorsed McCarrick for appointment to the Washington See:

> Above all, he is a good pastor. He is very zealous and has a tremendous love for the Church. He is completely loyal to the magisterium and fully devoted to the Holy Father. He is understanding and compassionate with priests and a strong supporter of the talents and involvement of lay people in Church ministry. It is well known that he has raised many millions of dollars for the Papal Foundation and other programs of the Holy See. The only negative factor of his candidacy for Washington is his age, but today people are living longer and have more energy in their seventies than was true of the recent past. I hope Archbishop McCarrick will be given serious consideration as the Archbishop of Washington.

Shortly thereafter, the Nuncio received a letter from Prefect of the Papal Household Archbishop James Michael Harvey, who likewise endorsed McCarrick for Washington. Archbishop Harvey stated that McCarrick had

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[556] 2 *ACTA* 2907-08.

[557] McCarrick and Bishop Fiorenza had both been members of a high-level delegation to Vietnam in August 1999, the first official visit by U.S. bishops since the United States and Vietnam re-established diplomatic relations. 13 *ACTA* 12822.

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"proven administrative skills," a "great pastoral interest in questions of social justice and world peace," and the background necessary "to deal with the urban dimension of Washington, D.C."[558]

On 21 June 2000, Adam Cardinal Maida of Detroit wrote to Nuncio Montalvo, describing McCarrick as "a man of wide experience, great prudence, unquestioning love of the Holy Father and is extremely loyal to the Magisterium." He stated that McCarrick felt "very much at home in governmental circles and he is a proven leader," and that it "would seem that Washington, D.C., would be a very natural place for him at this time in his life."[559]

Bishop George Murry of Saint Thomas strongly endorsed McCarrick's candidacy on 3 July 2000, stating that he was "a man of tremendous energy utilized in the service of the Church," an "extremely competent administrator," an "excellent judge of character," and "an effective fundraiser and courageous spokesmen for justice." Bishop Murry concluded that "[i]n terms of promoting the mission of the Church, Archbishop McCarrick sets an example for us all."[560]

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[558] 2 *ACTA* 2860.

[559] 2 *ACTA* 2812.

[560] 2 *ACTA* 2866. The record does not disclose any evidence indicating that Bishop Fiorenza, Archbishop Harvey, Cardinal Maida or Bishop Murry were aware of any rumors or allegations relating to McCarrick.

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XV. POPE JOHN PAUL II'S INITIAL DECISION AGAINST THE TRANSFER OF MCCARRICK TO WASHINGTON (JULY 2000)

After receiving Nuncio Montalvo's report, Substitute Re asked former Nuncio Cacciavillan, now President of APSA and member of the Congregation for Bishops, to review the record related to McCarrick, including the October 1999 O'Connor letter and the letters received from the four bishops.[561]

In his 3 July 2000 memorandum responding to the Substitute's request, Archbishop Cacciavillan began by observing that Nuncio Montalvo had "perhaps" previously allowed himself to be "a bit overly impressed" by Cardinal O'Connor's letter when he first reviewed it but that Montalvo was now "evaluating [it] critically."[562] Cacciavillan noted that the "four new testimonies of Bishops are on the whole less against Archbishop McCarrick than was that of Card. O'Connor." He wrote that while Bishop McHugh had offered Bishop Hughes and Bishop Smith as potential sources, it was "interesting to note that the answers of the three are quite different." He stated that Bishop McHugh had mentioned the sharing of rooms and beds with young men, but that Bishop Smith, who lived with McCarrick in the Cathedral Rectory in Newark during the same period and was able to observe the demeanor of McCarrick's overnight guests, had seen nothing amiss. Cacciavillan also drew attention to the fact that Bishop Hughes had not found Priest 1 credible, that Priest 6 had "at least partially withdrawn" his allegation, and that "Bishop Hughes' statement is therefore in favor of Monsignor McCarrick for those two cases."

Archbishop Cacciavillan nonetheless acknowledged the possibility that the allegations might resurface, stating that "a promotion (cardinalate) could be just the moment for somebody and for certain media [outlets] to cause such more or less scandalous news to resurface, whether or not well-founded." Archbishop Cacciavillan also noted that "it is in [Archbishop McCarrick's]

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[561] 19 *ACTA* 16161-64.

[562] 19 *ACTA* 16161-64.

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favor the fact that he has expressed himself, as far as I know, twice, once publicly" regarding allegations against him:

> I- in one of his articles in Newark's Catholic newspaper, on the occasion of a young man's well-publicized accusation against Card. Bernardin, subsequently withdrawn, Monsignor McCarrick wrote, among other things, that he fully understood the cardinal's suffering because he had experienced it himself;[563]
>
> II- Monsignor McCarrick replied on 21 November 1992 to Cardinal O'Connor, who had sent [McCarrick] a copy of an anonymous [sic, letter]: "Thank you ... You might want to know that I have shared [the letter] with some of our friends in the FBI to see if we can find out who is writing it. I am afraid he is a sick person and someone who has a lot of hate in his heart. The Lord has told us that these are the ways that shape us to the suffering of His Son, and I suppose I should be happy for this."[564]

On 4 July 2000, Archbishop Re wrote a one-page memorandum focusing on the results of the further examination of the "accusations" against McCarrick "regarding the period that he was Bishop of Metuchen."[565] After listing the four bishops who had provided the supplemental information to Nuncio Montalvo, Re summarized the results as follows:

> l) It does not appear that the "rumors and allegations" are well-founded. For example, Msgr. Hughes (Bishop emeritus of Metuchen) writes: "I have no factual information that would

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[563] Cardinal Cacciavillan's reference to an article by McCarrick "in the Catholic newspaper of Newark" sometime after the retracted accusation against Cardinal Bernardin in early 1994 strongly suggests that McCarrick had written about the anonymous accusation in the mid-1990s, most likely in the newspaper of the Archdiocese of Newark (*The Catholic Advocate*). However, the article referred to by Cardinal Cacciavillan was not located prior to the issuance of this Report.

[564] 19 *ACTA* 16161-64.

[565] 19 *ACTA* 16165.

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> clearly indicate any moral weakness on the part of Archbishop McCarrick." The others also agree substantially as to this position.
>
> 2) However, it would not be wise to promote Msgr. McCarrick to a See more important than the current one, because the accusations against him, even if unfounded, could surface again.
>
> This is also my personal conviction. It is not convenient to run the risk of raising again forgotten accusations that now belong to the past by promoting Msgr. McCarrick. It would serve neither him nor the Church well. Better to consider other candidates for Washington and not to run this risk.

The Substitute provided the memorandum to Pope John Paul II, who marked the paragraph of the memo setting forth Archbishop Re's "personal conviction" and, below Re's signature, wrote in his own hand "*in voto* JPII 8.VII.2000"[566]

On 10 July, Archbishop Re wrote a follow up letter, marked "Confidential," to inform Archbishop Montalvo of Pope John Paul II's decision.[567] The letter restated the portion of Re's memo that the Pope had marked:

> I wish to assure you that I have referred [the matter] to the Holy Father, who is inclined to believe that the "rumors and allegations" have no real foundation, given the great priestly and ecclesial spirit of the Most Excellent Prelate [McCarrick].
>
> Nevertheless, His Holiness is in agreement that it is not appropriate to run the risk of these accusations resurfacing by promoting Msgr. McCarrick to a more important See, even if they do lack foundation.

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[566] 19 *ACTA* 16165.

[567] 20 *ACTA* 16580.

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Archbishop Re concluded his letter by stating that “It is best, therefore, to consider other candidates for Washington.”

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XVI. McCarrick's Letter to Bishop Dziwisz and Pope John Paul II's Decision to Transfer McCarrick to Washington (August to November 2000)

On 6 August 2000, Archbishop McCarrick wrote a three-page letter to Bishop Stanisław Dziwisz, particular secretary to Pope John Paul II, addressing Cardinal O'Connor's allegations against him.[568] In McCarrick's hand on the letterhead of the Office of the Archbishop of Newark, the letter stated:

> August 6, 2000
>
> Feast of the Transfiguration
>
> Bishop Stanisław Dziwisz
> Apostolic Palace
> Vatican City
>
> Your Excellency,
>
> A few months ago I wrote you when certain friends of mine seemed to be promoting my transfer to a more prestigious See.[569] At that time I wrote to assure you that I am very peaceful to stay where I am or to do whatever the Holy Father would ask.
>
> Today I write because of the confidence and trust I have in you and in your love for the Church and for our Pope. I have heard that, before his death, Cardinal O'Connor wrote to the Holy Father a letter which deeply attacked my life as a bishop, a priest and even as a man. If this is true then it is a very grave accusation and leaves me bewildered.

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[568] 19 *Acta* 16167-69.

[569] No copy of any prior letter from McCarrick to Bishop Dziwisz in 2000 was found during the Secretariat of State's examination.

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I know that the Cardinal did not want me as his successor although on four occasions in the last eight or ten years he asked me if I would be open to serving as Coadjutor Archbishop of New York. I replied, as always, that I would do whatever the Holy Father asked of me. Never, in all his years of service in New York, did Cardinal O'Connor ever approach me with criticisms or accusations such as apparently are contained in his letter to his Holiness.

Your Excellency, sure I have made mistakes and may have sometimes lacked in prudence, but 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.

Some years ago, a series of anonymous letters accusing me of improper conduct were sent to the Cardinals in the United States. I immediately shared them with the Apostolic Nuncio and brought them openly to the attention of our Archdiocese Presbyteral Council – so anxious I was to be as open to my priests as possible. I know that I wrote to Cardinal O'Connor at that time to assure him that the accusations were false.

I had thought not to write you about this terrible complaint and to leave the matter in the Hands of God Who is the Judge of all things. However, I discussed it fully with my Confessor and he advised me at least to contact you, whom I regard as a good friend and brother. In case Cardinal O'Connor's criticism of me involves others, it is good that I write lest the reputation of anyone else be damaged unjustly.

On the other hand, if His Holiness were to have lost confidence in me as a bishop, I would willingly resign my diocese and accept whatever ministry he would assign me. I know the regard the Holy Father has for me -- and I have great love for him. The most hurtful part of the matter for me is that it would sadden the Holy Father and let him feel that I had let him down.

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> Now that I have had my chance to write to you, I will let the Lord do what He will and I will be at peace. Thank you for being someone to whom I can write and to whom I can honestly say that, if I understand the accusations that Cardinal O'Connor may have made, they are not true.
>
> Please pray for me. This is a trying moment in my life. May the Lord use this present cross to make me a better priest.
>
> With gratitude for your patience in reading this letter[.]
>
> Fraternally
>
> +Theodore McCarrick

There are no known records indicating how Archbishop McCarrick discovered that Cardinal O'Connor had sent a letter about him. However, in an interview, McCarrick stated, "I found out that he had written to the Holy Father. I had friends in the Curia and one of them tipped me off about it, but I don't remember who. I never saw the letter that O'Connor had written, but I knew he had written it and that it was some kind of criticism of me for the seminarian thing. The sharing of beds."[570]

McCarrick's letter to Bishop Dziwisz arrived while Pope John Paul II, Dziwisz and Bishop James Harvey, then Prefect of the Papal Household, were staying at the papal residence at Castel Gandolfo, where they had been since 23 July 2000.[571] In an interview, Cardinal Harvey recalled that Dziwisz

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[570] 33 *ACTA* 27286.

[571] It is unknown how the letter reached Bishop Dziwisz. The handwritten envelope preserved with the letter, which is marked "PERSONAL AND CONFIDENTIAL PLEASE" (17 *ACTA* 14266), does not bear a post-mark, and there is no indication that the letter was sent through diplomatic channels. However, McCarrick was in Rome during the week following 6 August 2000 for the catechesis preceding the 2000 World Youth Day event. Specifically, it appears that McCarrick arrived in Rome from Lisbon on 15 August 2000, and then left Rome for Addis Ababa on 19 August 2000. 22 *ACTA* 17059. This strongly suggests that the letter was hand-delivered.

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handed him a copy of McCarrick's handwritten letter.[572] Harvey stated that Dziwisz "wanted a translation. For the Pope. This was by total exception. I was never asked to do it before. But on this occasion, I was."[573] In a separate interview, Archbishop Harvey's secretary at the time recalled that Harvey dictated to him McCarrick's handwritten letter while they were both at Castel Gandolfo. The secretary stated that he typed the letter as Archbishop Harvey dictated it, and then handed the typewritten English version to the Archbishop.[574] Cardinal Harvey recalled that he translated the letter into Italian on his old typewriter and returned the original and the translation to Dziwisz to provide to the Holy Father.[575] Harvey had no further involvement thereafter.[576]

In a separate interview, Cardinal Dziwisz stated that he "handed [the letter from McCarrick] directly to the Pope."[577] Dziwisz also stated that he never

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[572] 16 *ACTA* 13541.

[573] 16 *ACTA* 13542. While Cardinal Harvey recalled that the letter was addressed to Pope John Paul II rather than Bishop Dziwisz, he did not exclude the possibility that he was mistaken in this respect. *Id.* at 13541-42, 13544. Harvey also stated that he had never previously known anything about allegations made against McCarrick and noted that "obviously I would not have recommended him [in June 2000] if I had known about his behavior." *Id.* at 13539, 13543-47. In an interview, Cardinal Re explained that only a limited number of senior Holy See officials were aware of the information received regarding possible misconduct by McCarrick during this period, namely Pope John Paul II, Cardinal Sodano, Cardinal Re, Archbishop Cacciavillan, Bishop Dziwisz, Archbishop Monterisi, and Archbishop Montalvo. 16 *ACTA* 13512.

[574] 40 *ACTA* 33542-44; *see also* 33 *ACTA* 27068 ("All I can say is that my job was to type something and type it accurately. My vague recollection was that it was being prepared so the Pope could study it. But I don't know for sure. My only memory of the contents of the letter is that it was like reading a denial of something where I didn't know anything about the underlying accusations and the letter itself didn't give any specifics").

[575] 16 *ACTA* 13541-42.

[576] 16 *ACTA* 13542.

[577] 16 *ACTA* 13638.

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discussed the letter with the Holy Father and that he recalled Pope John Paul II giving the letter "directly to Monsignor Re."[578]

Pope John Paul II became "convinced of the truth" of McCarrick's denial contained in the letter to Bishop Dziwisz,[579] a fact that Cardinal Re noted in subsequent correspondence in late 2005 and recalled in interviews conducted in 2019 and 2020.[580]

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[578] 16 *ACTA* 13638-39. The priest who assisted Archbishop Montalvo with the Washington *provvista* recalled in an interview that sometime after the Nuncio's *votum* reached Rome, the Nuncio received a confidential letter from Bishop Dziwisz that attached a typewritten letter with contents similar, if not identical, to the 6 August 2000 handwritten letter from McCarrick to Dziwisz. The priest recalled certain unmistakable specifics regarding the McCarrick letter, including having held the letter in his hand and having felt the physical imprint on the paper left by an old-fashioned manual typewriter. Without prompting by the interviewer, the priest also recalled the phraseology of the letter and its essential points. He further remembered a confidential cover letter from Bishop Dziwisz which, according to its contents, was written on instruction from Pope John Paul II. *Id.* at 13441.

After examining the letter, the priest told the Nuncio that he thought that McCarrick's denial of sexual activity appeared purposefully evasive because McCarrick had denied only "sexual relations" but had not denied engaging in *any* sexual activity. The priest reported that Montalvo grumbled his displeasure at the situation and at that point the priest handed the letter back to the Nuncio. 33 *ACTA* 27068.

According to the priest, Bishop Dziwisz's cover letter requested that Nuncio Montalvo remove Dziwisz's name from the typewritten McCarrick correspondence and that he place only the remaining portion of the letter in the Nunciature file. 16 *ACTA* 13442. The Nuncio never told the priest what he did with either Bishop Dziwisz's cover letter or the attached typewritten version of McCarrick's letter. *Id.* at 13443. No such documents were found during the review of the Nunciature files. *Id.* at 13442.

[579] 20 *ACTA* 16607.

[580] Cardinal Re Interview, 16 *ACTA* 13511. Several prelates familiar with Pope John Paul II's thinking opined that the Pope believed that allegations of sexual misconduct against important clerics were often false and that this belief was grounded in his own prior experience in Poland, where rumors and innuendo had been used to damage the reputations of Church leaders. *See*, *e.g.*, Cardinal Ouellet Interview, 16 *ACTA* 13458 (stating that "the Pope, coming from an ex-communist country, with the procedures of the secret services denouncing priests to weaken the Church….trying to undermine people's reputations, this left a very strong impression on him."); Cardinal Dziwisz Interview, 16 *ACTA* 13638-39 (stating that "anonymous letters have no value" and that

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In early September 2000, Cardinal Sodano traveled to New York to deliver a speech on behalf of Pope John Paul II at the United Nations Millennium Summit.[581] While in New York, Cardinal Sodano met briefly with Archbishop McCarrick and informed him that the Pope had read both Cardinal O'Connor's October 1999 letter and Archbishop McCarrick's August 2000 letter. Cardinal Sodano reported to McCarrick that the Holy Father had told him before his departure for New York, "'Tell McCarrick that I believe what he said and I am still a friend.'"[582] Sodano did not mention anything about a prospective transfer to Washington.

Upon his return from New York, Cardinal Sodano, already aware that Pope John Paul II wished Archbishop McCarrick to be included in the Washington *terna*, was received at his regular weekly audience by Pope John Paul II on 11 September 2000. At the audience, Pope John Paul II "imparted to [Sodano]" certain "venerated instructions" regarding Archbishop McCarrick's candidacy for Washington.[583] Cardinal Sodano memorialized these instructions in a handwritten letter to John Paul II that he provided to

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Pope John Paul II "knew that there were some persons at times who made accusations intended to damage the Church"); Cardinal Sandri Interview, 40 *ACTA* 33883 (stating that Pope John Paul II "feared that accusations against bishops were the best way to attack the credibility of the Church" and recalling that the Pope would say, "'Attacking the bishop attacks the flock.'"); *see also* 16 *ACTA* 13445. Cardinal Harvey noted that McCarrick had a long and apparently positive track record by the time that the allegations were first made, and that "the persons evaluating this were highly conditioned by the type of behavior that they experienced under a communist regime. These attacks on important Church figures was a typical behavior . . . If they hate you they will accuse you of going with women. If they despise you they will accuse you of going with men. So this would have been read as a typical kind of accusation that is designed to harm the Church by tearing down the reputations of its bishops." 16 *ACTA* 13534; *see also*, *e.g.*, G. Weigel, *The End and the Beginning: Pope John Paul II – The Victory of Freedom, the Last Years, the Legacy* (2010), at 152-53 (describing the Polish secret police's attempt to manufacture a false scandal with respect to Pope John Paul II in 1983); *see also id.* at 59, 90 (describing some of Pope John Paul II's other experiences with the Polish secret police's attempts to foster divisions and spread disinformation within the Church).

[581] 13 *ACTA* 12852; 33 *ACTA* 27008.

[582] 16 *ACTA* 13580.

[583] 18 *ACTA* 15630.*

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the Pope for review sometime between 11 September and 14 September.[584] Sodano's letter attached a draft letter that he had prepared to send, if the Pope approved, to Cardinal Moreira Neves, instructing the Congregation for Bishops to re-examine McCarrick's candidacy. Cardinal Sodano wrote to the Holy Father in his own hand, as follows:

> Most Blessed Father,
>
> Attached hereto is a draft letter that I would send to the Congregation for Bishops about the provision for Washington (U.S.A.), with a request that they also examine the candidacy of S.E. Msgr. McCarrick, Archbishop of Newark (a candidacy not considered by the Apostolic Nunciature in its formulation of the *terna*). Hoping to have faithfully interpreted the venerated instructions imparted to me at the Audience of Monday 11 c.m [of this month],
>
> With the deepest respect towards Your Holiness, I remain
>
> most devoted and most obliged,
>
> + Angelo Card. Sodano
>
> Post Scriptum-
>
> Obviously, I would change certain expressions in the letter, mitigating it or reinforcing it, as Your Holiness desires. Even with the change of the Prefect [of the Congregation for Bishops], the letter will retain its validity.[585]

On 14 September, Pope John Paul II initialed and dated his approval of the draft letter in the left margin and returned to his Secretary of State both the cover letter and the attached draft letter.[586] On the same date, Cardinal

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[584] 18 *ACTA* 15630.

[585] 18 *ACTA* 15630.*

[586] 18 *ACTA* 15630.

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Sodano sent the letter approved by the Pope to Cardinal Moreira Neves.[587] Cardinal Sodano's letter to Cardinal Moreira Neves stated:

> The Apostolic Nuncio to the United States of America has transmitted [to the Secretariat of State] a copy of the Dispatch sent to your Congregation, regarding the provision of the Archdiocese of Washington.
>
> Informed in this regard, the Holy Father has entrusted me to communicate to You the following:
>
> l) the file related to the provision [for the Washington See] is to be studied by your Dicastery as soon as possible and is thereafter to be referred directly to His Holiness, without need to submit the various proposals to the Congregation's Plenary Session for examination;
>
> 2) in examining the various candidatures, keep in mind that of the well-deserving Archbishop of Newark, S.E. Rev. Msgr. Theodore Edgar McCarrick, reporting back in this regard to the Holy Father, as soon as possible.[588]

On 16 September 2000, the Pope appointed Archbishop Re Prefect of the Congregation for Bishops.

On 20 September 2000, Archbishop Francesco Monterisi, the Secretary of the Congregation for Bishops, forwarded Archbishop McCarrick's August letter to Bishop Dziwisz, together with Cardinal O'Connor's letter and Nuncio Montalvo's report, to Archbishop Cacciavillan. In his cover letter enclosing the documents, Archbishop Monterisi wrote:

> In his Report, Nuncio [Montalvo] excluded the candidature of Archbishop Theodore McCarrick of Newark from consideration, based on an evaluation of confidential

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[587] 18 *ACTA* 15631.*

[588] 20 *ACTA* 16581.

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> information which had been presented to the Holy See (cfr. enclosed letter of Cardinal John O'Connor), and a further supplement conducted by the Apostolic Nuncio (enclosed). Archbishop McCarrick, who evidently became aware of this information, subsequently wrote to the Holy See (enclosed). Based on this, it was decided to include Archbishop McCarrick as a candidate for the Provision of Washington.
>
> I would ask you to express *in conscientia et coram Deo* your authoritative *votum* in regard to this Provision.[589]

On 22 September 2000, the normally required *nulla osta* from the Congregation for the Doctrine of the Faith (CDF) was waived for the Washington appointment.[590] Cardinal Re later explained that the standard practice of obtaining a *nulla osta* in writing was considered unnecessary in this case because Re had already requested that CDF Secretary Archbishop Tarcisio Bertone examine the Congregation's files with respect to McCarrick. As Cardinal Re explained, Archbishop Bertone reported back to

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[589] 19 *ACTA* 16171.

[590] 19 *ACTA* 16173. That week, an official of the Congregation for Bishops had prepared the request for a *nulla osta* from CDF for each of the candidates for Washington, "as is the practice of the Congregation, whenever Bishops appear on a *terna*." But the official was instructed that, on this one occasion, it would be unnecessary to send the request to CDF: "That afternoon, the drafts were returned to me, signed in red ink by the Secretary, who had written in pencil on the top of the drafts 'Non Spedire' ['Do Not Send']." According to the official, "it was the first time since working in the Congregation that we would not ask for the 'nulla osta', particularly if the bishop candidates were to be presented directly in Audience to the Holy Father." *Id.* In an interview, the official recalled that he considered not requesting a *nulla osta* from CDF had been "irregular" and stated that he could not remember "any other time when [the practice] was deviated from." 40 *ACTA* 33656. On the other hand, the official also acknowledged that "as *minutanti*, we are not privy to everything, especially in special cases. So, it is quite possible that the formal request was held in abeyance, but that the question had already been looked at and I was simply unaware of it." 33 *ACTA* 27069.

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Re that there was nothing in the CDF files that militated against McCarrick's transfer to Washington.[591]

On 25 September 2000, Archbishop Cacciavillan wrote an "opinion" memorandum to the Congregation for Bishops entitled "Candidacy of Archbishop Theodore McCarrick for the Washington See."[592] In the memorandum, Cacciavillan referred to the two prior memoranda he had prepared "at the request of Monsignor Substitute [Re]." The content of these notes, he said, were written "substantially in defense of Archbishop McCarrick: based on a careful examination of the documents, and also thanks to my knowledge from the time when I was Papal Representative in Washington (1990-98)."

After summarizing Archbishop McCarrick's August letter, Cacciavillan noted that McCarrick had received the support of Archbishop Joseph Fiorenza of Galveston-Houston (President of the NCCB from 1998 to 2001), Cardinal Maida of Detroit (1990 to 2009), Bishop James Harvey (Prefect of the Papal Household, 1998 to 2012), and Bishop George V. Murry (Bishop of Saint Thomas in the Virgin Islands, 1999 to 2007). He wrote, "The four bishops, all authoritative, offer an excellent presentation of Archbishop McCarrick in many respects."

Archbishop Cacciavillan recapitulated the main allegations set forth in Cardinal O'Connor's 28 October 1999 letter and then directly quoted, in Italian translation, large portions of Archbishop McCarrick's 6 August letter in which he had defended himself. The translated portions of McCarrick's August letter called attention to McCarrick's conviction that Cardinal O'Connor had "not wanted" him appointed to New York; to Archbishop McCarrick's insistence that O'Connor had not informed him of the allegations; and to McCarrick's categorical statement that while he had "certainly committed errors" and "at times lacked prudence," nevertheless "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." Archbishop Cacciavillan

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[591] 16 *ACTA* 13880.

[592] 19 *ACTA* 16174-77.*

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also repeated McCarrick's insistence that he had always been open about such things, and in particular that he had corresponded with O'Connor on the issue, as well as informing his presbyteral council and Nuncio Cacciavillan himself.

After acknowledging the merits of the other candidates, Archbishop Cacciavillan concluded that McCarrick was the best choice for Washington:

> Archbishop McCarrick is a figure of great prominence in the heart of the Episcopal Conference. Known nationally and internationally.
>
> He has an extraordinary ability to work and many skills, a ready and lively intelligence, good academic preparation and doctrinal orthodoxy, nice personality, communicative, solid priestly spirit and great experience and pastoral zeal. He is extremely generous in offering himself, his time and his energies for any good cause. [He is] extremely active in the "Papal Foundation". He clearly distinguishes himself by his love of the Pope and by his loyalty to the Holy See. His age is still good for Washington. In fact, he maintains himself youthful, in possession of not little energy.
>
> Much more could be said of this talented, good and worthy Pastor. Washington seems now the right place for him. Smaller than Newark in various respects (therefore more convenient for one who is "older", if the dynamic Archbishop McCarrick will accept slowing down), a particularly prestigious see coinciding with the Federal Capital, and a cardinatial [See], if the Holy Father wants to maintain it [as such].[593]

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[593] At the time, Pope John Paul II was known to take into consideration whether candidates for the Archbishopric of Washington had strong political skills and would be friendly with the White House, since relations between the United States and the Holy See had frayed during the Clinton Administration, especially following the International Conference on Population and Development in Cairo, Egypt, in September 1994. In an interview, Cardinal Dziwisz specifically recalled that Pope John Paul II believed that it

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In a second memorandum of the same date, Archbishop Cacciavillan addressed issues relating to possible future negative publicity and scandal. He stated that "It seems to me that *1)* one should not fear the appearance or reappearance of news in the press, and *2)* that, if certain things were to be spoken of or came up again in some newspaper or elsewhere, they would not necessarily appear to be serious and/or credible; therefore one would not have to accord them any great weight, or even any importance."[594] In manuscript, Cacciavillan added, "And, should it occur, the bishop [McCarrick] will be able to defend himself." Cacciavillan also recalled that when certain revelations in a book had visited scandal upon the Vatican, "the best thing had been to not lend it importance." In support of his views, the former Nuncio cited Pope John Paul II's letter in 1993[595] and his homily on the 8th World Youth Day in Denver on 14 August 1993. Archbishop Cacciavillan wrote:

> When several years ago in the U.S. (I was at that time Nuncio in Washington) there was an explosion of pedophilia cases blamed on priests, many of them taken to court, the Holy Father sent an excellent letter to the American Bishops, including his critique of the media; and his unforgettable, quite spirited, finger-pointing at the media in the stadium holding Denver's great Vietnamese community.

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would be "useful to nominate McCarrick to Washington because he has a good relationship with the White House." 16 *ACTA* 13639-40.

[594] 19 *ACTA* 16178.*

[595] On 11 June 1993, Pope John Paul II published his letter to the bishops of the United States regarding scandals arising from child sexual abuse. Pope John Paul II stated, "I fully share your sorrow and your concern, especially your concern for the victims so seriously hurt by these misdeeds." The Pope also warned about the sensationalism surrounding such "misdeeds," which he said was by itself "always dangerous for morality." *Letter of His Holiness Pope John Paul to the Bishops of the United States of America* (11 June 1993), 27 *ACTA* 20007-09.

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> In the present case as well one could/should seriously consider the possibility that it would not be convenient to be overly fearful of the media.

In early October 2000, Archbishop McCarrick traveled to Rome, where he was received in audience with Pope John Paul II and Bishop Dziwisz on 7 October.[596] No record was located of what was said during this audience.

In the *terna* for Washington dated 11 October 2000 prepared for submission to the Pope, Archbishop Re, now Prefect of the Congregation for Bishops, affirmed that he had "examined the entire documentation sent by the Apostolic Nuncio" and had requested "the opinions of Card. Schotte and Archbishop Cacciavillan."[597] After evaluating the virtues of four candidates – each considered qualified – Archbishop Re indicated that the choice appeared to come down to two, one of whom was Archbishop McCarrick:

> **H.E. Msgr. McCarrick** turned 70 years old, a few months ago. He has an extraordinary capacity for work, a ready and lively intelligence, good character, solid priestly spirit and full doctrinal reliability. He is generous in offering himself, his time and his energies for any good cause. He distinguishes himself for his love of the Pope and the Holy See. He is a prominent figure, noted in the field of international affairs, as well. He was proposed for Washington by four respondents.
>
> The letter he wrote last August 6 assures that the rumors about his morality are completely without foundation. He writes, among other things: "sure I have made mistakes and may have sometimes lacked in prudence, but in the 70 years of my life, I have never had sexual relations with any person, male or female, young or old ...".
>
> If, therefore, upon his promotion, such rumors were to reemerge, it will be easy to respond to them. The risk that these

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[596] 28 *ACTA* 21085-86; 33 *ACTA* 27009.

[597] 19 *ACTA* 16179-81.*

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> rumors will reemerge does exist: Cardinal O'Connor, a person of great honesty and seriousness, would not have reminded us of this risk had he not considered it a real possibility. However, now certain that the accusations are false, they can easily be denied.

Archbishop Re added that Archbishop Cacciavillan, "who knows well the situation, is in favor of the appointment of Msgr. McCarrick, a good and worthy pastor." Re concluded that he "would not see difficulties in associating myself with the *voto* of Msgr. Cacciavillan, if the Holy Father were to consider it opportune to appoint Msgr. McCarrick, [a bishop] who undoubtedly has many merits, as Archbishop of Washington."[598]

On 14 October 2000, Archbishop Re arrived at his regular Saturday audience with John Paul II, with the prepared *foglio d'udienza* for the Washington See in hand, and presented it to the Pope.[599] After reviewing the *foglio,* under the printed words "EX AUDIENTIA SUMMI PONTIFICIS" the Pope dated and initialed the document in his own hand: "*14.X.2000 JPII.*" Below the Pope's initials, Prefect Re handwrote: "The Holy Father nominates as Archbishop of Washington H.E. Msgr. Theodore McCarrick, transferring him from the see of Newark. +GB Re 14.X.00"[600]

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[598] In an interview, Cardinal Re explained that while originally he had "decisively" disfavored McCarrick's nomination to Washington, he changed his mind after reading McCarrick's letter to Bishop Dziwisz denying any sexual misconduct. Cardinal Re stated, "I said to myself, with a person like this, I accept his affirmations, as did also the Pope." 16 *ACTA* 13511.

[599] 19 *ACTA* 16181. The *foglio d'udienza* is the document prepared by the Prefect for submission to the Pope in audience, which contains the names of the candidates for appointment to a diocese. After the Pope makes his selection, the Pope typically, as here, signs the *foglio d'udienza*, after which it is countersigned by the Prefect, often with a note specifically confirming the selection.

[600] 19 *ACTA* 16181.* Both Cardinal Re and Cardinal Cacciavillan stated in separate interviews that the decision was made personally by Pope John Paul II. 16 *ACTA* 13511, 13554. Cardinal Dziwisz confirmed that "[t]he decision was [the Pope's]," but that Pope John Paul II also "took into consideration the words of the people he trusted." *Id.* at

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Pope John Paul II appointed McCarrick Archbishop of Washington on 21 November 2000.[601] On 23 November 2000, after learning of the appointment, Archbishop McCarrick penned a handwritten letter to Pope John Paul II:

> Thanksgiving Day, 2000
>
> Most Holy Father,
>
> Today in the United States we celebrate Thanksgiving Day when all the citizens of this country offer thanks to God for His abundant blessings.
>
> Your Holiness has made it a special day of Thanksgiving for me as I look forward to service in the great Church of Washington. The news of your appointment has, thank God, been well received. I have already heard from almost a hundred of my brother bishops wishing me well and promising their prayerful support. The Media has likewise been favorable and the public authorities as well. May Our Gracious God help me in this new responsibility that I may always be faithful and serve the Church and the people with courage and humility.

13640. Dziwisz further stated that if the Holy Father "had believed the accusations, he never would have nominated McCarrick." *Id.*

Archbishop Viganò, who was not involved in the appointment of McCarrick in 2000, speculated in his statement of 22 August 2018 ("Viganò Statement") that the decision was made by Secretary of State Cardinal Sodano, because Pope John Paul II was "very ill" at the time. Viganò Statement at 2, 4, 17 *ACTA* 15101, 15103. The record unequivocally shows that Pope John Paul II made the decision personally and that Cardinal Sodano acted under the Pope's explicit instructions. 16 *ACTA* 13511, 13554; 18 *ACTA* 15630-31; 20 *ACTA* 16581, 16607. Cardinal Harvey, who was named Prefect of the Papal Household by Pope John Paul II in 1998 and who interacted with the Holy Father on a daily basis, stated that Pope John Paul II was fully capable to make all of his own decisions in 2000, and that he would have been especially engaged with respect to appointments to major archdioceses (such as Washington). 33 *ACTA* 27040.

[601] 18 *ACTA* 15632.

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> Dear Holy Father, you know that you always have my loyalty and my deepest respect and affection. I will strive with all my heart and strength to make sure that the Church of Washington will always be a joy to you and that its people will be holy.
>
> Your Holiness is often, every day in my prayers. May the Lord bless you with grace and health and wisdom for many years to come.
>
> I ask your blessing for me and for the new people you have given me to serve. With every prayer and affections I am
>
> Respectfully, your observant son,
>
> +Theodore McCarrick
>
> Archbishop-designate of Washington.[602]

After learning of the appointment, Cardinal Hickey wrote to Nuncio Montalvo, stating, "As Your Excellency is aware, I am deeply grateful to Our Holy Father for appointing Archbishop McCarrick as my successor. I greatly esteem Archbishop McCarrick and regard him as a dear friend. I know he will serve this Archdiocese well and wisely in the years ahead. He has my prayers and my unconditional support."[603]

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[602] 18 *ACTA* 15635. On 5 December 2000, shortly before his departure for Washington, Archbishop McCarrick requested that a member of his staff at Newark retrieve certain administrative records from the files. The files retrieved included Archbishop McCarrick's correspondence with the Apostolic Nuncio for the years 1990 through 1994, which covered the period of the 1992-1993 anonymous letters. 22 *ACTA* 17060-61. This material appears to have never been returned to Newark's diocesan archives.

[603] 3 *ACTA* 3175.

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XVII. ADDITIONAL INFORMATION RECEIVED BY NUNCIO MONTALVO FOLLOWING ANNOUNCEMENT OF MCCARRICK'S APPOINTMENT TO WASHINGTON (LATE 2000 TO EARLY 2001)

Dominican priest Boniface Ramsey, who taught at the Immaculate Conception Seminary at Seton Hall University from the late 1980s through early 1996, learned of McCarrick's appointment as Archbishop of Washington on 21 November 2000. Ramsey had heard rumors relating to the beach house years earlier but had shared the information only with a few trusted persons, as he considered allegations of sexual misconduct, particularly regarding a high prelate of the Church, to be "sacred knowledge" that should not be freely "gossiped about."[604] However, after hearing of McCarrick's appointment to Washington, Ramsey reported that "something snapped" and that he decided to act. Uncertain as to how to proceed, Ramsey called Priest 8, a trusted and "prudent" priest who had worked in diocesan administration in Newark, to help him think through what to do.[605]

As Priest 8 recollected in an interview, Ramsey called to tell him that he had heard about McCarrick's appointment to Washington, which Ramsey considered "outrageous." Ramsey told Priest 8 that he felt he had a "moral duty" to do something and that he was going to call the Apostolic Nuncio, but that he had concerns as to whether reporting to the Nuncio could result in some sort of retaliation.[606] Priest 8 expressed no objection to Ramsey reporting, but also stated that he had been to the beach house and had never

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[604] 16 *ACTA* 13362.

[605] 16 *ACTA* 13394, 13502.

[606] According to Priest 8, Ramsey was convinced that McCarrick had removed him as a voting member of the faculty at Seton Hall in retaliation for Ramsey previously urging the expulsion of a seminarian who Ramsey believed was a favorite of McCarrick. Because Ramsey was possibly up for another academic post within the territory of the Archdiocese of Washington, he was concerned that McCarrick might interfere with that appointment if he discovered that Ramsey had reported on the rumors to the Nuncio. 16 *ACTA* 13357.

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personally witnessed any misconduct by McCarrick, nor had any misconduct ever been reported to him.[607]

Priest 8 asked Ramsey what he was intending to report and advised him as follows:

> First, if you know somebody who reported something that they saw directly, that is important to say. If you are reporting a prevalent rumor, be clear about that to the Nuncio, but expect that you are going to get asked for names, and keep in mind that if you can't provide a name or some names, they may not pay attention to it and may not take you seriously.
>
> Second, as a matter of natural justice, I think they will ask McCarrick about the matter, so you should know that. People who are accused at least need to know who is accusing them and what they are accused of so they can eventually respond. Expect that they will ask you for some details.[608]

Priest 8 recalled that Ramsey stated: "I don't have anybody directly, but the rumors are so prevalent that eventually somebody will come forward. The rumors are out there." Ramsey also continued to express the concern, "Do you think I can get hurt if I report?" Priest 8 agreed that it was possible that McCarrick would find out and that this could have negative consequences.[609]

Immediately following the conversation with Priest 8, Father Ramsey called the Apostolic Nunciature in Washington and requested to speak with the Nuncio. He was quickly placed on the line with Archbishop Montalvo and expressed his concerns about what he had heard of McCarrick's past

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[607] 33 *ACTA* 27070-71.

[608] 16 *ACTA* 13495; *see also* 33 *ACTA* 27071.

[609] When questioned as to whether the reason that Priest 8 had cautioned Ramsey was to dissuade him from reporting, Ramsey made clear that that was not the case: "[Priest 8] was definitely *not* saying 'Don't contact.' He was saying, '*If* you contact, if you do it, this is what you should expect and this is the best way to do it.'" 16 *ACTA* 13502.

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behavior.[610] The Nuncio asked Ramsey to put his concerns in writing, including names of persons with knowledge and other specifics.[611]

The same day, Father Ramsey composed a "Personal and Confidential" letter, dated 22 November 2000, to Nuncio Montalvo:

> About noontime today I spoke with you on the telephone in regard to Archbishop Theodore McCarrick, and you asked me to write down what I believed I should communicate with you. This letter is the answer to your request.
>
> From the late 1980's until the spring of 1996 I taught at Immaculate Conception Seminary at Seton Hall University. I only stopped teaching there at the time I did because I was appointed prior and pastor here in late 1995 and could not continue a teaching career elsewhere. Not long after I arrived at the seminary I began to hear it said that Archbishop McCarrick shared his bed with seminarians. This is how it was done, as I was made to understand: During the summer, and perhaps in other seasons as well, the archbishop would telephone the rector of the seminary and ask him to invite five seminarians to spend a day or two with him (i.e., the archbishop) at his beach house on the Jersey Shore. I have the impression that the archbishop occasionally informed the rector as to which seminarians he preferred. When the five seminarians arrived at the beach house they would discover that there were only five beds -- four for them and one for the archbishop. The archbishop would then say that the seminarian without a bed would be welcome to share his bed, which is apparently what often happened. I know a number of seminarians, some of whom are now priests of the Archdiocese of Newark, who were invited to Archbishop McCarrick's beach house and were well aware of what used to go on there, and at least one former seminarian who shared the

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[610] 16 *ACTA* 13359-60; *id.* at 13495; 17 *ACTA* 14163.

[611] 17 *ACTA* 14163.

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archbishop's bed; this former seminarian, who is now in lay life, attributed the fact of his having been sent to Rome for studies to his having spent time in the archbishop's bed. I must emphasize that no one ever accused the archbishop of overt sexual behavior in bed.[612] However, the archbishop's behavior seemed to be quite well known to the clergy of the Newark archdiocese, and also to many others, and of course it was looked upon very disfavorably. At the least the archbishop was seen to be acting with extreme impropriety and to be playing with fire.

It is my belief that the archbishop no longer engages in this behavior. There were rumors that the pro-nuncio of the time (I suppose that it must have been Archbishop Cacciavillan) had reprimanded him and that other bishops had spoken with him. It was also said that The Newark Star-Ledger, the highest circulation newspaper in New Jersey, had heard of Archbishop McCarrick's behavior and was going to publish a story on it but was prevented at the last moment. Perhaps it was these things that made the archbishop reconsider the activity that so many people accused him of.

Your Excellency, I need hardly tell you what the media would do with this story if they were privy to it. Even if it is not true, or if it is only partially true, the rumors themselves are a serious matter. Rumors concerning a prominent churchman are themselves newsworthy -- and embarrassing.

You asked me if I could produce persons who would verify what I am writing to you. I would not want to jeopardize anyone who could do so. But the rectors of Immaculate Conception Seminary who were in office toward the beginning of

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612 Father Ramsey stated in an interview that "[n]o one ever complained that [McCarrick] touched them while I was at the seminary from 1987/8 until 1996" and that "the wonderment at the seminary in those days was that he never touched you when he was in bed with you[.]" 33 *ACTA* 27288.

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> Archbishop McCarrick's tenure in Newark -- I prefer not to mention them by name -- would surely know what I am speaking of. If you contacted them, however, I would be obliged if this letter were not part of your conversation; it would be enough if you were to say that you had heard rumors that concerned you.
>
> I fear that this letter may cause me difficulties. I hope, at least, that I have gone about this in the right way by being in touch with you. I thank you for the five minutes that you gave me on the telephone earlier today and for your attention to this letter[.][613]

After writing the letter, Ramsey called Priest 8 to tell him that he had reached the Nuncio and that the Nuncio had requested that Ramsey provide the information in writing.[614]

Before mailing the letter, Ramsey, still concerned that the letter might be shown to McCarrick, called the Nuncio back on 24 November 2000 to tell him that he had reconsidered and had decided not to send the letter after all. In a very brief conversation, the Nuncio replied, "What do you think we are, fools? Send the letter!"[615] After the call with Nuncio Montalvo, Father Ramsey had the letter delivered to the Nuncio by special courier. Father Ramsey wrote on the envelope, "To be opened only by the nuncio, at his

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[613] 17 *ACTA* 14163-64. With respect to Ramsey's statement regarding "rumors" that then-Nuncio Cacciavillan had at some point "reprimanded" McCarrick, Cardinal Cacciavillan stated in an interview that he was "certain" that he never said this to Archbishop McCarrick, because he "was always convinced that there was no need, given that the accusations did not appear to have substance." 16 *ACTA* 13554.

[614] 33 *ACTA* 27073. In an interview, Priest 8 stated: "When Boniface told me that the Nuncio took his call right away, I remember that I said, 'Congratulations, Boniface, I didn't think that would happen.' He told me that it was a quick conversation and that the Nuncio was very encouraging about him providing the information." 16 *ACTA* 13495.

[615] 16 *ACTA* 13361.

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request."[616] Ramsey does not recall receiving a response to his letter and heard nothing further of the matter at that time.

In early 2001, Nuncio Montalvo received an anonymous and undated letter, postmarked Washington, D.C., stating, "A serious scandal could happen if McCarrick is made a cardinal. Please avoid this."[617]

On 11 January 2001, Nuncio Montalvo forwarded Father Ramsey's letter along with a cover note to the Secretary of State Cardinal Sodano.[618] Nuncio Montalvo also appears to have sent the recent anonymous letter at the same time. In his cover note, Nuncio Montalvo wrote:

> Following today's telephone conversation, I attach the two letters to which I referred.
>
> That of Father Ramsey, O.P. seems to deserve serious consideration.
>
> [. . .]
>
> Greetings for the New Year.

Secretary of State Sodano provided Father Ramsey's letter to Pope John Paul II with a handwritten cover note to the Pope reading:

> To His Holiness
>
> Letter received by His Excellency Msgr. Montalvo from Father Ramsey O.P., formerly professor at the diocesan seminary of Newark and now parish priest in New York regarding Archbishop McCarrick

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[616] 18 *ACTA* 15645.

[617] 18 *ACTA* 15638. Apart from the year, the date on the postmark is illegible. However, McCarrick was created cardinal by Pope John Paul II on 21 February 2001, indicating that this letter was received in the early part of the year. *Id.* at 15638-40.

[618] 18 *ACTA* 15642.

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(letter of 22 Nov. 2000).[619]

The note came back from John Paul II, whereupon Cardinal Sodano wrote, "Received back from the Holy Father, '*Nihil dicens'* +A[ngelo]. S[odano]".[620]

[619] 18 *ACTA* 15641.

[620] 18 *ACTA* 15641.

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XVIII. TENURE AS ARCHBISHOP OF WASHINGTON (2001 TO 2006)

Soon after his appointment to Washington, and on the recommendation of the United States Department of State, McCarrick was awarded the Eleanor Roosevelt Human Rights Award by United States President Bill Clinton.[621] At the awards ceremony on 6 December 2000, President Clinton stated:

> In tough places, where civilians are struggling to get out, chances are you will find Archbishop Theodore McCarrick working hard to get in and to help them. The litany of countries he has visited sounds more suited to a diplomat than an archbishop: the former Soviet Union, the Balkans, the countries devastated by Hurricane Mitch, East Timor, Ethiopia, Burundi, Cuba, Haiti, Colombia.
>
> Two years ago I was honored to send him as one of my representatives on a groundbreaking trip to discuss religious freedom with China's leaders. This year, he has been a tireless and effective leader in promoting debt relief for poor countries – I might say, one of the truly outstanding accomplishments that we have achieved in a bipartisan fashion in this town in the last 5 years. It's an amazing thing.
>
> At the same time, the Archbishop is much beloved for practicing at home what he preaches around the world. This year, as he pressed the United States to fund debt relief, he forgave the $10 million in debts of poor parishes in his Newark diocese.
>
> Archbishop, we thank you for your devotion to all God's children, and we welcome you to your new home in the diocese of Washington, DC.[622]

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[621] 7 *ACTA* 8102.

[622] 36 WEEKLY COMP. PRES. DOCS. 2986 (Dec. 2000), 27 *ACTA* 20396.

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McCarrick was formally installed as Archbishop of Washington on 3 January 2001.[623] He was created cardinal by Pope John Paul II at the consistory of 21 February 2001.[624]

Already active both nationally and internationally, Cardinal McCarrick's prominence increased as the new Archbishop of Washington.

In the NCCB, McCarrick remained the chair of the International Policy Committee, became a member of the Subcommittee for Interreligious Dialogue and retained his membership in the other NCCB committees to which he had belonged as the Archbishop of Newark.[625] In 2001, after the NCCB and USCC combined to form the USCCB, McCarrick was appointed to the following USCCB committees: Administrative; Hispanic Affairs; International Policy; Interreligious Dialogue (Subcommittee); Migration; Pro-Life Activities; and World Mission. McCarrick remained a member of the Ad Hoc Committee on Aid to the Church in Central and Eastern Europe and joined the Ad Hoc Committee on Economic Concerns of the Holy See. In 2003, Cardinal McCarrick joined the Committee on the Relationship Between Eastern and Latin Catholic Churches and became a consultant for the Committee for African American Catholics. McCarrick joined the Ad Hoc Committee on the Church in Africa in 2005.[626]

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[623] 3 *ACTA* 3156, 3158.

[624] 13 *ACTA* 12853-54, 12860-61.

[625] 5 *ACTA* 6254-55.

[626] With respect to his high-profile assignments in the USCCB, McCarrick stated in an interview in 2020: "People in the Conference ask, 'How did he rise in the ranks?' Well, they know well how I rose in the ranks: I worked very hard, for them as well. They were happy to have me do most of the things I did." 33 *ACTA* 27016.

An American prelate who worked with McCarrick for years similarly noted that "McCarrick was willing to go anywhere anytime for a good cause. He would even go places that were truly dangerous where no one else would go and definitely no American bishop. They liked having him even when they disagreed with him because he made the Conference look good." A second prelate who served on several USCCB committees with McCarrick stated that some people resented him because "he either outworked them or outshined them, or both." A third prelate agreed that McCarrick was "a hard worker" who was "[a]lways in motion," and that he "could pick up languages quite easily and use

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McCarrick also became chairman of the Domestic Policy Committee in 2002, which led to additional work on the national stage.[627] As chair, McCarrick was involved with and issued public statements regarding a range of national issues, including relief to the needy and the poor,[628] affordable housing,[629] public and children's health,[630] workers' rights,[631] school

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them with facility and that opened doors internationally . . . . [H]e had a unique set of skills that most bishops did not possess." 16 *ACTA* 13425.

An employee who worked closely with McCarrick at the USCCB during this period also emphasized McCarrick's skill sets and dedication to the work: "McCarrick was a very quick study. He had his Ph.D., he spoke several languages. Very savvy. Very quick on the uptake. I could brief him on something and he would be able to understand it and get it. Not like a true expert in an area, but he was able to quickly capture the essence of the argument and speak about it." 16 *ACTA* 13469. The same employee stated that McCarrick was a "force of nature for global work" and that he "was focused on real issues of need." *Id.* at 13471.

[627] 5 *ACTA* 6254.

[628] *See*, *e.g.*, Open Letter from T. McCarrick and B. Hehir to House Speaker Dennis Hastert regarding Personal Responsibility, Work, and Family Promotion Act of 2002, *USCCB* (14 May 2002), 27 *ACTA* 20070-71; Open Letter from T. McCarrick and B. Hehir to Senator Joseph Lieberman regarding the Charity Aid, Recovery and Empowerment Act of 2003, *USCCB* (7 Feb. 2003), 27 *ACTA* 20074-76; Open Letter from T. McCarrick to United States Senators regarding the Personal Responsibility and Individual Development for Everyone Act, *USCCB* (26 Mar. 2004), 27 *ACTA* 20091-93; Open Letter from T. McCarrick to United States Representatives regarding Spending Control Act of 2004, *USCCB* (24 June 2004), 27 *ACTA* 20104-05.

[629] Open Letter from T. McCarrick to United States Representatives regarding National Housing Trust Fund 2002, *USCCB* (18 Apr. 2002), 27 *ACTA* 20060-61.

[630] *See*, *e.g.*, 13 *ACTA* 12887; Open Letter from T. McCarrick and M. Place to Senator Susan Collins on Mercury Reduction Act of 2003, *USCCB* (15 May 2003), 27 *ACTA* 20079-80; Open Letter from T. McCarrick to Senator Arlen Specter regarding the National Longitudinal Cohort Study of American Children (27 Apr. 2004), 27 *ACTA* 20095-96.

[631] *See*, *e.g.*, 13 *ACTA* 12900, 12935; T. McCarrick, "Labor Day Statement 2002," *USCCB* (2 Sept. 2002), 27 *ACTA* 20230-32.

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choice,[632] the abolition of the death penalty[633] and the reduction of gun violence.[634] McCarrick also remained a member of the CRS Board of Directors.[635]

In 2002, McCarrick played a significant role for the USCCB with respect to new policies to address child sexual abuse within the Church, including during the April meeting with Pope John Paul II in Rome, where he emerged as the primary public spokesman for the American bishops.[636] With the

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[632] 3 *ACTA* 4454-55. One priest secretary from this period recalled that Cardinal McCarrick "was a big advocate for vouchers for private schools in the District of Columbia," who worked with Senator Edward Kennedy on the issue. 14 *ACTA* 13116.

[633] *See*, *e.g.*, 13 *ACTA* 12947; T. McCarrick, "101 Reasons to Abandon the Death Penalty," *USCCB* (18 Apr. 2002), 27 *ACTA* 20062; T. McCarrick, "Statement Commending Governor Ryan's Clemency to Death Row Inmates," *USCCB* (16 Jan. 2003), 27 *ACTA* 20073; T. McCarrick, "Catholic Bishops and Other Religious Groups Urge Supreme Court to Halt Juvenile Executions," *USCCB* (19 July 2004), 27 *ACTA* 20106.

[634] 27 *ACTA* 20113. Cardinal McCarrick continued to play a role with respect to international issues as well. For example, in March 2002, McCarrick sat on the dais during President Bush's address at the Inter-American Bank in Washington, where the President announced a $5 billion plan to help developing nations. *See* "President Proposes $5 Billion Plan to Help Developing Nations," *George W. Bush White House Archives* (14 Mar. 2002), 27 *ACTA* 20056. In November 2002, Cardinal McCarrick spoke out against the impending war in Iraq, insisting that more information was needed before military action could be justified. 13 *ACTA* 12829. Cardinals McCarrick, Keeler, Egan and Bevilacqua also met with National Security Advisor Condoleezza Rice about the possibility of war on 3 March 2003, and McCarrick assisted with special papal envoy Cardinal Laghi's visit to Washington on 5 March 2003 to meet President Bush and express Pope John Paul II's deep reservations about the impending conflict. 27 *ACTA* 20077-78; *see also* G. Powers, "The U.S. Bishops and War Since the Peace Pastoral," 27 *U.S. Catholic Historian* 73, 88 (2009), 27 *ACTA* 20371.

[635] 5 *ACTA* 6254-55. In addition, McCarrick served on the boards of the Catholic University of America and the Basilica of the National Shrine of the Immaculate Conception.

[636] *See* L. Smith, "Transcript of Interview with Cardinal McCarrick," *USA Today* (May 2002), 27 *ACTA* 20065-69; P. Belluck, "Besieged Cardinal Discusses 'Anger and Broken Trust,'" *The New York Times* (22 Apr. 2002), 26 *ACTA* 19011-13; M. Henneberger and D. Wakin, "Cardinal Law Seen as an Issue in Rome Talks," *The New York Times* (23 Apr. 2002), 26 *ACTA* 19014-17; D. Wakin, "In Rome, Little Interest in an American Problem," *The New York Times* (24 Apr. 2002), 26 *ACTA* 19018-20; D. Wakin, "McCarrick is Public

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nation's attention focused on sexual abuse in the Catholic Church, it was in this role that McCarrick first became "familiar to many Americans."[637]

During the United States presidential election cycle in 2004, Cardinal McCarrick was appointed chairman of the USCCB's Task Force on Catholic Bishops and Politicians, which examined circumstances under which Holy Communion might be denied to Catholic politicians who had not taken a sufficiently strong stand against abortion and euthanasia.[638] The question had become a potential wedge issue for the 2004 election, and received considerable attention after Archbishop Raymond Burke of St. Louis stated publicly that he would deny Communion to Senator John Kerry, the Democratic presidential nominee, and a Catholic, who viewed abortion as a constitutional right, as determined by the Supreme Court of the United States.[639] Cardinal McCarrick became a vocal opponent of Archbishop Burke's position, stating: "As a priest and bishop, I do not favor a

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Voice of U.S. Group," *The New York Times* (25 Apr. 2002), 26 *ACTA* 19021-22; *see also* Section XIX.B.

[637] L. Smith, "Transcript of Interview with Cardinal McCarrick," *USA Today* (May 2002), 27 *ACTA* 20065. McCarrick was also a proponent of reforms within the Archdiocese of Washington and during the June 2002 USCCB meeting in Dallas, Texas, which established a national "zero tolerance" policy for clergy sexual abuse in the United States. *See Charter for the Protection of Children and Young People* (June 2002) and *A Statement of Episcopal Commitment* (Nov. 2002); *see also* 17 *ACTA* 14212-16; *Thinking of You* 138-40; 3 *ACTA* 3298; L. Goodstein, "Bishop Quits as Others Prepare to Meet on Abuse Scandal," *The New York Times* (12 June 2002), 26 *ACTA* 19023-25; D. Wakin, "Bishops to Enforce Rules, With Power of Church Law," *The New York Times* (15 June 2002), 26 *ACTA* 19026-28.

[638] T. McCarrick, "Interim Reflections of Task Force on Catholic Bishops and Catholic Politicians," *USCCB* (15 June 2004), 27 *ACTA* 20098-20103.

[639] *See*, *e.g.*, D. Williams and A. Cooperman, "Pro-Choice Politicians 'Not Fit' for Communion," *The Washington Post* (24 Apr. 2004), 26 *ACTA* 19352 ("Archbishop Raymond L. Burke of St. Louis said in January that he would deny communion to Kerry. Cardinal Theodore McCarrick of Washington, who met privately with Kerry last week, 'is reluctant to use the Eucharist as a sanction,' according to his spokeswoman, Susan Gibbs."); *see also* D. Wakin, "The Nation: Abortion to Annulment; Communion Becomes a Test Of Faith and Politics," *The New York Times* (9 May 2004), 26 *ACTA* 19349-50.

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confrontation at the altar rail with the sacred Body of the Lord Jesus in my hand. There are apparently those who would welcome such a conflict, for good reasons, I am sure, or for political ones, but I would not."[640]

In early 2004, Cardinal McCarrick and then-USCCB President Bishop Wilton Gregory (2001-2004) traveled to Rome to meet about the issue with CDF Prefect Cardinal Ratzinger and Congregation for Bishops Prefect Cardinal Re.[641] In June and July 2004, some Catholic groups, which self-identified as "conservative," accused McCarrick of having mischaracterized a private letter, later divulged by a news organization but never published by either the USCCB or the Holy See, that Cardinal Ratzinger had provided to McCarrick and Bishop Gregory following their Rome meeting.[642] McCarrick, who has stated that he had remained in close contact with Cardinal Ratzinger regarding how to address the issue, was never reproached by the Holy See for his handling of the matter.[643] Nonetheless, McCarrick's interpretation was thereafter referred to by some as misrepresentative of what Cardinal Ratzinger had intended and as a distortion of Catholic teaching.

Cardinal McCarrick also gained prominence as the head of the Archdiocese of Washington,[644] which led to increased interactions with officials of the

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[640] *Thinking of You* 309-09; *see also* A. Cooperman, "48 Catholic Congressmen Warn Bishops on Bigotry," *The Washington Post* (20 May 2004), 26 *ACTA* 19029.

[641] Cardinal Keeler, "Summary of Consultation Process," *USCCB* (15 June 2004), 27 *ACTA* 20233; 33 *ACTA* 27010.

[642] "McCarrick Tempered Letter on Pro-Choice Politicians," *The Washington Times* (7 July 2004), 26 *ACTA* 19031-34; 7 *ACTA* 7326-27.

[643] McCarrick Interview, 14 *ACTA* 13208-09. Cardinal Ratzinger wrote a second letter to Cardinal McCarrick on 9 July 2004, clarifying that the statement approved by the USCCB in its June meeting was "very much in harmony with the general principles [of] 'Worthiness to Receive Holy Communion,' sent as a fraternal service — to clarify the doctrine of the Church on this specific issue — in order to assist the American bishops in their related discussion and determinations." Zenit Staff, "Cardinal Ratzinger and U.S. Bishops in Harmony," *Zenit* (13 July 2004), 26 *ACTA* 19274.

[644] 3 *ACTA* 3745.

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United States federal government.[645] As Archbishop of Washington, McCarrick met with President George W. Bush,[646] First Lady Laura Bush,[647] members of the Cabinet,[648] Senators and Representatives from both political parties,[649] Supreme Court Justices,[650] and other government officials.[651]

President Bush often had kind words for McCarrick. In 2004, President Bush stated, "There's no finer person in our country than Cardinal McCarrick. And I'm proud to call him friend. He's a decent, decent man."[652]

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[645] In an interview, one of McCarrick's priest secretaries during this period stated that Cardinal McCarrick did not participate in these meetings with U.S. officials "on behalf of Rome," and that McCarrick "would explain [to officials] that the proper channel for Rome was the embassy (sic, Nunciature). He would make that clear." 14 *ACTA* 13116.

[646] 3 *ACTA* 3318, 3722. For instance, at McCarrick's invitation, President George Bush and the First Lady attended a dinner at the Archbishop's residence five days after the presidential inauguration in January 2001. The dinner was also attended by National Security Advisor Condoleezza Rice, White House Counsel Alberto Gonzales, Cardinal Hickey, Nuncio Montalvo, and NCCB President Bishop Fiorenza. 13 *ACTA* 12823-24.

[647] 3 *ACTA* 4317.

[648] 3 *ACTA* 3223.

[649] Cardinal McCarrick also testified before Congress during this period. For example, on 6 April 2006, McCarrick testified regarding the 1993 killing of Mexican Archbishop Juan Jesus Posadas Ocampo at a hearing before the Subcommittee on Africa, Global Human Rights, and International Operations of the Committee on International Relations of the United States House of Representatives.

[650] G. Cardinale, "The Visit of Cardinal Theodore Edgar McCarrick: An American Cardinal in Beijing," *30 Days* (2005), 26 *ACTA* 19038.

[651] On 24 March 2001, McCarrick spoke at the dedication ceremony of the Pope John Paul II Cultural Center in Washington. The event was attended by President George W. Bush, Edmund Cardinal Szoka (as Delegate of the Holy Father), Cardinal Maida, members of Congress, and numerous other dignitaries. *See* "Remarks by the President at Dedication of the Pope John Paul II Cultural Center," *President George W. Bush Archives* (22 Mar. 2001), 27 *ACTA* 20046. On 11 June 2004, Cardinal McCarrick celebrated a Mass in remembrance of President Ronald Reagan and read the Gospel at President Reagan's state funeral later that day. 27 *ACTA* 20097.

[652] "President Discusses Improving Education with Parental Options and School Choice," *President George W. Bush Archives* (13 Feb. 2004), 27 *ACTA* 20086; *see also* "President Delivers Remarks to Catholic Educational Association," *President George W. Bush*

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Cardinal McCarrick played a prominent role after the 11 September 2001 attacks on the Twin Towers in New York and on the Pentagon near Washington. McCarrick addressed the gathering attended by all living United States presidents and other public figures in the National Cathedral on 14 September,[653] and celebrated Holy Mass for the victims of the attacks in the Basilica of the Immaculate Conception on 16 September.[654] McCarrick also presided over the funeral Mass for a firefighter who died as a hero during the 9/11 attacks, whom McCarrick described as one of his nephews.[655]

During his tenure in Washington, Cardinal McCarrick tried to re-establish the role of the Catholic Archbishop at Georgetown University,[656] and permitted the Neocatechumenal Way to open a new Redemptoris Mater Seminary within the Archdiocese.[657] In May 2006, McCarrick ordained twelve men as priests, the largest ordination class in Washington since the 1970s.[658]

As part of his work to increase vocations within the Archdiocese of Washington, Cardinal McCarrick encouraged the activity of the Institute of the Incarnate Word (IVE), a religious order of diocesan right originally

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Archives (9 Jan. 2004), 27 *ACTA* 20081 (President Bush stating that "I really, really am proud to call [Cardinal McCarrick] my friend. He's a really good guy, as we say in Texas."); "President Promotes Faith-Based Initiative," *President George W. Bush Archives* (11 Apr. 2002), 27 *ACTA* 20056; "President Discusses Compassionate Conservative Agenda in Dallas," *President George W. Bush Archives* (3 Aug. 2004), 27 *ACTA* 20108; "President Attends National Catholic Prayer Breakfast," *President George W. Bush Archives* (20 May 2005), 27 *ACTA* 20114.

[653] G.W. Bush, *Decision Points* (2010), at 145-46.

[654] 13 *ACTA* 12874.

[655] 27 *ACTA* 20407. McCarrick repeatedly spoke out about international human rights and against Islamophobia following the 9/11 attacks as well. *See*, *e.g.*, T. McCarrick, "International Human Rights After September 11," *The City Club of Cleveland* (26 Apr. 2002), 27 *ACTA* 20063-64.

[656] 3 *ACTA* 3625-27.

[657] 3 *ACTA* 3206, 4627. This was a major seminary for young adults, not a minor seminary.

[658] *See* "Cardinal McCarrick to Ordain Twelve Men as Priests: Largest Number Since 1970s," *Archdiocese of Washington* (13 May 2006), 27 *ACTA* 20119-21.

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founded in 1984 by Father Carlos Miguel Buela in the Diocese of San Rafael in Argentina.[659] The IVE had been invited into the Archdiocese of Washington by Cardinal Hickey in 1998, in part to help assist with Hispanic youth ministry.[660] In 2002, McCarrick granted permission for the relocation of the IVE novitiate from the Diocese of San Jose, California, to the Archdiocese of Washington. With the approval of Bishop Eduardo Maria Taussig of the Diocese of San Rafael, Cardinal McCarrick traveled to Argentina in December 2004 to ordain members of the IVE.[661] In 2005, Cardinal McCarrick relocated the IVE's Fulton J. Sheen House of Formation to Chillum, Maryland, within the territory of the Saint John Baptist de la Salle Parish.[662] In an interview, McCarrick stated that one of the main reasons for supporting the IVE was that its priests were willing to work in tough areas of the world where priests of other religious orders had become disinclined to serve, including the Gaza Strip and Kazakhstan.[663]

During this period, Cardinal McCarrick was named a member of APSA, which administers real and personal property of the Holy See.[664] McCarrick served on the Pontifical Council for the Pastoral Care of Migrants and Itinerant People,[665] the Pontifical Commission for Latin America,[666] the Pontifical Council for Promoting Christian Unity,[667] and the Pontifical

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[659] The IVE has a separate province, called the Province of the Immaculate Conception, which includes the United States of America, Canada, Mexico and Guyana. 27 *ACTA* 20326.

[660] 9 *ACTA* 11591; 24 *ACTA* 18022.

[661] 9 *ACTA* 11468-69, 11472, 11474.

[662] 9 *ACTA* 11591.

[663] 14 *ACTA* 13193; *see also* 33 *ACTA* 27018.

[664] 18 *ACTA* 15648; 13 *ACTA* 12873.

[665] 3 *ACTA* 4651; 13 *ACTA* 12900.

[666] 3 *ACTA* 4375, 4413-14, 4501. McCarrick was named a Consultor to the Pontifical Commission for Latin America in February 2003. 13 *ACTA* 12888.

[667] 3 *ACTA* 4425; 13 *ACTA* 12909-10.

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Council for Justice and Peace.[668] He traveled to Rome and elsewhere to attend the groups' meetings and related conferences.[669] Also during this period, Pope John Paul II received Cardinal McCarrick in audience on numerous occasions.[670]

In April 2005, following Pope John Paul II's death, McCarrick traveled to Rome and participated as a cardinal elector in the General Congregations and in the Conclave that elected Cardinal Ratzinger Pope on 19 April 2005.[671] McCarrick also attended the consistory in Rome in March 2006.[672]

Cardinal McCarrick's fundraising and gift-giving activities continued during this period. As Archbishop of Washington, McCarrick raised significant funds for the Archdiocese. He remained President of the Papal Foundation and traveled annually to Rome to meet with the Pope and officials of the Roman Curia in that capacity.[673] He made substantial donations to the Holy Father for Christmas or other special occasions,[674] and provided lesser

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[668] *Thinking of You* 324. Despite these appointments, a priest secretary of McCarrick at the time recalled that McCarrick "lamented that he did not have very big assignments in Rome." 14 *ACTA* 13113. The priest secretary stated: "I think he felt that in this country [the United States] he was a superstar, but in Rome he was not really a bigshot. Almost a pariah. I felt he was sort of marginalized and he realized that. He would have loved to have been involved, more involved. I always felt bad about that." *Id.* at 13115.

[669] *Thinking of You* 208; 3 *ACTA* 3678, 3792, 3816, 4457; 33 *ACTA* 27011. Although McCarrick was not a member of the Pontifical Council for Interreligious Dialogue, he addressed the Council's interreligious colloquium in Rome in January 2003, which was attended by approximately forty individuals representing eight different religions. 13 *ACTA* 12892. Cardinal McCarrick missed the meeting of the Pontifical Commission for Latin America in 2005 to remain in Washington for the second Inauguration of President Bush. 3 *ACTA* 4349, 4373-74.

[670] 13 *ACTA* 12825, 12838-39, 12841, 12874-75, 12902, 12911, 12916. During his trips to Rome, McCarrick usually stayed at the Pontifical North American College. 14 *ACTA* 13113.

[671] 3 *ACTA* 4308; 13 *ACTA* 12956-57.

[672] 24 *ACTA* 18031.

[673] 3 *ACTA* 3768-69, 4305-06; 13 *ACTA* 12974.

[674] 3 *ACTA* 4365, 4377-80, 4412, 4428, 4482, 4517, 4654, 4702, 4703.

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amounts to other Holy See officials, as was customary.[675] McCarrick, who never accepted a salary as Archbishop, made significant annual donations to a host of charities and religious works.[676] He made special large donations for disaster relief.[677] McCarrick also gave gifts to various religious orders in the United States and abroad and to local Churches in Africa and the Middle East,[678] and became a trustee of The World Faith Development Dialogue, a non-profit created out of the efforts of the World Bank and the Office of the Archbishop of Canterbury.[679]

During his time as Archbishop of Washington, Cardinal McCarrick frequently traveled abroad, including to Saudi Arabia (Mar. 2001),[680] Egypt (Mar. 2001),[681] Israel (2001),[682] Albania (July 2001),[683] Bosnia and

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[675] 3 *ACTA* 4506, 4515.

[676] In an interview, McCarrick stated: "I think some people thought I was a millionaire or something because I never took a salary. But I never took a salary because I didn't want to take out money from the Church unnecessarily. As a bishop I had a place to live, and I could eat, I had an office and a car if I needed it. So, I never took a salary." 33 *ACTA* 27002.

[677] 3 *ACTA* 4298, 4310-11, 4350-52. For example, following the tsunami in Southeast Asia in 2005, McCarrick donated several hundred thousand dollars to support the Holy Father's relief efforts.

[678] 3 *ACTA* 4495, 4581, 4706, 4725. McCarrick discussed in an interview how he handled money donated to the Archbishop's Fund in Washington: "If [donors] made [a check] out to me for charity for what I thought was best, then I could use it for anything charitable. If they made out the check for something specific then it would have to be used for that, of course. And if they wanted to give it directly [to the charity] they could do that also." 14 *ACTA* 13221. McCarrick stated that when he left Washington in 2018, he transferred the balance of the fund – which he said was approximately $500,000 – to the Archdiocese. *Id.* at 13222.

[679] 1 *ACTA* 1271.

[680] *Thinking of You* 21; 10 *ACTA* 11894.

[681] 10 *ACTA* 11892.

[682] 10 *ACTA* 11893.

[683] *Thinking of You* 52.

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Herzegovina (July 2001),[684] Canada (July 2002),[685] Mexico (July-Aug. 2002),[686] Lebanon (Oct. 2002),[687] the Caucasus (July 2002 and Aug. 2005),[688] the Balkans (July 2002, Mar. 2003, and Aug. 2005),[689] El Salvador (Nov. 2002),[690] Iran (June 2003),[691] China (July 2003 and Oct. 2005),[692] Macedonia (Aug. 2003),[693] Turkey (Oct. 2003),[694] Kosovo (July 2001 and Feb. 2004),[695] Serbia (Apr. 2003 and Feb. 2004),[696] Ireland (May 2004 and Feb. 2005),[697] Russia (Aug. 2004),[698] Argentina (Nov. 2004),[699] South Africa

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[684] *Thinking of You* 52.

[685] McCarrick attended World Youth Day in Toronto, Canada, in July 2002.

[686] In the summer of 2002, McCarrick traveled to Mexico City for the Canonization of Juan Diego Cuauhtlatoatzin, which was also attended by Pope John Paul II, Cardinal Sodano, Substitute Archbishop Leonardo Sandri and Cardinal Re. 13 *ACTA* 12877-80; 33 *ACTA* 27012.

[687] *Thinking of You* 172; 3 *ACTA* 4562; 10 *ACTA* 11875.

[688] *Thinking of You* 148, 428; 10 *ACTA* 11862, 11867.

[689] *Thinking of You* 428; 3 *ACTA* 3204.

[690] 10 *ACTA* 11868.

[691] *Thinking of You* 227; 3 *ACTA* 3204, 4494; 10 *ACTA* 11876.

[692] *Thinking of You* 238, 444.

[693] 3 *ACTA* 3920.

[694] *Thinking of You* 256.

[695] *Thinking of You* 52, 288.

[696] *Thinking of You* 289.

[697] *Thinking of You* 306, 379.

[698] *Thinking of You* 335-36. In August 2004, McCarrick was a member of the Holy See delegation, led by Cardinal Kasper (president of the Pontifical Council for Promoting Christian Unity), that delivered the venerated Icon of the Mother of God of Kazan to the Russian Orthodox Church. 13 *ACTA* 12921-23.

[699] 9 *ACTA* 11467-68.

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(Jan. 2005),[700] Sri Lanka (Jan. 2005),[701] Germany (Aug. 2005)[702] and India (Apr. 2006).[703] McCarrick traveled internationally on behalf of a number of different entities, including the USCCB,[704] CRS,[705] the Holy See,[706] Pontifical Commissions,[707] the United States[708] and the Appeal of Conscience Foundation.[709] McCarrick often met with prominent secular and religious figures during these foreign visits, including heads of state, heads of government, ambassadors and religious leaders from all faiths.[710]

McCarrick routinely wrote reports for the Holy See, either directly or through the Apostolic Nuncio, both before and after his foreign trips and his contacts with high-level government officials. Although most of his travel did not directly implicate the Holy See's foreign relations, McCarrick occasionally requested and received indications from Holy See officials related to sensitive international matters and his interactions with prominent

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[700] *Thinking of You* 372-73; 3 *ACTA* 3843-44; 10 *ACTA* 11878.

[701] 4 *ACTA* 4937.

[702] McCarrick was among the United States bishops who gave catechetical sessions during World Youth Day in Cologne, Germany, in August 2005. *Thinking of You* 430.

[703] *Thinking of You* 487.

[704] 3 *ACTA* 3947, 4515.

[705] *Thinking of You* 142, 148; 3 *ACTA* 3204, 3844, 4465, 4637.

[706] 3 *ACTA* 4558.

[707] 3 *ACTA* 3792, 4555. For instance, in September 2005, McCarrick accompanied the Holy See delegation, including Archbishop Paul Cordes, the President of the Pontifical Council *Cor Unum*, to view the devastation wrought by Hurricane Katrina in Louisiana and Mississippi. 7 *ACTA* 7388-96; 13 *ACTA* 12981-84; 27 *ACTA* 20336-37. According to McCarrick, he went on the trip at Archbishop Cordes' request, after Cordes had received (upon McCarrick's insistence) the assent of Pope Benedict XVI with regard to McCarrick's participation. 14 *ACTA* 13200. In an interview, McCarrick stated, "Since it was OK with the Holy Father, I agreed." *Id.*

[708] *Thinking of You* 21; 10 *ACTA* 11887-95.

[709] 3 *ACTA* 3320, 4155.

[710] 3 *ACTA* 4562-63; *Thinking of You* 227. A priest secretary of McCarrick's in Washington explained that the trips were "quick turnarounds" without "a lot of wasted [time]." 14 *ACTA* 13117.

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figures in the United States and overseas (including in the Middle East and China).[711] Reply letters from the Nuncio or officials in the Roman Curia acknowledged and expressed appreciation for McCarrick's efforts.[712]

In 2001, the United States Department of State, as part of the Bush Administration's policy initiative to make religious liberty a core issue, urged the People's Republic of China and the Holy See to establish formal diplomatic relations.[713] In light of Cardinal McCarrick's recent travel to China on behalf of the United States government in 1999, Bush Administration officials arranged for a meeting between McCarrick and a businessman who had formerly served in a key position at the United States Embassy in China, who was close to then current and former presidential Cabinet Secretaries, and who often traveled to China for business ("Consultant 1").[714] Administration officials suggested that McCarrick and Consultant 1 work in coordination to make contacts in China, explore how to catalyze discussions, and help improve relations between China and the Holy See.[715]

Cardinal McCarrick was enthusiastic about what he eventually termed "the China Project," which he viewed as consistent with Pope John Paul II's

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[711] 3 *ACTA* 3260-61, 3801, 3845-47, 4313, 4315-16. In 2002, McCarrick assisted Archbishop Pietro Sambi, the Apostolic Nuncio to Israel and Cyprus and the Apostolic Delegate to Jerusalem and Palestine from 1998 to 2005, with respect to a delicate issue involving the potential building of a large statue in front of the Basilica of the Annunciation in Nazareth, which helped solidify a relationship between the two men that would take on increasing significance after 2006. *Id.* at 4643-65; 16 *ACTA* 13576-77.

[712] 3 *ACTA* 3270, 3275-76, 3290, 3332, 3358, 3394-96, 3603, 3713, 3792-93, 3851, 3861, 4433, 4436-37, 4439-40, 4494, 4527, 4542-46, 4560, 4562.

[713] 3 *ACTA* 4097, 4757.

[714] Consultant 1 had also served as Executive Assistant to the NATO Supreme Allied Commander Atlantic/Commander-in-Chief U.S. Atlantic Command and as Chief of Staff for Intelligence of the U.S. Seventh Fleet and, during this period, held a contract with the United States Department of Defense, Office of Net Assessment (ONA), to contribute to DOD assessments on China.

[715] 3 *ACTA* 4070-74, 4145-46.

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general approach in Eastern Asia.[716] Beginning in the Fall of 2001, McCarrick moved forward with meetings with various United States and Chinese individuals, both within and outside government, and worked to ensure that the issue of relations between China and the Holy See were on President Bush's agenda when he attended the Asian Pacific Economic Cooperation Summit (APEC) in October of that year.[717] While Holy See officials expressed gratitude for McCarrick's efforts in calling President Bush's attention to the issue of diplomatic relations with the Holy See, they also expressed skepticism regarding the "unusual" proposal of the involvement of a private party – Consultant 1 – as an intermediary in matters with diplomatic implications.[718]

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[716] 3 *ACTA* 4753, 4781.

[717] 3 *ACTA* 4070, 4082, 4115. On 15 October 2001, McCarrick sent an e-mail to one of his White House contacts underscoring the "critical need" for President Bush to mention at APEC "the hope that the People's Republic of China would soon enter substantive conversations with the Holy See relative to the normalization of diplomatic relations," a goal that McCarrick described as "the primary point which we in the American Conference of Bishops have been making with China over the last few years." *Id.* at 4082. McCarrick received a reply e-mail from a White House official later that day, stating that the issue was "now in the bloodstream of the W[hite] H[ouse]." On 19 October 2001, McCarrick updated Nuncio Montalvo about the issue:

> Yesterday Morning, Cardinal Law called me and told me that Karl Rove called him to indicate that the White House indeed had received my e-mail and that they had given special attention to it because of his own personal call and that the United States concern about the beginning of substantive conversations toward the normalization of relations between the Holy See and the Peoples Republic of China would be brought to the attention of the Chinese government on two levels. President Bush was prepared to mention it to President Jiang Zemin and there was also the commitment on the part of the presidential staff to mention it to their Chinese counterparts. To that end, I am delighted to have this news that we apparently have succeeded once again in bringing this concern – which the Holy Father himself mentioned to Mr. Bush when he was in Rome – to the notice of the highest officials in China.

Id. at 4115.

[718] 3 *ACTA* 4037-38, 4113-14, 4129, 4158-59.

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Despite those reservations, and cognizant of the sensitive nature of the undertaking, Nuncio Montalvo communicated to McCarrick in February 2002 that Secretary of State Cardinal Sodano favored the initiative, stating that "the Holy See welcomes whatever Your Eminence can do in your conversations with political figures and authorities of the US, or in the context of the Chinese contacts you may have, in order to clarify various aspects of the entire matter in hand, and to favor the commencement of more substantive talks between the People's Republic of China and the Holy See on the normalization of their bilateral relations."[719] With respect to a possible trip to China, Cardinal Sodano indicated that it might be better if McCarrick presented himself as the "Archbishop of Washington" rather than as a "Cardinal," given that a cardinal "enjoys a special relationship to the person of the Holy Father." Nuncio Montalvo concluded, "At any rate, in the present instance, Cardinal Sodano would leave it to Your Eminence's prudent judgment to make whatever decision you consider most opportune. The considerations he offers, and which I have exposed above, only intend to furnish you with some elements of judgment on the delicate situation in China."

McCarrick thereafter provided regular reports of his activities to the Secretariat of State through the Apostolic Nuncio, including with respect to his contacts with United States and Chinese officials,[720] and he was thanked for the information and for his observations.[721] He also continued to seek and adhere to indications from the Secretariat of State as to how he should conduct himself. These indications typically offered McCarrick guidance within a broad framework, affording him latitude and inviting him to use his own judgment as to how best to proceed.[722]

Consultant 1 secured commitments from certain Catholic businessmen in the United States to cover Cardinal McCarrick's travel and lodging expenses,

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[719] 3 *ACTA* 4160-63.

[720] 3 *ACTA* 3923, 4044, 4048, 4062, 4070, 4145.

[721] 3 *ACTA* 3938, 3943, 4059-60.

[722] 3 *ACTA* 3943, 3952, 4160-61.

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including McCarrick's trips to China in July 2003 and October 2005.[723] Consultant 1 made the travel arrangements on behalf of McCarrick for these trips. During his travels to China, McCarrick met with officials of the Chinese government,[724] the Communist Party[725] and the Armed Forces, in addition to religious leaders,[726] priests[727] and professors.[728] He provided reports related to his travel to Pope John Paul II (2003),[729] Pope Benedict XVI (2005)[730] and various Holy See officials.[731] He also briefed United States officials, both in Washington and at the U.S. Embassy in Beijing. While McCarrick at times expressed optimism that his efforts might contribute to the establishment of diplomatic relations,[732] he recognized by 2005 that his meetings in China had been "very interesting but not necessarily very profitable," and these efforts ultimately do not appear to have yielded concrete results.[733]

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[723] 3 *ACTA* 4029, 4040.

[724] 3 *ACTA* 3918-19.

[725] 3 *ACTA* 3805.

[726] 3 *ACTA* 3805. During his trips, McCarrick met openly with leaders of the state-sanctioned Chinese Patriotic Catholic Association, but he could only meet with members of the underground church briefly and surreptitiously because he remained under constant surveillance. 14 *ACTA* 13183; 33 *ACTA* 27020. On several occasions, McCarrick also met with certain "underground" Chinese bishops in communion with Rome when they were able to travel to the United States and Europe. 33 *ACTA* 27020.

[727] 3 *ACTA* 3908-09.

[728] 3 *ACTA* 3908-09.

[729] 3 *ACTA* 3907-09.

[730] 3 *ACTA* 3805.

[731] 3 *ACTA* 3910-11, 3918-19.

[732] 3 *ACTA* 3908-10.

[733] 3 *ACTA* 4305.

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XIX. INFORMATION ABOUT MCCARRICK'S PAST CONDUCT RECEIVED DURING HIS TENURE AS ARCHBISHOP OF WASHINGTON (2001 TO 2006)

This section relates to allegations received during McCarrick's tenure in Washington regarding misconduct occurring when he was Bishop of Metuchen and Archbishop of Newark. There is no known alleged misconduct occurring with either adults or minors during McCarrick's term in the Washington Archdiocese from 2001 to 2006.[734]

A. Information Received Early During McCarrick's Tenure in Washington (2001 to 2002)

On 15 November 2001, Cardinal Hickey, then Archbishop Emeritus of Washington, received a letter from a Catholic layman, who had previously been Hickey's student at a seminary in Michigan and who was at the time living in New Jersey.[735] The layman wrote that he had "been made party, against my will, to some very serious allegations of wrongdoing against a member of the Church hierarchy, a bishop." The layman explained that the "source of these allegations is somewhat suspect to me, but not so suspect that I can dismiss them out of hand." He stated that the allegations "are so serious that they merit some kind of proper handling by the proper authority, either to clear someone's good name or to protect the Church from the possibility of a highly public scandal." Stating that this was "as much as I can say by letter," the layman asked for a one-hour meeting with Cardinal

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[734] Several priests and seminarians who spent time with Cardinal McCarrick at the New Jersey Shore and other travel locations in the early 2000s reported in interviews that they witnessed no sexual misconduct by McCarrick or even requests to share beds. For instance, a priest who was McCarrick's secretary during his time as Archbishop of Washington stated that he was initially apprehensive because he had heard rumors before working for him, but "that apprehension disappeared. There were rumors but nothing to verify that. Like others in Washington, I never saw sexual activity. He had the habit of grabbing a person by the knee sitting. Or by the shoulder, or elbow. It is something that you might do naturally in a family. . . . I never felt uncomfortable with him at all." 14 *ACTA* 13112-13.

[735] 3 *ACTA* 3621-22.

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Hickey. The letter did not mention McCarrick's name and provided no specifics.

On 28 November 2001, Cardinal Hickey forwarded the letter to Nuncio Montalvo. Recalling that as a student the layman had been "rather excitable and determined," Cardinal Hickey stated that he had "no way to judge whether or not his letter has any merit." Hickey suggested that a "trusted priest" meet with the layman to see "if this letter is anything more than hearsay."[736]

On 5 December 2001, Nuncio Montalvo and Cardinal Hickey met at the Cardinal's residence. At the meeting, it was "determined that Cardinal Hickey will ask Bishop [William] Lori to deal with the case."[737]

On 9 December 2001, Bishop Lori of the Diocese of Bridgeport, Connecticut, met with the layman at the Bishop's Residence.[738] According to a memorandum authored by Bishop Lori at the time, the layman had "never met Cardinal McCarrick and does not know anyone who may claim to have been abused by him." However, during the layman's "hallway conversation" two years earlier with a psychologist running an addiction treatment seminar in New York, the psychologist had stated that "Cardinal McCarrick may have had an improper relationship with young men or boys." The layman did "not remember [the psychologist's] exact words" and "did not pursue the conversation with [the psychologist] any further." The layman also did "not know the precise behaviors to which [the psychologist] may have been referring."

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[736] 3 *ACTA* 3621.

[737] 3 *ACTA* 3619. In an interview, Archbishop Lori explained that he had worked with Cardinal Hickey in Washington for many years and that he was one of the persons whom Hickey would have entrusted with such a sensitive matter. 16 *ACTA* 13429. Archbishop Lori also stated that he had heard vague rumors about McCarrick and the beach house before, but that he did not give "them a lot of mind" because there were "a lot of other rumors about . . . other people that just were not true" and were often "started out of jealousy, or a desire to malign." *Id.* at 13427-28.

[738] 17 *ACTA* 14188-90.

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Bishop Lori noted that it was clear that the layman had "issues" with the psychologist, related to the psychologist "barring him from singing at Masses held during [the psychologist's] weekend seminars unless he attends the seminar." Bishop Lori's assessment was that the layman's "real problem is with [the psychologist], not with Cardinal McCarrick." Lori concluded: "The allegation described to me was hearsay. It is not based on any firsthand information. [The layman] did not know whether or not [the psychologist] had firsthand information." Though Bishop Lori provided the Nuncio with contact information for the layman and the psychologist, there is no indication that the Nunciature followed up with either of them.

In March 2002, Nuncio Montalvo received a letter from another layman stating that, "some years ago," he had been "doing spiritual direction with some seminarians/deacons from Newark that had been recommended to me by seminary staff at Seton Hall" and that "[a] transitional deacon reported that McCarrick had been sexually inappropriate with him at McCarrick's Jersey shore home."[739] The conduct was not further described. The layman stated that he had previously notified the Nuncio of the allegation by letter, and that he "was shocked that McCarrick was appointed to Washington." No record of the layman's first letter was located in the files of the Apostolic Nunciature.

It appears that Nuncio Montalvo contacted Newark Archbishop John Myers after receiving the layman's letter in March 2002. Following a telephone conversation between Archbishop Myers and the Nuncio, Myers confirmed in a letter to the Nuncio on 22 March 2002 that "the Archdiocese of Newark has no record of [the layman] ever having been a priest of this Archdiocese. There is some recollection that the Diocese of Trenton had a seminarian at our seminary by that name, but he was never ordained a priest to our knowledge."[740] Archbishop Myers also enclosed anonymous letters "found just recently in the locked files of Mr. Cambria who had been an attorney on

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[739] 18 *ACTA* 15657.

[740] 18 *ACTA* 15662.

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our staff."[741] Myers noted that "[t]hey are anonymous with no way for us to trace them," and stated that he and his staff felt that "no conclusions are warranted on the basis of this information."

The same month, Archbishop Myers received a letter from another layman, who stated that he had previously heard from priests in Newark that "McCarrick has invited young seminarians to his house in Sea Girt and made them sleep in the same bed with him."[742] This letter was also forwarded by Archbishop Myers to the Nuncio.[743] Archbishop Myers wrote: "I have not contacted Cardinal McCarrick, although the statements concerning him are merely rumor and innuendo. To this point I have had no one come to me who claims to be a victim of sexual harassment or any other matter."

There is no record of action or investigation taken based upon these letters, and there is no indication that they were transmitted to any dicastery of the Roman Curia.

B. McCarrick's Public Revelation of a Prior Anonymous Accusation and Journalists' Investigations Regarding the Beach House (April to May 2002)

In January 2002, the sexual abuse of minors by priests and the handling of such cases by bishops erupted into a major scandal in the United States after

[741] This likely referred to the anonymous letters that arrived in 1992-93, during McCarrick's tenure as Archbishop of Newark. *See* Section X.A.

[742] 22 *ACTA* 17012-13.

[743] 18 *ACTA* 15663-64.

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the publication of a series of articles in *The Boston Globe*.[744] The intense public scrutiny built steadily through the Spring of 2002.[745]

In early April 2002, Susan Gibbs, the Executive Director for Communications for the Archdiocese of Washington, was informed that reporters were asking questions about Cardinal McCarrick's conduct with adult seminarians at the beach house on the New Jersey shore.[746] Gibbs prepared questions for McCarrick based on the limited information she had been provided and met with McCarrick at the Archdiocesan Pastoral Center on 11 April 2002 to ask him about the rumors. Gibbs stated that she had "steeled" herself to "ask a series of very intense questions to try to understand whether something had happened."[747]

During their meeting, Gibbs first asked McCarrick whether it was true that he had shared a bed with seminarians; McCarrick acknowledged that it was true. Gibbs then inquired whether this was an ongoing practice, and

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[744] *See*, *e.g.*, M. Carroll, S. Pfeiffer, M. Rezendes & W. Robinson, "Church Allowed Abuse by Priest for Years," *The Boston Globe* (6 Jan. 2002), 26 *ACTA* 19422-30; M. Carroll, S. Pfeiffer, M. Rezendes & W. Robinson, "Geoghan Preferred Preying on Poorer Children," *The Boston Globe* (7 Jan. 2002), 26 *ACTA* 19431-34.

Noted author Jason Berry stated in an interview that with the withdrawal of the allegations against Cardinal Bernardin in early 1994, "the media turned on a dime, with the story-line shifting from minor abuse and negligent bishops to false memory, quack therapists and whether old allegations could be trusted at all." He explained that "[w]hen *The Boston Globe* series began in January of 2002, it suddenly refocused story lines back onto the sexual abuse of minors and whether bishops were shielding predatory priests." 33 *ACTA* 27160.

[745] Pope John Paul II addressed the issue in his letter to priests on 17 March 2002. *See Letter of the Holy Father Pope John Paul II to Priests for Holy Thursday 2002* (17 Mar. 2002), 27 *ACTA* 20380-89.

[746] In an interview, Gibbs could not recall who provided her with the information, though she believed that it may have been one of McCarrick's former communications directors in Newark.

[747] Gibbs explained in an interview that McCarrick's trips to a beach house in and of themselves "did not seem unusual" to her because she "used to work in Philadelphia and everyone has a place at the shore. It is part of the Catholic culture in the mid-Atlantic region." 40 *ACTA* 33910; 33 *ACTA* 27193.

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McCarrick responded that it was something from the past. Gibbs asked about the layout of the beach house, including the number of rooms and beds and whether the doors were locked. McCarrick described the layout and stated that it was "a situation where people could come in and out" of the room. Gibbs asked whether he and the young men were clothed in bed, and McCarrick responded that both he and the seminarians were always dressed.[748] McCarrick also stated that the seminarians "always came to the beach house in groups" and "never alone," and that he invited seminarians to sleep with him only because he did not believe that it would be appropriate to require the seminarians to share a bed. McCarrick said, "'I'm the Archbishop so nothing is going to happen.'"[749]

On 16 April 2002, Cardinal McCarrick was invited to attend a private on-the-record luncheon with editors and reporters from *The Washington Post*, during which they discussed various issues, including the upcoming meeting in Rome between the American cardinals and Pope John Paul II related to the scourge of sexual abuse.[750] According to a 17 April 2002 article in *The Washington Post*, McCarrick stated during the luncheon that the bishops "should adopt a national policy requiring every diocese in the United States to notify civil authorities of any credible allegation of sexual abuse by priests."[751] In addition, the article described the following:

> [Cardinal McCarrick] also revealed that he personally had once faced an unfounded accusation.
>
> More than 10 years ago, while he was bishop of Newark, McCarrick said, he was accused of pedophilia "with my own

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[748] 17 *ACTA* 14193.

[749] 33 *ACTA* 27194.

[750] 3 *ACTA* 3339.

[751] A. Cooperman & C. Murphy, "Uniform Policy on Priests' Abuse Proposed: D.C.'s Cardinal McCarrick Urges More Openness with Public, Authorities," *The Washington Post* (17 Apr. 2002), 3 *ACTA* 3339-40.

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family" in a letter sent to some of his peers in the church hierarchy.

"I immediately did two things," he said. "I wrote a response and sent it to the nuncio [the pope's representative in the United States] because I figure everything's gotta (sic) be clear. And then I brought it to my Presbyter Council, the council of priests in the diocese. I said, 'This is what I got. I want you to know it.' Because I think light is what kills these things. You gotta (sic) put them in light. And then nothing ever happened. He never wrote another letter or anything."

McCarrick's spokeswoman, Susan Gibbs, said later that the unsigned letter implied that he had sexually abused his nieces and nephews but it had "no specific allegations, no names, no nothing ... just rumor."

After telling this story, the cardinal added, "If there's any interest with anyone here, I can say I'm 71 years old and I have never had sexual relations with anybody – man, woman or child. And that can go on the record."[752]

On the date the article was published, Nuncio Montalvo faxed a copy to Secretary of State Sodano.[753] In a short cover note, the Nuncio wrote, "As Your Eminence can well understand, I felt it was my duty to inform you of this newspaper story."[754] The Substitute, Archbishop Sandri, responded on

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[752] 3 *ACTA* 3340. Detailed notes taken during McCarrick's 16 April 2002 meeting with *The Washington Post* reflect that, in response to a question from the *Post*, McCarrick stated that "Joe Bernardin called" about the anonymous letter and that he had forwarded the letter to McCarrick. 17 *ACTA* 14203. This information was not included in the published interview.

[753] 3 *ACTA* 3341-42.

[754] 3 *ACTA* 3338.

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Sodano's behalf by a brief letter on 6 May 2002, thanking Montalvo for providing the information.[755]

On 21 April 2002, Cardinal McCarrick, Gibbs and several journalists, including Connie Chung, traveled to Rome for the April 2002 meetings. At the airport before departure, Chung interviewed McCarrick about sex abuse in the Church. During the interview, the following exchange took place:

> CHUNG: You, yourself, had been accused.
>
> MCCARRICK: Some of the cardinals had received an anonymous letter accusing me of all kinds of things. Soon as I got it, I do what I always do with these things because I believe in the light. I took it. I studied it. I answered it and then brought it to my council, all the council priests.[756] I said, look. This has come in. There is nothing into it, here's the story. And it died, obviously, because there was nothing in it.
>
> CHUNG: It evaporated?
>
> MCCARRICK: It evaporated. It was an anonymous thing. Every once in a while in life you offend somebody who doesn't like you or someone who probably maybe for good reason says this man's not serving the church as well as I'd like him to serve it so people decide to do things like that.
>
> CHUNG: Did you know any of these individuals who were named? You were accused of...
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> MCCARRICK: This is part of my family. They were saying that I was -- that these things were happening in my own family.

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[755] 3 *ACTA* 3337.

[756] While it is unclear what McCarrick was referring to when he stated that he had "answered" the anonymous allegation, it may refer to his 1993 letters to Nuncio Cacciavillan and Cardinal O'Connor.

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CHUNG: In your own family? You mean your relatives?

MCCARRICK: Yes, yes. It's a terrible thing just to have to talk about.

CHUNG: Would you address the question of sexual conduct on your part?

MCCARRICK: Yes. I certainly will. I said to the "Washington Post" on the record, and I say it again now. I think none of us would have problems. I have never had sexual relations with anybody, man, woman or child in the 71 years that I have been here on this earth. So – that's for the record.

CHUNG: End of story?

MCCARRICK: End of story.[757]

Pope John Paul II met with the American cardinals, including McCarrick, on 23 and 24 April 2002.[758] After the second day of meetings, the prelates from the United States voiced their commitment to a mandatory national policy addressing sexual abuse but also expressed recognition that adopting a "zero

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[757] C. Chung, "Rome: American Cardinals Gather at Vatican," *CNN* (*aired* 22 Apr. 2002), 26 *ACTA* 19278-79.

[758] At the meeting on 23 April 2002, the Pope stated the following to the American cardinals:

> Like you, I too have been deeply grieved by the fact that priests and religious, whose vocation it is to help people live holy lives in the sight of God, have themselves caused such suffering and scandal to the young. Because of the great harm done by some priests and religious, the Church herself is viewed with distrust, and many are offended at the way in which the Church's leaders are perceived to have acted in this matter. The abuse which has caused this crisis is by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God. To the victims and their families, wherever they may be, I express my profound sense of solidarity and concern.

Address of John Paul II to the Cardinals of the United States (23 Apr. 2002), 27 *ACTA* 20390.

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tolerance" policy remained controversial amongst the bishops. In remarks to the press at the time, Cardinal McCarrick stated that if a priest abused a minor 30 years ago "'and since then has never had any trouble and the people know and they say, "He's a good man, we don't have to get rid of him, we'll monitor him, we'll take care of him," do I say, "You're out?" I've got to pray about it.'"[759]

On 23 or 24 April 2002, while Gibbs was standing in St. Peter's Square, David Gibson, then a reporter from the Newark-based *Star-Ledger* newspaper, handed her a printed list of the names and telephone numbers of seven former seminarians from Seton Hall University.[760] The list contained allegations that McCarrick had "abused" the adult seminarians at the beach house on the New Jersey shore.[761] The origin of the list itself and its authorship are unknown.[762]

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[759] L. Goodstein, "1-Strike Plan Splits Group," *The New York Times* (25 Apr. 2002), 26 *ACTA* 19436.

[760] Susan Gibbs Interview, 40 *ACTA* 33908; 17 *ACTA* 14194.

[761] Specifically, the following paragraph appeared before the list of "invitees" to the beach house:

> While Cardinal McCarrick was Newark Archbishop he would regularly stop by the Seton Hall Seminary to invite six seminarians for an overnight at his beach house on the shore. There were five single bunks. The sixth man got to sleep with the jockey clad prelate. It seems that overt sex may not have always been part of the sick ritual, but seminarians were abused.

17 *ACTA* 14194.

[762] Mr. Gibson, who was separately interviewed, does not recall who provided him with the list, other than it "was someone who certainly was angry with McCarrick, as so many were, given the increasing polarization of the Church in the United States." 40 *ACTA* 33959; *see also* 33 *ACTA* 27197. Gibson stated: "I went to Gibbs because I was going to be calling everybody on that list as soon as I got back to the United States and had to hear from the Archdiocese, or from McCarrick himself, if somebody were to have gone on the record. The *Post* interview and the Chung interview laid the groundwork for a big story if McCarrick's denials were not true. I wanted to break that story if I could find any hard information. And I knew other journalists were similarly motivated." 33 *ACTA* 27197.

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Following her return to Washington, Gibbs had a second meeting with Cardinal McCarrick, again at the Pastoral Center, this time to ask him about the list of names she had received from Gibson.[763] McCarrick provided a little background information regarding some of the former seminarians but denied any misconduct. With respect to the two people that the list identified as "most likely to be willing to talk about the ordeal they experienced," McCarrick told Gibbs that he "didn't go anywhere [with] them that he remember[ed]."[764]

Gibbs also contacted two former communications directors who had worked with McCarrick in Newark. One of the communications directors told her that he had heard "talk" that McCarrick had been "imprudent" at the beach house, but nothing more.[765] Gibbs also inquired of a priest secretary who had been to the beach house and whom she trusted. The priest stated unequivocally that he had never seen anything improper and had not experienced anything himself with McCarrick.[766]

For his part, once he returned to New Jersey, Gibson "called everyone on that list, and got either a non-response, a declination to speak, or a curt denial that anything happened." In an interview, Gibson stated, "Because [the individuals on the list] were presented to me as people who would speak up, when they did not, it made me doubt the source and the claims."[767] Afterwards, Gibson "ran it by" Gibbs again and told her he had contacted all of the names on the list but that none of them had checked out. Gibson concluded that it was a "[d]ead end, basically."[768]

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[763] 17 *ACTA* 14195.

[764] 17 *ACTA* 14194-95.

[765] 40 *ACTA* 33911-12.

[766] 33 *ACTA* 27198.

[767] 40 *ACTA* 33961.

[768] 40 *ACTA* 33963. One of the sources who periodically contacted Gibson about McCarrick was Richard Sipe, a psychotherapist and former Benedictine monk. In an interview, Gibson stated:

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In addition to Gibson, Gibbs spoke with reporters from *The New York Times* and *The Washington Post*, who likewise told her that they had "looked into it" and "were unable to verify that anything [had] happened." One of the reporters that Gibbs spoke with was Caryle Murphy from *The Washington Post*, who told Gibbs that she had spoken with Priest 2, who had since left active ministry, and that he did not wish to speak to Murphy, whether on or off the record, regarding McCarrick.[769] Based upon all of the sources she had spoken to, Gibbs determined "that it was a rumor that was not panning out."[770]

In a separate interview, Murphy stated that she and other reporters had heard from second and third hand sources that McCarrick would invite seminarians to the beach house in New Jersey, that "the situation at the house was that there were never enough beds, that he always proposed that someone share a bed with him, and that this made seminarians very uncomfortable. But all the rumors I heard basically concluded with, 'they shared a bed but nothing happened.'"[771] Priest 2 was referred to Murphy, with the assurance that he

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> I knew of Sipe from the 1990s, but when the abuse crisis broke after Boston, I saw him several times at conferences and I spoke to him a couple of times about McCarrick. He would always say that he had sources and then he would repeat to me the same rumors that we heard, but he would say that he actually had the goods. And so, I asked him, "Will you give me anything specific so I can follow up on it? Will you give me some names or events that I can look into?" He would never get specific. He would make all these claims and then he would decline to back them up. It was as though on the one hand he wanted to get this stuff out there, as I did too (if I could verify it), but on the other hand he felt possessive about "his" information. He would not let me, as a professional journalist, verify what he was saying.

33 *ACTA* 27202.

[769] 17 *ACTA* 14195; 40 *ACTA* 33916.

[770] 40 *ACTA* 33912.

[771] 40 *ACTA* 33964; *see also* 33 *ACTA* 27198. Murphy realized at the time that she potentially had "a big story on her hands" given McCarrick's prominent role on the abuse issue. In an interview, Murphy stated that "[i]f we had had one person, and it could not be anonymous, I could have done the story." 40 *ACTA* 33966.

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had been to the beach house and that he would provide information. Murphy stated that she called Priest 2 and that "he would not even confirm off the record, let alone on the record, that anything had ever happened. He would not even confirm off the record that he had been to the beach house or ever shared the same bed with McCarrick." Because of Priest 2's denials, Murphy "was left with no story to run" because she "couldn't get anyone on the record substantiating the rumors."[772]

John Allen, then the Vatican correspondent for the *National Catholic Reporter*, also recalled hearing rumors about McCarrick during this period. In an interview, Allen offered several reasons why he and possibly other journalists did not publish stories about what they had heard:

- "The Church is full of people using gossip to trash each other and McCarrick definitely had his share of enemies so there were good reasons to be skeptical."

- "A reporter generally has to have more than second-hand hearsay and it was always second or third hand information regarding the beach

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[772] 40 *ACTA* 33964; *see also* 33 *ACTA* 27198-99. In an interview, Priest 2 remembered receiving inquiries in the Spring of 2002 from three newspapers – *The Boston Globe*, *The Washington Post* and *The Washington Times*. Priest 2, who by that time had married and had three young children, stated that he was aware of journalists' interest in McCarrick and the beach house following the Boston revelations about how Cardinal Law had handled abuse cases. He explained:

> Those revelations started me thinking about my own past experiences as well. But I had not processed them yet. I had a young family and a new job and they were asking me to go on the record about this stuff and I just was not ready to talk to people about it yet. I was not ready to turn my life upside down at that moment. And I also knew that somebody had taken it upon themselves to circulate my name as "the person" to speak to, which distressed me for two reasons. First, because it was done without my permission; and second, because my experience with McCarrick made me feel extremely uncomfortable, but it stopped short of being sexual.

33 *ACTA* 27203.

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house. You have to have 'actionable intelligence.' If somebody had come to me with solid information, I would have pursued it."

- "If I tried to interview every one of these guys [bishops] every time I heard something salacious, that is all I'd be doing and I'd be out of business in a heartbeat."

- "McCarrick was a 'newsmaker.' The problem for journalists – all journalists – is that we are invested in treating our sources as important. To sell news, which is what we do, we have to convince people that those we are covering really matter. So, we build them up in some ways as being titans of the earth, even though we know, at another level, it may involve a lot of smoke and mirrors . . . . So, when you have a guy who is not just smoke and mirrors, who is smart and effective and willing to be pretty open with the press, you just don't want to believe that they would be doing something so stupid as sleeping in the same bed with seminarians."

- "We underappreciated abuse of power as an issue. It was a different time. Today, obviously, the attitude would be different."

- "If you go after somebody like this, especially a Cardinal, you lose him, and probably any of his friends, as a source."[773]

Allen added: "It isn't that there is too much focus on the Church – no excuses for whatever has happened – but let's be clear that, just as an observation, it is a mistake to look at this in isolation. We could, and should, also be taking a hard look at 'Why didn't the cops pursue it – what records and knowledge did the New Jersey police have?' or 'Why didn't we journalists pursue it?' It is well worth noting that one could easily do valuable reports on those sorts of questions as well."[774]

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[773] 33 *ACTA* 27047.

[774] 33 *ACTA* 27047.

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C. Information Received by the Apostolic Nuncio Related to Priest 2 (2004 to 2005)

On 15 November 2004, while attending the USCCB General Assembly in Washington, D.C., Bishop Wuerl of the Diocese of Pittsburgh provided Nuncio Montalvo with a signed statement from Priest 2, the former seminarian and priest of the Diocese of Metuchen. Priest 2's statement had been previously provided to the Review Board for the Diocese of Pittsburgh on 4 November 2004.[775]

In his statement, Priest 2 detailed allegations of sexual abuse by a Catholic high school teacher when he was a minor and sexual misconduct by a faculty member at a seminary in Maryland when he was an adult.[776] However, Priest 2 also briefly described his interactions with McCarrick:

> I . . . was subjected to inappropriate conduct on the part of Cardinal McCarrick both while McCarrick was the Bishop of Metuchen (and my supervising bishop) and when McCarrick became Archbishop of Newark. I was one of a very small group of seminarians that Cardinal McCarrick periodically took on overnight/weekend trips to the diocese's shore residence in Seagirt, NJ. The trips, themselves, were problematic. The sleeping arrangements and conduct at bedtime were extremely inappropriate. In that regard, Cardinal McCarrick would chose (sic) a seminarian, often me, with whom he would share a double bed. Once in bed, the Cardinal would ask for a backrub or offer to give me a backrub. Given my circumstance as a seminarian under Cardinal McCarrick, I never felt able to resist his requests, and so I often complied.
>
> These sleeping arrangements and backrubs were the norm for other trips/vacations on which I and other seminarians would

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[775] 20 *ACTA* 16605. In August 2004, Priest 2 had provided information regarding McCarrick's "inappropriate conduct" to the Diocese of Metuchen. 33 *ACTA* 27312-14.

[776] 20 *ACTA* 16599-03.

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> accompany the bishop. These include[d] periodic weekend vacations to a small fishing resort in Eldred, NY, overnight stays in NY while attending Yankee baseball games, and a trip to San Juan, Puerto Rico.[777]

Priest 2's statement did not contain allegations of sexual abuse or overt sexual conduct by McCarrick.[778]

In a cover note enclosing the statement to a victim assistance coordinator of the Diocese of Pittsburgh, Priest 2 wrote, "With regard to the section of the statement concerning Cardinal Theodore McCarrick, and specifically in response to your request, the Diocese of Pittsburgh is authorized to share this information with ecclesiastical officials, including the Papal Nuncio. I request, however, that every effort be made to keep my name confidential, if

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[777] 20 *ACTA* 16594; *see also id.* at 16603-04.

[778] Priest 2 has consistently stated that while he was subjected to unwanted physical touching by McCarrick, the nature of the touching was not overtly sexual. *See* Sections XIX.C and XX.

In an interview, Cardinal Wuerl noted that Priest 2's allegations relating to McCarrick in 2004 had revealed "inappropriate" behavior involving an adult and not "sexual" activity, which stood in contrast to Priest 2's principal allegations, which related to sexual abuse he had suffered as a minor in high school and as a young adult at the seminary. Cardinal Wuerl recalled that he nevertheless considered it necessary to provide the statement to the Nuncio:

> I still felt that it was important enough to turn over to the Nuncio and that it was my duty to do so. I did not hesitate because it involved a Cardinal. I thought it was particularly important to turn it over because it involved a Cardinal. And I did that. . . . I made it clear what the document was about and I handed it to the Nuncio personally. I reported it, if you want to put it in those terms.

Cardinal Wuerl also explained that, from his perspective, the fact that he heard "nothing" further was important: "That is what was significant to me: I never heard again from anybody about this matter, including when, later, [Holy See officials] wanted some assistance in trying to get [McCarrick] to slow down." 16 *ACTA* 13860; *see also id.* at 13861-62.

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at all possible. If such anonymity is not possible, I nevertheless authorize that the information be shared with such officials."[779]

No record has been located indicating that Nuncio Montalvo, who by that time had fallen seriously ill, ever forwarded Priest 2's statement to anyone in the Roman Curia.

On 24 February 2005, and "with a heavy heart in view of [recent] conversations," Archbishop Myers of Newark wrote to Nuncio Montalvo to inform him of a mediation that had occurred involving Priest 2, which related in part to the allegations against McCarrick.[780] Myers noted that, during the mediation, the attorney for Priest 2 claimed that McCarrick's conduct with Priest 2 – the sharing of beds and the exchanging of back rubs – was "'extremely inappropriate and might well constitute sexual harassment.'" Archbishop Myers wrote, "It is my understanding that at the mediation meeting, a representative of the Diocese of Metuchen made reference to one or perhaps two other 'settlements' that included Cardinal McCarrick and that referred to more specific sexual activity. I have not seen these documents, which, I believe, are in the possession of the Diocese of Metuchen."[781] Myers explained that Priest 2's statement was presented at the mediation and that the information in the statement was "in accord with rumors we have heard." Archbishop Myers stated, "As I understand it, the document can become public either by a 'leak' or by a reporter operating under the 'Freedom of Information Act.' Pray God that this not happen." He added: "I myself do not plan any further actions in these matters. With the other dioceses we will participate in the settlement. I believe that Bishop Bootkoski [of Metuchen]

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[779] 20 *ACTA* 16605.

[780] 18 *ACTA* 15692-93. Present at the mediation were Priest 2, counsel for Priest 2 and counsel for the dioceses of Trenton, Newark and Metuchen. Neither McCarrick nor his counsel attended the mediation. 33 *ACTA* 27300.

[781] The Holy See's inquiry did not identify any civil settlements related to McCarrick that pre-dated the mediation involving Priest 2, and the requested searches of the archives of the relevant dioceses did not identify evidence of such settlements either.

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may have further information, but I am not absolutely certain. If you wish anything further of me, please know of my willingness to cooperate."

Once again, there is no indication that the Nuncio forwarded this information to anyone in the Roman Curia.

On or about 21 June 2005, Priest 2 entered into a confidential and global settlement agreement with the Diocese of Metuchen, the Archdiocese of Newark and the Diocese of Trenton.[782] Although the agreement did not name any individual alleged to have engaged in misconduct, the settlement for $80,000, which was reached prior to the filing of any lawsuit, covered Priest 2's claims arising from the sexual abuse by the high school teacher and the seminary faculty member, as well as any claims related to McCarrick. Cardinal McCarrick was not a party to the confidential agreement, but it appears that he sent $10,000 to the Diocese of Metuchen at the time that it was entered into, and that the amount was intended as a contribution to the Diocese's settlement with Priest 2.[783]

While Archbishop Myers had previously provided information about the mediation, there is no indication that the Nuncio or any dicastery in the Roman Curia was aware in the Summer of 2005 that a settlement had been reached in Priest 2's case.

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[782] 22 *ACTA* 17028-38. The Archdiocese of Baltimore and the Diocese of Pittsburgh were released under the settlement agreement but were not parties to it.

[783] 16 *ACTA* 13353-54. Priest 2 stated in an interview that he had felt "insulted" by the initial settlement offer of $20,000 from the dioceses. "It was a pathetic offer given the repeated abuses that I had suffered when I was in high school. It made me very angry because I was convinced that they were low-balling me because my claims were time-barred and I felt that it was so wrong for the Church to use that statute of limitations to keep their offer to me so low." Ultimately the offer was raised significantly which, Priest 2 was convinced, was "due to a preoccupation over the need to avoid publicity." According to Priest 2, "the focus from their side was the *sine qua non* insistence on a strong confidentiality agreement that covered everything, including my experience with McCarrick." 33 *ACTA* 27300.

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D. Information Received Related to Priest 1 and McCarrick's Resignation as Archbishop of Washington (2005 to 2006)

In August 2004, Priest 1 petitioned the Congregation for the Doctrine of the Faith for hierarchical recourse against the decree of his bishop, who had refused to provide him with an assignment in light of the accusation that Priest 1 had sexually abused two minor males in the early 1990s.[784] On 2 December 2004, the Congregation for the Doctrine of the Faith wrote to Priest 1's bishop, stating that it had "no information on the case in question" and requesting that the bishop provide a summary and relevant documentation.[785]

On May 13, 2005, Pope Benedict XVI appointed San Francisco Archbishop William Levada, who as Archbishop of Portland and then San Francisco had experience with the sexual abuse crisis in the United States, as his successor as Prefect of the Congregation for the Doctrine of the Faith. In late June 2005, that Congregation received from Priest 1's current diocese documents related to Priest 1, including police reports, criminal case records, memoranda, psychological assessments, correspondence and photographs.[786] The materials included summarized allegations against McCarrick regarding the incidents at the fishing camp and at the small apartment in the Manhattan hospital in 1987.[787] They also included the opinions from Priest 1's psychiatrist and psychologist prepared in the mid-1990s.[788]

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[784] 11 *ACTA* 11993.

[785] 11 *ACTA* 11992.

[786] 11 *ACTA* 12004.

[787] 11 *ACTA* 12015, 12029. The two alleged incidents are described more fully below. *See* Section XX.

[788] 11 *ACTA* 12300; *see also* Section IX.B. The Diocese of Metuchen reported Priest 1's abuse of two teenage males to civil authorities in New Jersey in 2002, but no criminal charges were filed against Priest 1 as a result of the report. 11 *ACTA* 12077-78, 12084, 12089, 12197-98.

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On 22 June 2005, on the eve of his seventy-fifth birthday, McCarrick submitted his resignation as Archbishop of Washington to Pope Benedict XVI in accordance with canon law.[789] Cardinal McCarrick wrote:

> On July 7th of this year, I will celebrate my 75th birthday and, therefore, in accordance with the Canon Law of the Church, I submit my resignation to Your Holiness as Archbishop of Washington.
>
> It has been a wonderful privilege to serve this local Church. It has fine priests, dedicated deacons and religious and truly faith filled men and women of many races and ethnic backgrounds. I wish I had served them better because they deserve the best. They receive me with great love and welcome, even though I came to them late in life and, in the five years of my service here they have given an extraordinary number of vocations to the Church and gifts of such generosity beyond anything that has been witnessed in our American Catholic history. This has been due to the dedication of our priests and religious whose devotion to the pastoral ministry and to a genuine servant leadership is truly outstanding.
>
> Dear Holy Father, it is with great peacefulness that I place my resignation in your hands. I am very ready to retire and find different ways to serve the Lord and His Church, and I am also ready to continue serving here as Archbishop for as long as Your Holiness desires, if that would be your will.
>
> I am so grateful to God and to the Church for the opportunity of service that I have been given. I am happy to place my life in your hands as Vicar of Christ and as father and friend.

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[789] 19 *ACTA* 16182.

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> Please count on my continuing prayers for you and the awesome Ministry which is yours by God's grace and which you exercise with great love for the faithful and great vision for our future.[790]

In a conversation on 29 June 2005 with Prefect of the Congregation for Bishops Cardinal Re, and consistent with common practice, Nuncio Montalvo advised Re that he "favored" extending for two additional years McCarrick's term in Washington.[791] In July 2005, the Congregation for Bishops determined: "Taking into account the good physical and intellectual condition of Card. McCarrick, and after having inquired of the Apostolic nuncio in the United States, Archbishop Gabriel Montalvo, who is favorable to extending the ministry of the Cardinal, this Congregation would consider it desirable if he were to remain at the head of the Archdiocese of Washington for about two years." On 8 July 2005, Cardinal Re carried the Congregation's note into his weekly meeting with Pope Benedict XVI, who initialed the recommendation "B XVI," below which Re wrote, "The Holy Father had decided that Card. Theodore E. McCarrick may continue as Archbishop of Washington for two more years."[792]

In his weekly column published on 8 September 2005, Cardinal McCarrick wrote, "The Apostolic Nuncio informed me that the Holy Father would like me to continue in my present post of service to the Church of Washington for some time longer until other provisions are made. It seems as if Pope Benedict is disposed to have me stay on as archbishop of Washington probably for another two years or so." McCarrick added, "As I think you know, I would have been happy to receive the pope's decision to accept my resignation at this time. He has decided otherwise and therefore I ask your prayers that I may commit myself more willingly and more effectively to your service in the years ahead."[793]

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[790] 19 *ACTA* 16182.

[791] 19 *ACTA* 16183.

[792] 19 *ACTA* 16184-85.*

[793] *Thinking of You* 434.

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On 16 September 2005, a canonist collaborator at the Congregation for the Doctrine of the Faith wrote an internal memorandum about Priest 1's case, which included, as a mitigating factor in Priest 1's favor, a summary of Priest 1's allegations against McCarrick regarding the two incidents in 1987.[794] The memorandum stated that one of Priest 1's counsellors had made clear "that the priest never intended this information about the Archbishop to be communicated beyond the confidentiality of his Bishop and his counsellor nor did he wish it used to create scandal for the Church. The counsellor makes a strong argument, however, for the credibility of the priest's statements, even though Bishop Hughes did not feel there was a factual basis for determining their credibility."[795] Priest 1's petition was denied, and the case closed, on 29 September 2005.[796]

Based upon information that appears to have been received from Archbishop Levada, Pope Benedict XVI reversed his decision to extend McCarrick's term in November 2005 and asked Cardinal Re to convoke McCarrick to Rome to communicate the Holy Father's desire that McCarrick immediately resign as Archbishop of Washington.[797] Cardinal Re's 5 November 2005 handwritten memorandum stated:

> The Holy Father requests that the Prefect of the Congregation for Bishops convoke Cardinal McCarrick to Rome, to ask him to spontaneously withdraw immediately from the Washington See after the Christmas holidays. I will make contact with Levada to have the exact elements as well as the name of the priest who accuses him (and who has been judged credible).[798]

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[794] 11 *ACTA* 11997.

[795] 11 *ACTA* 11998.

[796] 11 *ACTA* 11990.

[797] 19 *ACTA* 16187.

[798] 19 *ACTA* 16187.* In an interview, Cardinal Re stated, "I spoke to Benedict XVI about the problem with McCarrick and he immediately approved the process for the appointment of a successor." 16 *ACTA* 13513.

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Two days later, Cardinal Re sent Nuncio Montalvo a copy of Archbishop McCarrick's 6 August 2000 letter to Bishop Dziwisz that had significantly contributed to the decision to appoint McCarrick as Archbishop of Washington.[799] Prefect Re's manuscript cover note to the Nuncio stated:

> Today I wrote to Card McCarrick, Archbishop of Washington, to come see me when he next travels to Rome.
>
> Unfortunately, new rumors have come from Metuchen that lead one to hold to be true those [rumors] of years ago that had been judged false.
>
> I think that I will request that he spontaneously withdraw, being six months over 75 years of age. I will not fail to inform [you] after the meeting.
>
> In 2000 Pope John Paul II had sent him to Washington convinced of the truth of the attached letter.[800]

Also on 7 November 2005, Cardinal Re composed a short handwritten note to Cardinal McCarrick, marked as "Confidential," which stated:

> I would have need to speak to you about some rather urgent matters, and I would prefer to do so in person.

Pope Emeritus Benedict XVI, who reviewed the Report related to these events, found the contents to be consistent with his own recollections. 40 *ACTA* 33984. Through Archbishop Georg Gänswein, the Pope Emeritus recalled that there were suspicions regarding McCarrick's prior misconduct but a dearth of concrete evidence. The Pope Emeritus recollected that the request that McCarrick resign as Archbishop of Washington was intended to send McCarrick a "clear signal" of disapproval. *Id.*

[799] 19 *ACTA* 16189.*

[800] This refers to the 6 August 2000 letter from McCarrick to Dziwisz. The note suggests that Cardinal Re was unaware that Bishop Dziwisz had already sent a typewritten version of McCarrick's 6 August 2000 letter to Archbishop Montalvo in late 2000, as explained above. *See* Section XVI. In an interview, Cardinal Re confirmed that he had no knowledge of any communication by Bishop Dziwisz to Nuncio Montalvo.

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> Would it be possible for you to come to Rome prior to the end of November?
>
> It has to do with things of twenty years ago regarding the diocese of Metuchen.[801]

On 2 December 2005, the allegation that McCarrick had shared a bed in the past with Priest 2 was described in an article authored by blogger-journalist Matt Abbott and published on the Internet.[802]

Cardinal Re received Cardinal McCarrick at the offices of the Congregation for Bishops in Rome on 5 December 2005.[803] During the meeting, Re expressed to McCarrick his "worry" that "voices" and "generic accusations" had "recently reemerged" regarding McCarrick's "moral conduct while at Metuchen."[804] McCarrick "immediately accepted that his resignation be published immediately following" Easter 2006 but requested that, "in order not to give substance to the rumors about him, the nomination of his successor be published at the same time, so that his exit from Washington appears completely normal and not a punishment." With regard to the "rumors," McCarrick told Re:

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[801] 19 *ACTA* 16188.*

[802] M. Abbott, "Priest Accuses U.S. Cardinal of Abuse of Power," *RenewAmerica* (2 Dec. 2005), 17 *ACTA* 14287-89. While journalists for mainstream media outlets continued to hear similar accounts, they did not publish them at the time. For instance, in June 2005, a now-deceased reporter for a major Catholic news organization wrote an e-mail to one of the witnesses interviewed for this Report, in which he stated: "I'm certainly aware of the rumors – and I've been told that a major national daily was ready to report them at one point but ultimately backed off (for what reason, I don't know, though I understand the cardinal categorically denied the accusations.)" 17 *ACTA* 15098.

[803] 20 *ACTA* 16622. Re had not yet become aware of the 2 December 2005 article by Abbott when he spoke to McCarrick on 5 December. *Id.*

[804] This account is taken from Cardinal Re's 28 December 2005 letter to Nuncio Montalvo, further discussed below. 17 *ACTA* 14307-08.*

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> l) unfortunately, it is true that sometimes [McCarrick] invited the one or another seminarian to sleep in his bed at the vacation house,
>
> 2) but there has never been a sexual act or anything related to the sexual sphere (i.e. not even incomplete acts).
>
> [McCarrick] understands that he has been imprudent in having acted in this way, which lends itself to leading people to think of that which ... in reality never occurred.[805]

Shortly thereafter, Bishop Bootkoski of the Diocese of Metuchen forwarded to Nuncio Montalvo specific allegations previously made by Priest 1 and Priest 2.[806] Bishop Bootkoski quoted an e-mail from Priest 2, which stated the following about McCarrick:

> I don't recall whether I mentioned to the Review Board the frequent trips on which he took me (and other seminarians) to the diocese's Spring Lake (Sea Girt?) beach house. Suffice to say, the sleeping arrangements were always inappropriate as I and others shared a bed with him and at times he made inappropriate physical (although not clearly sexual) contact. In addition to the trips to the shore, he would occasionally take me and other seminarians to a resort in Eldred, NY, for a getaway fishing vacation. On other occasions I traveled with him to NYC to attend a Yankee game after which we would spend the night in a small room in a NYC hospital (I do not recall the name of the hospital) and again, would share a very small bed with him and there would be inappropriate physical contact. On another occasion I traveled with him to Puerto Rico where,

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[805] 17 *ACTA* 14307-08.* Cardinal Re noted in an interview that the information received by the Congregation for Bishops at that time was neither "certain" nor "concrete" with respect to McCarrick's misconduct. 16 *ACTA* 13883. He emphasized that the information "did not relate to minors," and that if "there had been any involvement of minors, the approach to the question would have been completely different." *Id.*

[806] 17 *ACTA* 14284-86.

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> again, the sleeping arrangements were inappropriate. I can provide more details in the appropriate forum.

Bishop Bootkoski also provided the following paraphrase of allegations made in a psycho-diagnostic assessment of Priest 1:

> In the summer of 1988 while a seminarian, [Priest 1] was invited to join the Bishop and two priests on a fishing trip. The four spent the night in a motel. [Priest 1] was required to share a bed with one of the priests; the other priest slept in the same bed as the Bishop. [Priest 1] saw the Bishop and his sleeping partner engage in sexual touching. The Bishop told [Priest 1] that he would be "next" and later that night the Bishop came into [Priest 1]'s room. [Priest 1] pretended to be asleep and was left alone, although the Bishop sought to keep in contact with him. One evening later that summer, the Bishop asked [Priest 1] to drive him into New York City for a meeting. The Bishop invited [Priest 1] to spend the night at the Bishop's apartment in the city, where there was only one bed. While in bed together, the Bishop began touching [Priest 1] in a sexual way and wrapped his legs around [Priest 1]. [Priest 1] left the bed in the early hours of the morning, complaining that he did not feel well, but the Bishop asked him to put on clothing of the Bishop's and to return to bed. [Priest 1] has no recollection of whether he put on the clothing or what happened when he returned to the bed. He only remembers the drive home to New Jersey. The Bishop continued to call and to write to [Priest 1] over the next year, even asking [Priest 1] to call him uncle.[807]

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[807] 17 *ACTA* 14284-86. Bishop Bootkoski also included the account from another former seminarian in Metuchen: "In an interview with two priest-officials of the Metuchen diocese, [the former seminarian] spoke of hearing rumors, while a seminarian and afterwards, of parties at the New Jersey shore home of Cardinal McCarrick, where food and drinks were served by scantily clad young men. [The former seminarian] was not present at any of these parties and said he put no credence in the rumors."

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On 10 December 2005, Nuncio Montalvo forwarded to Cardinal Re both Bishop Bootkoski's report and the 2 December 2005 Abbott article.[808]

On 17 December 2005, Montalvo retired as Apostolic Nuncio to the United States and Archbishop Pietro Sambi was installed in early 2006.[809] Nuncio Sambi was an accomplished diplomat known for his perspicacity, integrity and occasional short temper.[810]

On 28 December 2005, Cardinal Re wrote to Nuncio Montalvo, who remained in office until Archbishop Sambi's installation, informing him of

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[808] 19 *ACTA* 16194. Abbott authored a second online article on 18 December 2005, which contained allegations by Father Robert Hoatson, who had filed a federal lawsuit against the Archdiocese of New York, the Archdiocese of Newark and other defendants on 13 December 2005. Hoatson's case was dismissed by the federal court on 8 February 2007, though it appears to have been re-filed in New York state court that same year. 23 *ACTA* 17517.

In the 18 December 2005 article, Abbott wrote that Hoatson claimed that he asked the former director of priest personnel at the Newark Archdiocese in 1994 whether McCarrick had stopped sleeping with seminarians, and was told "'Oh, yes, the Papal Nuncio and Bishop [James] McHugh both spoke to him and told him to cut it out.'" M. Abbott, "Newark Priest Knew of McCarrick 'Sleepovers,' Fires Back at Archdiocese," *RenewAmerica* (18 Dec. 2005), 17 *ACTA* 14298-14300. In an interview, the former personnel director identified in the article categorically denied that this exchange ever took place and stated that he had no knowledge whatsoever of such contacts or warnings. No records indicate that the Nuncio told McCarrick to "cut it out" in 1994. 16 *ACTA* 13551.

[809] 13 *ACTA* 12989-90.

[810] One official who worked closely with Nuncio Sambi at the Apostolic Nunciature in Washington stated that Sambi could initially be "overreactive to things" and would occasionally lose his temper and "scream" at others, but that he was also "extremely sharp," the type of person who "could hear grass grow." The official stated, "Sambi wanted to be precise and sometimes being precise could have a sharp edge to it; that was the 'blow up' aspect. But he was a man who always did his homework. And he was a mature diplomat with a lot of experience who felt that he could judge situations and handle them." 16 *ACTA* 13570; 33 *ACTA* 27075.

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his recent meeting with McCarrick and telling the Nuncio to start the procedure for the provision of the Archdiocese of Washington.[811] He stated:

> I trust that during these three and a half months that separate us from Easter no new "voices" or rumors will emerge. The matter should be followed closely. Obviously the good of the Church also requires an implementation [of the decision] in such a way as to not disseminate information known to few people and to ensure that things lacking foundation do not appear credible.

McCarrick and Cardinal Re agreed to meet again in Rome on 17 January 2006. In a letter to Re on 16 January 2006, McCarrick wrote:

> First of all, I want to thank you for the sensitivity with which you spoke to me on December 5th concerning a delicate and difficult subject. I truly appreciate that kindness. Secondly, I want to assure you and the Holy Father that I will always be an obedient son of the Church, I accept your decision and the process you outlined and will carry it out to the letter. As you have seen in the copies of my Column and my words to the Presbyterate, I have already begun to follow through on it.
>
> Forgive me if I add that I do not understand it totally. I have not seen my accuser and do not know who they are, but I accept your judgement that this is for the good of the Church and in my heart I believe that everything is a grace.
>
> I want to present this attached confidential document[[812]] to you and, through your kindness to the Holy Father, because I believe it is important that you learn the truth, as far as I know it, concerning the subject of which we spoke. At the time of our conversation, I was very troubled by the false information which Your Eminence had received - and apparently believed,

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[811] 17 *ACTA* 14307-08.*

[812] This refers to the three-page memorandum discussed immediately below.

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> - and I was at a disadvantage in trying to reply in my limited Italian.
>
> Nothing in the confidential memorandum will change my complete obedience to the plan you presented to me, I give it to your Eminence as an honorable man, not seeking justice nor confrontation, but that the official record may contain a defense of the good name of the present Archbishop of Washington and so that Your Eminence and the late John Paul II may never be accused of having been misled in promoting me to the See of Washington.
>
> I would never have accepted promotion to Newark or Washington if I thought I would ever be a scandal to the Church. I hope I love the Lord and the Church more than that. My life has always been open. I have always lived with priests or bishops, holy men and wise. For the last twenty-five years as an Ordinary, everyone has always known where I am and with whom I am at all times. This is true today and always has been.[813]

On 17 January 2006, McCarrick met with Cardinal Re in Rome and provided him a three-page handwritten memorandum that stated the following:

> As I mentioned in my letter to your Eminence of 16 January, I would like to present the following points to help clarify our conversation of 5 December, 2005.
>
> 1. In a letter written to His Holiness Pope John II in 2000, I stated that in seventy years of life, I had <u>never</u> had sexual relations with any person, man, woman or child. In the course of the media concentration on priestly celibacy, I have had occasion to repeat that statement publicly on Television and in

[813] 19 *ACTA* 16215. Although Cardinal McCarrick referred to the "plan" that Cardinal Re had presented to him, the written record for this time period reflects only Re's request that McCarrick resign as Archbishop of Washington by mid-2006.

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the print media. It is still true today. In support of [that] fact I would gladly cooperate with any independent investigation including one which would subject me to a lie detector test.

2. I have never lived a double life, nor have I ever been sexually active in any way.

3. I have always tried to be close to my priests and seminarians. When I came to Metuchen we had only 16 men in seminary formation and they had never met their bishop. I determined to get to know them and treat them like my family. By the time I left Metuchen, we had 50 seminarians. In Newark, the Seminary was a great problem and men were being formed in a way which was not in keeping with the Church's reputation. I made a special effort to become close to those seminarians to try to be a good element in their formation, as I believe a bishop ought to be! In the 15 years I served as Archbishop in Newark, 200 priests were ordained - more than any other diocese in the United States. Here in Washington, this coming May, 12 priests will be ordained, please God, the largest number since 1973!

All this does not come from abusing them, but from trying to treat them with love and respect.

4. However, in the context of today's heightened concern about sexual abuse and celibacy, I was probably ignorant in the 80s and early 90s in treating seminarians as members of my own family. I would often invite priests and seminarians - men in their twenties and thirties - to come to a modest house on the shore in New Jersey for a weekend of recreation and rest. Over the course of the year, possibly a hundred came. The house had five beds and a couch. If more than five came, I shared my own bed with one of them. In all the years that we used the house, I know of no insinuations by any of these men that they were subject to improper conduct on my part. We always celebrated Mass together, the Divine office and great conversation about [illegible].

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5. Because of the unhealthy concentration of the Media due to the crisis of sexual abuse of children by clergy, I stopped inviting groups of seminarians more than ten years ago. It is important to recall that never were children or teenagers in these groups.

6. From time to time - perhaps once every two or three years, some anonymous person or persons, who did not like me or my pastoral ministry - probably someone from either the extreme left or the extreme right - expressed false and hurtful rumors about this house. As a matter of fact, after I was named a Cardinal in 2001, a list of seminarians who were said to have been abused during these visits was circulated by an anonymous person to all of the major newspapers in our region - *The New York Times*, *The Washington Post* and *The Newark Star Ledger*. All three newspapers began to investigate the story, contacting the names on the lists and any other they could find. These careful investigations lasted several weeks and ultimately ended when they could find no evidence of improper conduct.

7. In all these rumors of improper conduct, only one actual name has ever surfaced and perhaps this has been what's fed the rumors which have no basis at all. In this one case, there was apparently an allegation made and this was brought up in the conversation of December 5, 2005. As far as I can put it together, here is the history of that case. The information that follows is what I knew and all that I know.

a) About fifteen or more years ago, a lawyer friend of mine who had worked with several dioceses in their sex abuse cases, mentioned to me that in a conversation with a couple of bishops, the mention was made that there was an allegation against me. I knew nothing about this and had never been contacted about it by anyone in the Church or outside it. I presumed that, if it were at all credible, someone would speak to me. Years went by without any further notice. I therefore concluded that those who knew about it realized that it was false.

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b) Some ten years ago, someone - I have forgotten who it was - mentioned that a priest who had been involved in sexual abuse of children, had indicated to a psychologist [at] the therapy center, where he had been sent as a result of his abusing these teenagers, that [I had] sexual relationships with him and that this was being investigated.[814] No one else ever mentioned this and when I had heard nothing more, I presumed that this was also judged to be false.

c) Some time after I was installed in Washington, the Bishop of Metuchen called me to [say] that this priest - whose name I now learned - had said in his therapy that I had attacked him sexually. The bishop indicated that he had settled the case and wanted to let me know.[815]

I was very upset and troubled at this and denied the charge absolutely. At once I called a lawyer, who had worked with the Newark Archdiocese and asked about responding publicly. He advised against this since the supposed accusation was totally without any proof and the priest may have this claim as an excuse to blame someone else for his own problem. The lawyer advised that it was not worth making this public. Aside from [this] one conversation with the bishop of Metuchen, NO ONE ELSE HAS EVER APPROACHED WITH THIS QUESTION – NO LAWYER, NO POLICE OFFICIAL, NO PRIEST, NO ONE. If it ever became public I would have to deny it vigorously, because it is not true.

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814 The priest is unnamed in the letter, but the reference is to Priest 1.

815 Because the settlement agreement between Priest 1, the Archdiocese of Newark and the Diocese of Metuchen was only executed in August 2007, it is unclear why McCarrick referred to a completed settlement in this January 2006 memorandum. 17 *ACTA* 14314-20.

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8. Since this is the only accusation that seems to have a specific individual in [mind], I would like to make several points about it:

a) If my calculation is correct, at the time of the supposed incident, this man would have been about 25 years old and I would have been about sixty.

b) He would have been five inches taller and forty pounds heavier than I, making it most improbable that I could have attacked him.

c) No one - I repeat again - has ever approached me on this, apart from what I mentioned above.

d) About six months ago, the priest himself wrote to me a friendly letter.[816] He asked if I can help him in his present ecclesiastical situation since he had been relieved of his faculties by his previous diocese. If I had wronged him so terribly, he would not have thought to come to me for help.

At the end of our conversations, Your Eminence gave the impression that you had heard so-called improper things were continuing to take place since I have been here in Washington. That is a very terrible suggestion and the person or persons who are responsible for such an accusation [are] evil people, trying to destroy the reputation of a bishop of the Church.

I may not be a holy man. That I know and regret. I am too selfish and proud, but these accusations are not true and they have never been true. This I swear on my oath as a bishop.

I accept the program which Your Eminence has presented to me without reserve, not because the accusations are true, but in the hope that they will be a good penance for my sins. I promise my

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816 Priest 1 wrote a letter to McCarrick on 9 August 2005. 45 *ACTA* 42058.

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> prayers and my absolute obedience to the Holy Father for a long life. I regret with all my heart that this calumny has given him sorrow.
>
> I am grateful to God and the Church for the grace to serve.

In a brief internal note bearing the same date as their meeting, Re wrote that McCarrick had "seemed serene" and was willing to leave his position "right after the Easter celebrations, if his successor is ready."[817]

On 7 February 2006, Abbott published a brief article online quoting an e-mail he said he had received from a former priest in the Archdiocese of Newark. Abbott wrote that the former priest stated, "'I confirm the stories concerning Cardinal Theodore McCarrick. The instances of him sleeping with seminarians goes back to when he was bishop of Metuchen. I was originally a seminarian with the Diocese of Metuchen and transferred to Newark. I did not attend Seton Hall University, but rather Mt. St. Mary's in Emmitsburg, Md. It was common knowledge that McCarrick engaged in this activity.'"[818] Anonymously quoting e-mails that Abbott claimed to have received, the article stated:

> "Just prior to my leaving the archdiocese, I spoke with [priest's name deleted] who was living in residence at [parish name deleted]. [Priest's name deleted] told me McCarrick wanted him to sleep with him. [Priest's name deleted] took an extended leave of absence after that. . . ."
>
> In a subsequent (edited) e-mail, [the former priest] stated:
>
> "[Priest's name deleted] said when he refused to sleep with the archbishop, the archbishop responded, 'I just want to sleep with you [name deleted]; I don't want to [expletive] you.'"

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[817] 19 *ACTA* 16219.

[818] M. Abbott, "Ex-Priest Speaks on McCarrick, Homosexuality," *RenewAmerica* (1 Feb. 2006), 19 *ACTA* 16210.

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(brackets in original).

In late March 2006, McCarrick communicated with Monsignor Robert Sheeran, the president of Seton Hall University, about the possibility of residing part-time in a small on-campus residence complex reserved for priests. The residence was close to, but physically separate from, Immaculate Conception Seminary. McCarrick stated that he was willing to be helpful at the university "as long as it did not become too high profile."[819]

McCarrick's securing of an apartment at Seton Hall was opposed by Newark Archbishop Myers, who noted in a memorandum to file on 3 April 2006 that "I will take no responsibility for his presence on campus, especially should that become embarrassing." According to Archbishop Myers, he told Msgr. Sheeran if "that should that occur, I will make the facts in the matter public."[820]

On 26 April 2006, Nuncio Sambi reported to Cardinal Re that McCarrick had "stated to the press that he 'expects to retire soon'" and "has repeatedly told me that he is ready to leave the office [of Archbishop] with serenity and at any time. I am told he has prepared his apartment at the new seminary of Neo-Catechumenals [in the Archdiocese of Washington], the inauguration of which is planned shortly."[821] The attached article from *The Washington Post*, as quoted by Sambi, noted that McCarrick was a "prolific fundraiser, helpful in formulating the response of the Church to the crisis of sexual

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[819] 22 *ACTA* 17041.

[820] 22 *ACTA* 17042. Archbishop Myers' internal memorandum was not transmitted to the Nuncio or to the Holy See at the time.

McCarrick was subsequently assigned a small apartment in Gerety Hall, an eight-unit condominium building with apartments for the priest-faculty, located on the Seton Hall campus. 20 *ACTA* 16720. The apartment continued to hold some of McCarrick's possessions until Spring 2019, when they were packed in boxes upon instruction of university officials.

[821] 19 *ACTA* 16221. Cardinal McCarrick blessed and dedicated the new Redemptoris Mater Seminary of the Archdiocese of Washington, which was housed in a large renovated building in Hyattsville, Maryland, in early May 2006. 27 *ACTA* 20117-18.

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abuse," and that he "did not take an aggressive stance towards Catholic politicians who supported the right to abortion."[822]

On 16 May 2006, Pope Benedict XVI accepted McCarrick's resignation as Archbishop of Washington and appointed him as the Apostolic Administrator of the Archdiocese for one month. The Holy Father also appointed Bishop Donald W. Wuerl of the Diocese of Pittsburgh as the new Ordinary of the Archdiocese of Washington. Wuerl took possession of the Washington Archdiocese on 22 June 2006.[823] The following month, President Bush hosted a retirement dinner for McCarrick at the White House, also attended by Archbishop Wuerl and Archbishop Sambi, which was held in the private residence upstairs.[824]

In accordance with canon law, McCarrick remained a member of the College of Cardinals, retained his positions within the Roman Curia and acquired the title Archbishop Emeritus of Washington.[825] As an archbishop emeritus, McCarrick would generally have been entitled to receive from the Archdiocese of Washington a monthly stipend, housing, health benefits, an office, secretarial assistance and transportation, including an automobile for personal use.[826] Consistent with his prior practice of not taking a salary, McCarrick declined to draw a pension during his emeritus years.

Cardinal McCarrick moved his offices to the Redemptoris Mater Seminary in Hyattsville, Maryland, and changed his letterhead to reflect his new

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[822] 19 *ACTA* 16221-22.

[823] "Rinuncia dell'Arcivescovo Metropolita di Washington (U.S.A.) e Nomina del Successore," *Bollettino della Sala Stampa della Santa Sede* (16 May 2006), 27 *ACTA* 20237; J. O'Neil, "Pope Names New Archbishop for Washington," *The New York Times* (16 May 2006), 26 *ACTA* 19039-41.

[824] 27 *ACTA* 20335; 40 *ACTA* 33548.

[825] As a Cardinal, McCarrick was not fully under the jurisdiction of his successor. *See* Code of Canon Law, c. 357 § 2 ("In those matters which pertain to their own person, cardinals living outside Rome and outside their own diocese are exempt from the power of governance of the bishop of the diocese in which they are residing.").

[826] *See generally* USCCB, *Guidelines for the Provision of Sustenance to Bishops Emeriti* (2016), arts. 1-2.

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address and emeritus status. One of the career lay secretaries employed by the Archdiocese continued to serve McCarrick during his emeritus years, performing much of his secretarial work, including finalization of letters, until her retirement in 2014. Her services were paid for by the Archdiocese.

In June 2006, Tarcisio Cardinal Bertone was appointed Secretary of State by Pope Benedict XVI. Previously, Cardinal Bertone had served under Cardinal Ratzinger as Secretary to the Congregation for the Doctrine of the Faith from 1995 to 2002. Cardinal Bertone remained Secretary of State through the first months of Francis' papacy, until October 2013.

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XX. PRIEST 1'S INCIDENT REPORT AND VERBAL INDICATIONS GIVEN TO MCCARRICK (2006)

On 14 June 2006, Stephen Rubino, an attorney from New Jersey who was representing Priest 1, met with Ronald Rak, the General Secretary for the Diocese of Metuchen, and Lawrence V. Nagle, the Director of the Diocese's Office of Child and Youth Protection.[827] On 26 June 2006, Mr. Nagle completed an "Incident Report Form," memorializing information provided by Mr. Rubino during the meeting.[828] The form attached a ten-page unsigned typewritten letter from Priest 1 to Bishop Hughes, dated "May ___, 1994 (sic)", and a four-page undated and unsigned typewritten document, also purportedly authored by Priest 1.[829] The report identified Priest 1 as a priest who by that time had left Metuchen and was now residing in another State. The report also noted that the priest had been administratively "removed

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[827] Nagle had already been familiar with Priest 1's allegations in 2002, when he worked in civil law enforcement. On 2 October 2002, Lieutenant Nagle of Middlesex County, New Jersey, wrote a one-page memorandum to Middlesex County Prosecutor Bruce J. Kaplan regarding information received by the deputy assistant prosecutor from a "confidential source." In the memorandum, Lieutenant Nagle stated that "it has been reported that [Priest 1] in 1986, while a student at Seton Hall University Seminary, Newark, New Jersey, visited an apartment located in Manhattan, New York, that was occupied by now Cardinal Theodore McCarrick. McCarrick attempted to have sexual relations with [Priest 1] against his wishes. No further information is known at this time about incident (sic). The undersigned referred the confidential source to the Manhattan District Attorney's Office and New York City Police Department due to jurisdiction issue." 11 *ACTA* 12001.

[828] 19 *ACTA* 16226-28.

[829] 19 *ACTA* 16229-42. The Diocese of Metuchen, which conducted a search of its files in 2019 and again in 2020, reported that it had no record of either attachment having been received by Bishop Hughes in the 1990s. Multiple efforts to interview Priest 1 to learn more about the unsigned documents and to determine whether they had been sent to Bishop Hughes were unsuccessful.

Because Priest 1 declined to be interviewed, his authorship of the unsigned documents could not be independently verified. However, there is a strong inference from surrounding circumstances and from the content of the documents themselves that Priest 1 is the author of the two attachments to the incident report distributed to civil and religious entities in 2006. *See* Section IX.B.

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from the clerical state" due to "accusations that he sexually assaulted two minors while working in the Diocese of Metuchen."[830]

The completed form stated that a report of Priest 1's allegations had been made on 26 June 2006 to the Prosecutor's Office of Middlesex County (New Jersey), and that notices of the report had been mailed on the same date to the Prosecutor's Office of Morris County (New Jersey), the New York City District Attorney's Office, the Sullivan County District Attorney's Office (New York), the State's Attorney's Office in Frederick County (Maryland), and the Bardstown Police Department (Kentucky). In addition, e-mail notices had been provided on 26 June 2006 to the New Jersey Division of Criminal Justice and the Prosecutor's Office of Warren County (New Jersey). Notices had also been sent to the Archdiocese of Newark, the Diocese of Paterson (New Jersey), the Archdiocese of Baltimore (Maryland), and the Diocese of Pittsburgh (Pennsylvania).[831]

In the first attachment, Priest 1 wrote that it "was not his intention to have sexual contact with the two teenagers," but that "[b]ecause of the lack of support in the rectories and all the hurt I have endured, I was extremely vulnerable and, consequently, responded to their overtures, touches and gestures of affection." Priest 1 then described incidents in which he claimed to have been abused by two priests at different times and stalked by a "crazy" woman who had been introduced to him by the assistant curate at Priest 1's parish assignment. The woman, Priest 1 claimed, said that "she was going to kill me, hurt my loved ones, and harm anyone seen with me."

Priest 1 also described his recollection of the incidents involving McCarrick at the fishing camp in Eldred and at the apartment in New York City in 1987, which had been previously discussed in Dr. Fitzgibbons' letter to Congregation for Bishops Prefect Cardinal Gantin in March 1997, in the documents received by the Congregation for the Doctrine of the Faith in June

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[830] Priest 1 was never actually dismissed from the clerical state. The confusion may stem from the fact that Priest 1 was placed on administrative leave by his bishop.

[831] 19 *ACTA* 16227-28.

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2005, and in Bishop Bootkoski's December 2005 summary. In the two attachments, Priest 1 stated that the following occurred at the fishing camp:

> Attachment 1
>
> During my summer assessment in Edison, New Jersey, I was honored and thrilled to be invited to a trout fishing trip at Lake Elkin in New York State with the Archbishop and two priests. The great "honor" turned out to be a horrible nightmare.
>
> On June fifteenth, after fishing and dinner, we returned to a local hotel. We watched television for a few hours. Then, it was time to go to bed. Within fifteen minutes after going to bed, I rolled over and noticed the Archbishop and another priest having sex on another double bed. At that point the Archbishop noticed that I was looking and invited me to be "next". The other priests laughed and joked at the Archbishop's invitation for me to have sex with him. I cannot even describe the terror I felt that night. I felt frightened, trapped and humiliated. I turned over and tried to sleep until morning. The fear, anxiety and tension I experienced kept me awake most of the night. Early the next morning, we celebrated Mass together as if nothing ever happened.
>
> Throughout the summer, I received four to five phone calls a week from the Archbishop while I was in Edison and at my home on my days off. It was a very uncomfortable situation because I never forgot the humiliation of that night which affected me very deeply. The Archbishop's constant phone calls aroused questions from both parish staff and family.
>
> Attachment 2
>
> After a few hours fishing, we all went to dinner to a restaurant on the premises. Following dinner, we went to the cabin which consisted of one large room with two queen-size beds and a bathroom. As nighttime came Bishop McCarrick gave our sleeping assignments. I thought it odd that two grown men had

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to share a bed. The television was on and I was in a bed on the right with [Priest 7][832] and [Priest 2] was in the other bed with Bishop McCarrick. All of us were dressed in tee shirts and shorts. Within an hour of watching television and some small talk, Bishop McCarrick took a shower. Then [Priest 2] took a shower. Bishop McCarrick returned to his bed wearing only his underwear. The rest of his body was bare. [Priest 2] wore only his underwear as well. All of sudden [Priest 2] was lying in bed watching TV, and Bishop McCarrick saw him on the bed, turned him over and laid on top of him. Bishop McCarrick was sitting on the crotch area of [Priest 2]. As I was watching TV with [Priest 7] Bishop McCarrick was smiling and laughing and was moving his hands all over [Priest 2]'s body. Bishop McCarrick was touching [Priest 2]'s body, rubbing his hands from head to toe and having a good time and occasionally placing his hands underneath [Priest 2]'s underwear. Feeling very uncomfortable while trying to focus on the television, [Priest 7] started smiling. As I looked at the bed next to me, Bishop McCarrick was excitedly caressing the full body of [Priest 2]. At that moment, I made eye contact with Bishop McCarrick. He smiled at me saying, "Don't worry, you're next." At that moment I felt the hand of [Priest 7] rubbing my back and shoulders. I felt sick to my stomach and went under the covers and pretended to go to sleep. Meanwhile, Bishop McCarrick was continuing his activities with [Priest 2]. I was left alone.

The next morning, we all went to breakfast on the premises of the fish camp. At the table we had basic conversation and no mention of what took place in our room the previous evening. We went back to our cabin and began to pack our belongings. Bishop McCarrick had went (sic) for a walk on the

[832] Priest 7, who remains in active ministry, has never alleged inappropriate conduct by McCarrick.

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> campgrounds with [Priest 2]. As the Bishop headed back to the cabin after the walk, he pulled me aside and said, "Just think how fortunate you will be to hear a Bishop's confession like [Priest 2] just did."[833]

Priest 1 also provided two different accounts of the incident at the apartment in New York City:

> Attachment 1:
>
> Last summer 1987: The Archbishop called me in mid August at my parish in Edison, New Jersey claiming that he wished to speak to me over dinner. I thought that his dinner conversation was going to be an explanation of what happened in the hotel two months earlier.
>
> I drove the Archbishop to New York at his request. After a meal which lasted approximately two and one-half hours involving eight businessmen, the Archbishop suggested that we go for a walk. We walked for about an hour. Near the end of the walk,

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[833] Priest 1's allegation of sexual conduct between McCarrick and Priest 2 was inconsistent with Priest 2's signed mediation statement from 2004. In the statement, made for the purpose of obtaining compensation, Priest 2 alleged that he was the victim of sexual misconduct by others, both as a minor and as a young adult. 20 *ACTA* 16596-16603. While Priest 2 described McCarrick's conduct as "extremely inappropriate," he did not describe any of the contact as overtly sexual. *Id.* at 16603-04.

In an interview, Priest 2, who had been shown Priest 1's written account by a reporter from *The New York Times* in 2018, stated that "large portions of [Priest 1's] statement are simply fabrications as they relate to me." Priest 2 denied that McCarrick ever sat on his crotch, or lay face-to-face on him, or moved his hands all over his body or under his underwear. Priest 2 acknowledged that McCarrick did engage in physical conduct that made Priest 2 "extremely uncomfortable," but emphasized that the conduct "fell short of sexual" and never took place in front of others. He denied that McCarrick ever said "'You're next'" to Priest 1 in his presence, and stated that he "never, ever took McCarrick's confession" and that he did "not believe [McCarrick] ever took mine either." Priest 2 stated, "I don't know what induced [Priest 1] to make things up. I only know that what he describes is made up as to me." 33 *ACTA* 27294-95.

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the Archbishop said that it was late and wanted to spend the night.

After we went to the car for some belongings, he took me to his own apartment. (The apartment was a condominium in a building which had been a children's hospital somewhere between 60th and 75th, probably off Park Avenue). I was stunned to know that he had a place in the city. I thought we were going to a nearby hotel and spend the night in separate rooms. By the time we entered his apartment, it was after eleven o'clock. I started to become fearful when I realized that there was only one bed in the apartment. The memories of past sexual abuse made me feel overwhelmed, panic stricken and absolutely terrified once again.

The archbishop went to get a shower. While he was showering, I changed into my pajamas and got into bed. The archbishop came out of the bathroom after finishing his shower and got close to me in bed. I was feeling very uncomfortable and petrified because he got into the bed after having told me that I could have the bed to myself. The Archbishop began to hug me and rub my chest and crotch with his hands. I was feeling confused and scared. I was so scared that I jumped out of bed immediately claiming that I needed to get my cough syrup to soothe my cough. This was not true, but it was the only excuse I could think of to get away. By the time I took the cough syrup, the Archbishop took out a tight pair of shorts and striped sailor shirt. He ordered me to wear them and get back into bed. He seemed angry and upset because I was not responding to his sexual advances.

I took the clothes from him and went into the bathroom. I was totally frightened and trapped! I eventually put the clothes on. I stalled for about ten to fifteen minutes. I was absolutely sick with fear. Why did I put those clothes on? Why did I get back into the bed? I was afraid that if I did not comply I would be

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dismissed from the diocese and never allowed to become a priest.

I went back and got into bed. The archbishop began touching my body while leaning against my buttock. He continued his sexual advances further by clipping his leg in between mine and pushing his knee up into my genitals. I curled up like a ball and pretended to be going to sleep. The Archbishop seemed to be frustrated, but he finally got the hint. It was a long night. The hours went by so slowly. Eventually, I fell asleep. When I woke up the next morning, the Archbishop took a shower while I changed my clothes. I did not shower or brush my teeth. I just wanted to get the hell out of there as soon as possible! We left his apartment never speaking a word. The drive back was in complete silence. The reason I was so silent was because I was hurt, betrayed and used again. I thought that the Archbishop was going to apologize, but he never did. Thinking about it today filled me with such rage. The last thing I remember is getting out of the car and the Archbishop saying: "I'll be in touch."

Attachment 2:

Two weeks later, the telephone rang at St. Matthew's Rectory. It was Bishop McCarrick looking for me. I ignored the first few telephone calls made by him and later responded to a call of an invitation to meet with him. Bishop McCarrick said he wanted to talk to me about some important things. It wasn't really a request, it was more of a summons because he was throwing out a couple of dates within the next week or so that we needed to meet. It was at this time that he officially became the Arch Bishop (sic) of Newark. Archbishop McCarrick told me to meet him at his rectory at the Cathedral in Newark. It was Friday, July 24th. He was very happy to see me and told me he had to talk with me and insisted we talk over dinner. He took me to a restaurant in New York that he referred to as "special". The Arch Bishop and I arrived in New York at approximately 6:00 on Friday evening. I parked his car and he took me to an Italian

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restaurant near Washington Square. We were escorted to a large round table all the way in the back of the restaurant. There must have been ten to twelve people at this table. It appeared to be some wealthy couples along with some men representing the local teamster's union. He introduced me as his "nephew" and asked me in front of all these people to call him "Uncle Ted." I wondered why he referred to me in that way, but didn't dare ask in front of these people. The Arch Bishop did all the talking ... mostly about money. I sat quietly and ate my food. It was getting late, around 8:30PM.. (sic) The Arch Bishop and I took a walk down the street with him showing some historical sites. As the evening grew on he told me that we were going to his place in the city. I had no idea he had a place of his own in the city. He assured me not to worry saying that he had plenty of room for the both of us.

Up until this point the conversation had been non-threatening. He told me he had important matters to discuss with me in private. As we were heading to his apartment complex he explained how it once was a children's hospital. We took elevator (sic) up a few floors and proceeded down the hallway to his apartment. When he opened the door I was shocked to see how small this apartment was. It was basically a studio apartment with just one bed in it. He told me we were spending the night there because it was getting late. I told him I had to get back to the rectory and he told me not to worry because [the rector] would understand.

Since I had no change of clothing he told me to wear this striped sailor shirt and a pair of shorts that he had in the room. The Arch Bishop told me I was to sleep in the bed and he would sleep in the reclining chair that was obviously in the same room since it was a studio. I changed into the clothes and got into bed while he was taking a shower. I was a little scared remembering the fishing trip that had taken place a few weeks earlier, but also how uncomfortable I felt having dinner with these important

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people. I turned the lights off and tried to sleep. The only light that was on was next to the reclining chair. After he finished showering, Arch Bishop McCarrick turned on the lights and came into my bed. All he was wearing was his underwear. He then turned off the lights. He put his arms around me and wrapped his legs between mine. Then he started to tell me what a nice young man I was and what a good priest I would make some day. He also told me about the hard work and stress he was facing in his new role as Arch Bishop of Newark. He told me how everyone knows him and how powerful he was. The Arch Bishop kept saying "Pray for your poor uncle." All of a sudden I felt paralyzed. I didn't have my own car, and there was no where (sic) to go. The Arch Bishop started to kiss me and move his hands and legs around me. I remained frozen, curled up like a ball. I felt his penis inside his underwear leaning against my buttocks as he was rubbing my legs up and down. His hands were moving up and down my chest and back, while tightening his legs around mine. I tried to move or scream but could not. I couldn't move..I (sic) couldn't say anything...nothing would come out of my mouth. I was paralyzed with fear. As he continued touching me I felt more afraid. He even tried several times to force his hands under my shorts. He tried to roll me over so that he could get on top of me, but I resisted. I felt sick and disgusted and finally was able jump (sic) out of the bed. I went into the bathroom where I vomited several times and started to cry. After twenty minutes in the bathroom, the Archbishop told me to come back to bed. Instead I went to the recliner and pretended to fall asleep.

The next morning I woke up and heard him moving around in bed. I had stayed in the recliner all night. He took a shower while I changed into my clothes that I had worn the evening before. He came out of the shower in his tee shirt and underwear and told me he had to get back to the cathedral for an early appointment. As I drove back to NJ, not much conversation took place in the car except for small talk such as the weather

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> and sports. I entered the driveway of the cathedral and I parked the car. He said, "I hope you had a good time like I did." After he hugged me good-bye, I got into my car and left the cathedral to return to St. Matthew's rectory. Upon reaching my room I took a shower and cried.
>
> During the next few weeks the Arch Bishop called me several times at the rectory and at my parent's home. I never returned the calls. I couldn't wait to get back to the seminary to begin my second year in Maryland. Throughout that year the Arch Bishop called me several times. I ignored every phone call. He wrote me a few letters which I received and saved.

(ellipses in original).

In mid-August 2006, Mr. Rubino met with representatives of the Archdiocese of Newark and the Diocese of Metuchen regarding a potential settlement of Priest 1's claims. The parties agreed to a mediation conference with a former civil judge, which was scheduled for 15 November 2006.

The Apostolic Nunciature received the Incident Report Form and attachments by fax from Archbishop Myers of Newark on 3 October 2006.[834] A memorandum by a Nunciature official on that date observed that Priest 1's accusation was "not simply a matter of an allegation of sexual activity between consenting adults because the person making the accusation was a seminarian at the time (thus a 'superior – subordinate' relationship)." Noting that Priest 1 and the dioceses were in "active negotiations," the memorandum also stated that "Archbishop Myers is concerned … that – '*even if they get a confidentiality agreement*' – there has already seems (sic) to have been such a wide distribution of the '**incident report**' noted above that it may be actually … impossible to prevent an eventual leak of the accusation."[835] The

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[834] 18 *ACTA* 15731-49.

[835] 19 *ACTA* 16245.

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Nunciature appears to have faxed the memorandum, the incident report and the attachments to the Congregation for Bishops the following day.[836]

In response to the Nuncio, and referring specifically to the "incident report," Prefect Re wrote to Nuncio Sambi on 17 October 2006 that he had "learned, painfully, of the sad news that continues to circulate regarding [Cardinal McCarrick's] behavior."[837] Cardinal Re went on to state:

> As it is impossible to exclude the risk that the press may speak of this in the near or distant future, it seems to me useful to say to Cardinal McCarrick:
>
> > a) it is not opportune that he reside in the neo-catechumenal Seminary. If the information contained in [Priest 1's] exposition or other rumors already circulated were to appear in the press, public opinion would judge negatively the fact that the Cardinal resides in a Seminary and some might come to doubt the prudence of Superiors having tolerated this;
> >
> > b) Cardinal McCarrick needs to decide to lead a reserved life of prayer, so as to not cause himself to be spoken of.

---

[836] 19 *ACTA* 16244-64. Also in October 2006, Substitute Sandri wrote to Dominican priest Boniface Ramsey, author of the 22 November 2000 letter to Nuncio Montalvo, to inquire whether Ramsey had any information regarding a certain priest from the Archdiocese of Newark who was a candidate for a post at the Holy See. In the letter, which originated from the Personnel Office of the First Section of the Secretariat of State, Archbishop Sandri stated, "I ask with particular reference to the serious matters involving some of the students of the Immaculate Conception Seminary, which in November 2000 you were good enough to bring confidentially to the attention of the then Apostolic Nuncio in the United States, the late Archbishop Gabriel Montalvo." 26 *ACTA* 19042. The inquiry did not relate to either Priest 1 or Priest 2, or to any other priest who had claimed inappropriate contact with McCarrick.

[837] 19 *ACTA* 16266; 20 *ACTA* 16666-67.*

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Re continued:

> I would request that Your Excellency kindly inform the Cardinal of the above. I myself will speak to [Cardinal McCarrick] if I have the opportunity to meet with him. In fact, I did meet with him at the end of September, when he was returning from Kosovo, but at that moment I did not know that the "rumors" were no longer dormant: I received the fax sent by Your Excellency a couple of days later. I did determine that it was necessary to make mention of this [matter] to H.E. Mons Wuerl, [Cardinal McCarrick's] successor, when he was passing through Rome, for his personal information. In fact, he is not the right person to discuss this with Card McCarrick. It would be difficult for him to ask the Cardinal to move away from the "*Redemptoris Mater*" seminary.[838]

On 9 November 2006, attorneys for Priest 1 provided the mediator and counsel for the Archdiocese of Newark and the Diocese of Metuchen a thirty-minute videographic recording related to Priest 1's claims, which included Priest 1's testimonial of the two incidents with McCarrick.[839] The dioceses did not transmit the recording to the Nunciature or to the Holy See.[840] The mediation went forward on 15 November 2006, and the parties agreed in principle to a settlement of Priest 1's claims.

Not yet aware of Cardinal Re's verbal indications that he should move out of the seminary and lead a reserved life of prayer, McCarrick reported to Nuncio Sambi by letter dated 20 November 2006 that he had met with the new Secretary of State, Tarcisio Cardinal Bertone, "at the beginning of October," and that he had "brought up some of the areas in which I have

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[838] After reviewing Cardinal Re's letter of 17 October 2006, Cardinal Wuerl stated in an interview that Re made only "a passing comment" to him in late 2006 concerning "the fact that McCarrick travels all over the world" but "does not represent" the Holy See. 16 *ACTA* 13863.

[839] *See* Section IX.B.

[840] The Holy See first received the recording in 2020.

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been involved at one level or another."[841] The subjects touched upon in his letter and its addendum included Cuba, China, Iran, and relations with Islam.[842] McCarrick wrote that Cardinal Bertone "encouraged me to continue on these, but asked if I would always keep him informed of what I was doing and make sure that I would receive any instructions that he or the Secretariat of State would want to give me." McCarrick stated that he was "delighted to do that" and provided Nuncio Sambi with information about his activities relating to the Church in both foreign and domestic matters.

After receiving McCarrick's report, Nuncio Sambi wrote to Secretary of State Cardinal Bertone on 27 November 2006, stating that "While everyone recognizes Cardinal McCarrick's warmth, skill, and political flair, he nevertheless keeps us all on edge for the possibility that he may be involved in sex scandals at any moment. Writings and talk in this regard circulated in the past." The Nuncio explained that he intended to meet with McCarrick in the coming days to tell him that the Congregation for Bishops "would like him to leave the [Redemptoris Mater] neo-catechumenal seminary where he lives, and stop travelling 'to lead a reserved life and of prayer.'" Nuncio Sambi wrote, "I know that the Cardinal chose an attorney for his own defense; it is to be hoped that this time as well, whether with a lot of money or a little, he succeeds in obtaining silence."[843]

Nuncio Sambi also advised Cardinal Bertone that he had received instructions the previous year from the Congregation for Bishops to identify McCarrick's successor as soon as possible, "as there was a new wave of writings with allegations of sexual violations of minors."[844] It is not clear what Archbishop Sambi was referring to here, since there is no trace in any

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[841] Cardinal Bertone received McCarrick on 2 October 2006. Bertone Interview, 14 *ACTA* 13048.

[842] 20 *ACTA* 16668-69.

[843] 20 *ACTA* 16677-78.*

[844] 20 *ACTA* 16677-78.

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of the contemporaneous archives of a "new wave" of letters alleging sexual abuse of minors by McCarrick.[845]

On 6 December 2006, Archbishop Carlo Maria Viganò – at that time Delegate for Pontifical Representations within the Secretariat of State – wrote a memorandum related to the November 2006 communication from Nuncio Sambi to Cardinal Bertone.[846] The memorandum stated:

> CARD. THEODORE MCCARRICK
>
> ALLEGATIONS OF HOMOSEXUALITY
>
> 1) His Excellency Msgr. Pietro Sambi, Apostolic Nuncio to the U.S.A., by a personal and confidential report to the Cardinal Secretary of State, having mentioned and forwarded some writings sent to him by **Card. Theodore McCarrick** on China, Cuba, Iran and the White House, goes on to address a particularly serious problem concerning Cardinal McCarrick himself.
>
> The Nuncio writes: the Cardinal "*keeps us all on edge for the possibility that at any moment he might become involved in sexual scandals*"; and adds: "*writings and rumors about this have circulated in the past*" and for this reason the

[845] While there were no known allegations related to minors at that time, a cleric who worked for the Holy See reported that, by late 2006, rumors regarding McCarrick's past behavior with seminarians circulated in the "priest rumor mill," especially among American priests working or studying in Rome. The cleric stated: "Sadly, rumor-mongering is a problem among both priests and religious. Too many priests like gossip and to some extent rely upon it to know what is going on because a lot of information in the Church is compartmentalized. In the case of McCarrick, those on the 'right' relished rumors that would make him look bad, just as people on the 'left' liked spreading rumors that made Benedict look bad. We are victims of our factions and this is a serious problem in the culture of our Church. Pope Francis has often talked about how rumors are used to intimidate and destroy reputations. There is no doubt that rumors can be extremely destructive. The problem is, 'What if the rumor is not just a rumor?'" 33 *ACTA* 27311.

[846] 19 *ACTA* 16223-24.*

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Congregation for Bishops had given me instructions to identify the successor for Washington as soon as possible.

2) In this respect, among the writings and the rumors to which Nuncio Sambi appears to refer and about which this Secretariat of State is also aware, I draw attention to the attached memo, regarding a letter, dated 22 November 2000, of Fr. Boniface Ramsey, O.P., written at the request of the late Nuncio Montalvo, in which Father Ramsey, formerly professor at the diocesan seminary in Newark from the late 1980s until 1996, states that there was a recurring rumor in the seminary that the Archbishop "*shared his bed with seminarians*", inviting five at a time to spend the weekend with him in his house by the sea.

Fr. Ramsey adds: "*I know a number of seminarians, some of whom are now Priests of the Archdiocese of Newark, who had been invited by Archbishop McCarrick to the house by the sea, and that they were well aware of what used to happen there, and at least one ex-seminarian who shared the bed with the archbishop; this ex-seminarian, who is now a layman, attributed his having been sent to Rome for studies to the fact of having been in the archbishop's bed a few times.*" (Attachment).

3) Nuncio Sambi thereafter transmitted the text of a Memorandum of accusation against Card. McCarrick by 45 year-old [Priest 1] of [another diocese], reduced to the lay state after accusations of having abused minors. The document was delivered to the Nuncio by the Most Reverend John J. Myers, Archbishop of Newark.

Attached to the Memorandum are two documents: the first is a 1994 letter to the Most Reverend Edward T. Hughes, then Bishop of Metuchen, in which [Priest 1] recounts to the bishop his sad story of sexual abuse by then-Archbishop McCarrick, and by various other priests and seminarians; the second consists of four pages of notes, relating to the years 1986-7, in

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which [Priest 1] describes, providing every circumstance and detail, the abuses regarding then-Archbishop McCarrick.

The facts attributed to the Archbishop by [Priest 1], as set forth in the two aforementioned documents, are of such gravity and are so nefarious as to provoke in the reader a sense of disconcert, deep sorrow and bitterness. I will limit myself to saying that they amount to the crimes of entrapment, solicitation of seminarians and priests to commit wicked acts, repeatedly and simultaneously with more than one person, making a mockery of the young seminarian who tried to resist the Archbishop's seduction in the presence of two other priests, absolution of the accomplice to these wicked acts, and sacrilegious concelebration of the Eucharist with the same priests after committing such acts.

4) The Memorandum in question had already been forwarded last June to about twenty people, between civil and ecclesiastical judicial authorities, police, and lawyers. It is therefore to be feared that the news will soon enter into the mix of public opinion.

5. Nuncio Sambi adds: "*Card. McCarrick has not spoken to me yet of this matter; I asked to meet with him in the next few days, since the Congregation for Bishops would like him to leave the Neo-Catechumenal seminary, where he lives, and stop travelling 'to lead a reserved life and of prayer.' I know that the Cardinal chose an attorney for his own defense; it is to be hoped that this time as well, whether with a lot of money or a little, he succeeds in obtaining silence*."

_____

1. To the many scandals in the Church in the United States, it seems that another of particular gravity concerning a Cardinal is about to be added.

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2. Because it regards a Cardinal, according to the Can. 1405 § 1, N. 2 °, "*Ipsius Romani Pontificis dumtaxat ius est iudicandi.*" [It is solely the right of the Roman Pontiff himself to judge in the cases mentioned in canon 1401];

3. *Si vera et probata sunt exposita* [if what is asserted be true and proven], it would require an exemplary measure that might have a medicinal function that would soothe the serious scandal for the faithful, who nevertheless continue to love and believe in the Church.

For once, it might be healthy if the ecclesiastical authorities were to intervene before the civil authorities and if possible before the scandal erupts in the press. This would restore a little dignity to a Church so tried and humiliated for so many abominable behaviors on the part of some pastors. In this case, the civil authority would no longer be required to judge an Eminent Cardinal, but a pastor in whose regard the Church had already taken the measures it deemed most opportune. S.m.i. [*Salvo meliore iudicio*]

Viganò's memorandum was read first by Archbishop Leonardo Sandri, the Substitute, followed by Secretary of State Cardinal Bertone. Archbishop Sandri wrote and signed in his hand on the Viganò memorandum, "*Si vera sunt exposita*: The least one can imagine would be a prohibition against any public pastoral activity, guiding him towards a retired life of penance and prayer. But would that be sufficient?" Cardinal Bertone, agreeing that the matter was disturbing and recognizing that primary competence rested with the Congregation for Bishops, contacted Prefect Re. Following a telephone call with Cardinal Re, the Secretary of State noted in his own hand on the same memorandum: "Cardinal Re will write to the Nuncio for a discreet intervention."[847] After Cardinal Bertone spoke to Cardinal Re, the memo

[847] 19 *ACTA* 16224-25.

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appears to have been placed directly in the archive, as it did not return to the Substitute's desk.[848]

On 8 January 2007, and in reference to Cardinal Re's letter of 17 October 2006 directing that Nuncio Sambi request that McCarrick move out of the Redemptoris Mater seminary and lead a reserved life of prayer, the Nuncio wrote Re a reply letter, which he copied to the Secretary of State.[849]

In the letter, Nuncio Sambi observed that McCarrick had "traveled extensively in the past few months" and that Sambi had only been able to meet with him at the Nunciature on 15 December 2006.[850] Sambi stated that "[w]ith difficulty" and "with love and with clarity," he conveyed to McCarrick that "a) it is inopportune that he reside in the neo-Catechumenal seminary; [b]) he needs to decide to lead a private and prayerful life, so as not to be spoken of." The Nuncio explained to McCarrick that "no one believes in the truth of the accusations, but in the USA today to create a scandal involving a cardinal and one that damages the Church, the truthfulness of the facts is not indispensable."

Nuncio Sambi reported that upon hearing his words, McCarrick "became pale in the face" and thanked Sambi for his fraternal manner. McCarrick stated that Priest 1 was 25 years old at the time of the alleged incidents, and that it was "therefore not a criminal matter, but that the intention to extract money is clear." He affirmed to the Nuncio that the allegations were false

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[848] 40 *ACTA* 33881. In his statement of 22 August 2018, Viganò wrote that the memorandum in question was "never returned to me with any actual decision by the superiors on this matter." Viganò Statement at 3, 17 *ACTA* 15102. The documentary record reflects that Viganò's memorandum was promptly reviewed both by Archbishop Sandri and Cardinal Bertone, who were Viganò's immediate Superiors in the Secretariat of State. Cardinal Bertone, having received comments from Substitute Sandri, then acted on the information furnished by consulting with Cardinal Re, the head of the dicastery with primary competence over the matter.

[849] 20 *ACTA* 16680-81.*

[850] McCarrick continued to take trips overseas throughout 2006, including to Kazakhstan (2006) (10 *ACTA* 11932), Jordan (Feb. 2006) (*id.* at 11940), India (Feb. 2006) (*id.* at 11941), Russia (July 2006) (15 *ACTA* 13325), Lebanon (Aug. 2006) (10 *ACTA* 11919), South Africa (Nov. 2006) (*id.* at 11934), and Lesotho (Nov. 2006) (7 *ACTA* 7404).

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and that he had given instructions to his attorney to "have no contact with [the accuser] until such time as the accuser states in writing the falsity of the accusations and withdraws them." Sambi continued, "After a long pause, and with an emotion transformed into tears, [McCarrick] added, 'If I have to withdraw to a cloistered convent, I am ready to do so, even if that will be the death of me.'"

Nuncio Sambi also reported that he had attempted to determine whether Cardinal McCarrick, at that point 76 years old, had displayed any of the alleged behaviors with Neocatechumenal seminarians and whether he might pose a current threat.[851] He questioned both the Rector of the Redemptoris Mater Seminary and the caretaking family residing at the seminary. Sambi reported to Re the results of his inquiry:

> Both the Rector as well as the family responsible for the neo-catechumenals in the United States, who presume to have access to the conscience of the members of the [Neocatechumenal] Way, have assured me that the Cardinal is a little "touchy", in the sense that he might run his hand along someone's back or along the leg, especially young people, but that he has never done anything indecent with the youths [seminarians]. They attribute this way of being (wishing not to be alone), and of acting (touchy) to the fact that he was orphaned as a child, and that he did not have the warmth of family in his infancy. They are also convinced that the Cardinal's pious sincerity, his sensitive conscience and his moral rigor make the possibility of immoral behavior unthinkable.

As reflected in Cardinal Bertone's itemized agenda for his audience with Pope Benedict XVI, Cardinal Bertone and Pope Benedict XVI discussed "Problems relating to Cardinal Theodore McCarrick" during their weekly meeting on 15 January 2007.[852] Although no further record of the meeting

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[851] 20 *ACTA* 16680-81.

[852] 14 *ACTA* 13048.

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has been located, Cardinal Bertone recalled in an interview having briefed Pope Benedict XVI regarding the McCarrick situation. Cardinal Bertone stated that the Holy Father "was worried about McCarrick" and wished that McCarrick's activities be contained in some manner, but did not believe that the path of formal investigation by CDF should be taken at that point.[853] Consistent with this recollection, nothing in the record indicates that Pope Benedict XVI instructed the Congregation for the Doctrine of the Faith to open an investigation or expressed the view that the course of action previously adopted by Cardinal Re and the Congregation for Bishops should be modified.

In May 2007, an attorney for the Archdiocese of Newark transmitted to the mediator "a copy of the letter that counsel for Cardinal McCarrick has asked that [Priest 1] sign as part of the settlement."[854] The letter, which was addressed to McCarrick for Priest 1's signature, stated:

> I am writing to confirm that I have at no time accused you of engaging in sexual relations with me or with anyone else. While I was uncomfortable on the one occasion in the summer of 1987 when we shared the one bed in an apartment in New York, I can confirm that there was no sexual contact between us on that or on any other occasion. Likewise, I did not observe any sexual contact between you and anyone else on the fishing trip that we took that same summer. I regret any misunderstanding that my past comments may have generated on this subject.[855]

Priest 1 refused to sign the letter as part of the negotiated settlement.[856]

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[853] 14 *ACTA* 13049; 16 *ACTA* 13347.

[854] 45 *ACTA* 42072.

[855] 45 *ACTA* 42073.

[856] Counsel for Priest 1 recalled in an interview that "[a]s a number was about to be reached in the summer of 2007, there was an attempt to insist, as a condition of settlement, that [Priest 1] sign a retraction of the factual allegations against McCarrick. This came through a draft letter that my client was expected to sign which I received from [the mediator]." 33 *ACTA* 27303. Priest 1's counsel explained:

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In August 2007, Priest 1 reached a $100,000 settlement with the Archdiocese of Newark and the Diocese of Metuchen, for claims arising from "acts of inappropriate conduct from in or about 1981 through in or about 1987 by certain priests associated with one (l) or both of the Church Defendants."[857] McCarrick was not named in the settlement agreement, which was entered prior to any lawsuit and did not contain an admission of wrongdoing. It appears that McCarrick objected to the settlement of claims brought by Priest 1, both directly and through his attorney, as evidenced by a heated meeting over the failure on the part of the diocesan attorneys (in the view of McCarrick's counsel) to ensure that the settlement agreement contain a confidentiality provision.[858] There is no record reflecting that the Holy See received information about the final settlement involving Priest 1 at the time.

> From my point of view, they were insisting, as a condition of settlement, that [Priest 1] sign a statement that was false and that placed him in the position of denying things that were true. This would have discredited my client and protected McCarrick. I was shocked that they were trying to get a priest to sign a false statement. On behalf of [Priest 1], I refused to accept the signing of a false statement as a condition of settlement and eventually the diocese (I do not remember which it was) abandoned the new conditions and we settled by striking the dioceses' confidentiality demand that was contained in the original release, and refusing to sign a false recantation of what happened to [Priest 1].

45 *ACTA* 27304.

[857] 17 *ACTA* 14314-20. The Archdiocese of Newark contributed $80,000 to the settlement amount and the Diocese of Metuchen provided the remaining $20,000. 33 *ACTA* 27305.

[858] 16 *ACTA* 13353, 13355, 13613.

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XXI. HOLY SEE DECISION-MAKING AND MCCARRICK'S ACTIVITY FOLLOWING PREFECT RE'S VERBAL INDICATIONS (2007 TO MID-2008)

While his activities and responsibilities decreased to some extent in early 2007 following his retirement and the verbal indications received from Cardinal Re through Nuncio Sambi, Cardinal McCarrick remained active during the next year and a half, both in the United States and overseas.

In 2007 and 2008, McCarrick remained a member of or consultant to a number of USCCB committees,[859] continued his work on the Board of Directors of CRS, served as chair of the CRS Foundation Board, served on the Post-Synodal Council of the Synod for America, was counsellor for the American Bible Society[860] and continued as trustee to the World Faiths Development Dialogue.[861]

McCarrick also maintained an active travel schedule. From early 2007 through the middle of 2008, McCarrick traveled to Croatia (Aug. 2007),[862] Kazakhstan (June 2007),[863] Lebanon (July 2007),[864] Israel (July 2007 and Jan. 2008),[865] Jordan (July 2007),[866] Albania (July 2007),[867] Syria (July

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[859] In 2007, McCarrick was a member of the following USCCB committees: Domestic Policy; International Policy; World Mission; Interreligious Dialogue (Subcommittee); Ad Hoc Committee on Aid to the Church in Central and Eastern Europe; Ad Hoc Committee on Church in Africa; and Ad Hoc Committee on Nomination of Conference Offices (Region IV). He was also a consultant to the Migration Committee and the Pro-Life Activities Committee. 5 *ACTA* 6256.

[860] 1 *ACTA* 1400-01.

[861] 1 *ACTA* 1271.

[862] 7 *ACTA* 7614.

[863] 10 *ACTA* 11949.

[864] 1 *ACTA* 1170-71; 10 *ACTA* 11948.

[865] 1 *ACTA* 1170-71, 1236.

[866] 1 *ACTA* 1176.

[867] 1 *ACTA* 1180-81.

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2007),[868] India (Nov. 2007),[869] Nepal (Nov. 2007),[870] Switzerland (Jan. 2008),[871] Peru (Feb. 2008)[872] and France (Aug. 2008).[873]

During this period, McCarrick occasionally participated in events overseas that were attended by Pope Benedict XVI and other Holy See officials, including a meeting of the Sant'Egidio community held in Naples, Italy, to promote peace and foster ecumenical dialogue (Oct. 2007).[874] McCarrick attended World Youth Day celebrations in Sydney, Australia, in July 2008, where he was one of the cardinals greeted by the Holy Father.[875] McCarrick also traveled abroad *ad personam* or on behalf of a number of different

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[868] 1 *ACTA* 1170-71; 10 *ACTA* 11936.

[869] 10 *ACTA* 11942, 11944.

[870] 1 *ACTA* 1210.

[871] 1 *ACTA* 1255. On 24 January 2008, McCarrick spoke during the session "Faith and Modernization" at the Annual Meeting of the World Economic Forum in Davos, Switzerland.

[872] 10 *ACTA* 11944.

[873] 24 *ACTA* 18054.

[874] 1 *ACTA* 1209-10. In a letter on 31 October 2007 to Cardinal Bertone, McCarrick wrote:

> Let me tell you how very pleased I was to have the privilege of sitting beside you during the memorable Mass in Naples earlier this month. It was memorable for the Holy Father's homily, memorable for the joy of sitting with the Secretary of State and perhaps, most of all, memorable for the terrible weather and for the great fortitude of the Holy Father in staying in that terrible cold wind for all that time. I am so glad that I was able to be there not just for the Mass on Sunday, but for the rest of the program of the Community of Sant'Egidio. I gave a talk there the following day which, thank God, seemed to have been well received.

Id. at 1209.

[875] 1 *ACTA* 1339-41. After the trip to Sydney, McCarrick wrote a letter to Pope Benedict XVI, stating that the Holy Father's "kindness in greeting each of the Cardinals toward the end of the celebrations was a special gift and I always am personally very grateful for a chance to see you, to greet you and to promise you my prayers." *Id.* at 1341.

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entities, including CRS,[876] the USCCB[877] and the United States Department of State.[878] During his trips, McCarrick on occasion met with heads of state,[879] heads of government,[880] government officials[881] and religious leaders.[882]

McCarrick's foreign travel sometimes touched upon Holy See international relations. For example, during his trip to the Middle East in the Summer of 2007, McCarrick worked to improve relations between the Holy See and Muslim leaders, which had frayed at the end of 2006. McCarrick wrote detailed reports regarding high-level meetings during his trips to the Middle East in 2007 and 2008, which he transmitted to Secretary of State Cardinal Bertone and Secretary for Relations with States Archbishop Dominique Mamberti.[883] McCarrick provided suggestions in these reports regarding how to help improve inter-faith dialogue.[884]

In August 2007, Pope Benedict XVI selected McCarrick to serve as special papal envoy to the Seventh Symposium of the Religion, Science and the Environment Movement, which was held the following month in Greenland. In a 27 August 2007 letter to the Holy Father accepting the appointment, Cardinal McCarrick referred to Pope Benedict XVI's "powerful statement"

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[876] 1 *ACTA* 1180-81, 1183-84, 1240-41.

[877] 1 *ACTA* 1176.

[878] 1 *ACTA* 1176.

[879] 1 *ACTA* 1183-85.

[880] 1 *ACTA* 1236.

[881] 1 *ACTA* 1260-61; 7 *ACTA* 7614.

[882] 1 *ACTA* 1236; 7 *ACTA* 7614. McCarrick also continued to meet or speak with high-level officials in the United States. For instance, in late January 2007, McCarrick served as a member of a delegation of Jewish, Christian and Muslim religious leaders who met with United States Secretary of State Rice regarding how best to achieve peace in the Middle East. Zenit Staff, "Religious Leaders Press Rice on Mideast," *Zenit* (30 Jan. 2007), 26 *ACTA* 19324.

[883] 1 *ACTA* 1175-76, 1236, 1240-41.

[884] 1 *ACTA* 1309, 1311-12.

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regarding the environment in the common declaration with the Ecumenical Patriarch Bartholomew I in November 2006, and stated that he would do his "best to follow with care and humbleness the leadership which you have set forth so clearly."[885] McCarrick read Pope Benedict XVI's greeting out loud at the beginning of the program in Greenland[886] and later wrote to the Holy Father that he was "especially proud that Your Holiness mentioned my name in your greeting. For me, it was very special and even moving, since I saw in it a sign of Your Holiness' confidence, which I value so very much."[887] McCarrick provided Cardinal Bertone and Walter Cardinal Kasper with a detailed report upon his return from Greenland in early October 2007.[888]

Following a trip in January 2008 to the World Economic Forum in Davos and APSA meetings in Rome, McCarrick wrote to Nuncio Sambi about having spoken with Pope Benedict XVI during a General Audience: "I did see the Holy Father during the public audience and his greeting to me was, 'You are still traveling a lot.' I'm not sure if he meant I am traveling too much or that he was happy that I was traveling or that it was just a friendly greeting! He seemed to be in good form and I was grateful for the opportunity of seeing him even if just for a moment."[889]

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[885] 1 *ACTA* 1191.

[886] *Letter of His Holiness Benedict XVI to the Ecumenical Patriarch of Constantinople on the Occasion of the Seventh Symposium of the Religion, Science and the Environment Movement* (1 Sept. 2007), 27 *ACTA* 20240-41.

[887] 1 *ACTA* 1198.

[888] 1 *ACTA* 1202-06. At the time, Cardinal Kasper was President of the Pontifical Council for Promoting Christian Unity.

Although Cardinal McCarrick only occasionally informed the Secretariat of State directly of his activities, he did not hesitate to do so when he thought it appropriate. For instance, on 31 October 2007, McCarrick wrote to Cardinal Bertone: "I am going to be hosting a delegation of Muslim, Jewish and Christian leaders from the Holy Land here in Washington this coming week, together with some other Christian leaders. I then go for Catholic Relief Services to visit India and Nepal on my way back to Rome for the Consistory. I ask a place in your prayers that all these initiatives may bear fruit and grace for God's people." *Id.* at 1210.

[889] 1 *ACTA* 1265-66.

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McCarrick regularly informed Nuncio Sambi of his activities in the United States and overseas,[890] including before his travel.[891] McCarrick and Sambi communicated frequently about a range of issues during this period,[892] a practice that continued until Archbishop Sambi's death in 2011. Cardinal McCarrick and Nuncio Sambi shared a long-standing interest in the Middle East, which was a primary focus of their exchanges.[893] However, McCarrick and Sambi communicated about other matters as well,[894] including U.S. and international politics,[895] the condition of the U.S. Church, McCarrick's contacts with U.S. government officials,[896] McCarrick's public appearances[897] and McCarrick's recommendations for bishop appointments in the United States.[898] With rare exceptions,[899] Nuncio Sambi encouraged

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[890] 1 *ACTA* 1175, 1177-78, 1180-85, 1189, 1212, 1243.

[891] 1 *ACTA* 1169, 1255.

[892] 1 *ACTA* 1215, 1226-27, 1314-15, 1354, 1357.

[893] 1 *ACTA* 454-56, 557.

[894] 1 *ACTA* 426-28.

[895] 1 *ACTA* 587.

[896] 4 *ACTA* 4933-34.

[897] 1 *ACTA* 431, 437-444, 1219. In February 2008, McCarrick wrote to Sambi, "I am heading for Texas to give a talk at St. Mary's University in San Antonio and then after coming back to Washington for Ash Wednesday, I will head out to California to give some talks for Bishop Barnes in San Bernardino. Somewhere along the line, I am going to try to take a week off, but that is more a happy desire than a conviction at this time." *Id.* at 1262.

[898] 1 *ACTA* 1167. The amount of correspondence that McCarrick sent to the Nunciature over the years was described by a Nunciature archivist as well beyond that for any other American bishop. After McCarrick became emeritus, the accumulation of his correspondence on a variety of issues was such that the Nunciature staff eventually had to open an additional filing system, divided by subject matter, to keep track of his writings, which were described as "taking up as much space as any three dioceses put together." 33 *ACTA* 27042.

[899] In early 2008, McCarrick and Nuncio Sambi appear to have agreed that McCarrick should decline the invitation to serve as one of the co-Chairs of the World Council of Religious Leaders. 1 *ACTA* 1283.

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McCarrick's continued activities[900] and routinely thanked him for his reports and correspondence.[901]

Though he was now emeritus and played a commensurately reduced role within the Archdiocese of Washington, Cardinal McCarrick still made public appearances in the United States, where he occasionally gave interviews or speeches[902] and accepted awards at public events.[903] McCarrick continued to publicly celebrate and concelebrate Masses during this period as well, though less frequently than he had as Archbishop of Washington.[904]

McCarrick also maintained his fundraising and gift-giving in 2007 and 2008. He traveled to Rome for a Papal Foundation meeting in April 2007,[905] and helped facilitate substantial annual donations from a private foundation in the United States to help promote inter-religious exchanges and dialogue.[906]

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[900] 1 *ACTA* 437-44, 555. For example, in one exchange regarding the Middle East in February 2008, Nuncio Sambi wrote, "Surely, your engagement for freedom and peace in the Holy Land is very useful." *Id.* at 1273.

[901] 1 *ACTA* 592, 1174, 1242.

[902] 1 *ACTA* 1219, 1221; 13 *ACTA* 13016.

[903] On 25 April 2007, McCarrick received the Kahlil Gibran Award for Individual Achievement from the Arab-American Institute at a gala in Washington, D.C., in recognition of his work regarding human rights and social justice. McCarrick had informed Nuncio Sambi about the award in February 2007. 1 *ACTA* 510.

[904] In an interview, a member of a large Catholic family from New York recalled that he asked McCarrick to celebrate his marriage at one point within the two years following McCarrick's retirement. McCarrick agreed but told him that Pope Benedict XVI had never forgiven McCarrick over the communion issue and was "basically retiring him." 16 *ACTA* 13632. McCarrick said that he "had to keep a low profile and not appear in public and [that the Archbishop of New York] Cardinal Egan cannot hear about the wedding." *Id*. According to the person interviewed, the couple's pre-Cana course was conducted for this reason by a sympathetic priest from the Archdiocese of New York who was friendly with McCarrick, far from Manhattan and without Cardinal Egan's knowledge. The person stated that after McCarrick performed the wedding ceremony, McCarrick remained at the reception for only 20 minutes and then took a car "back to Seton Hall." *Id.* at 13633.

[905] 1 *ACTA* 552.

[906] 1 *ACTA* 418-24, 500-507, 552-53, 1209-10; 7 *ACTA* 8122. On 4 April 2008, McCarrick also traveled to Rome to participate in the presentation of a rare edition of the St. John's

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He made his customary gifts to individuals (including the Nuncio[907] and Holy See officials[908]), to churches in need and to a variety of other charities.[909] In 2007, McCarrick arranged for a donation of $100,000 to be credited to the Pontifical Council Cor Unum for Human and Christian Development, to provide assistance to victims of Hurricane Katrina and help pay for Archbishop Cordes' information-gathering trip to Louisiana and Mississippi in 2005.[910]

During 2007 and 2008, McCarrick resided in the same building that housed the Redemptoris Mater Seminary in Hyattsville, Maryland, where he maintained an apartment and an office in the building's otherwise unoccupied wing.[911] In an interview, the Vice Rector at the time, who also served as McCarrick's part-time secretary, described the living arrangements: "The building is large and several stories and basically divided into three wings. McCarrick had a wing all for himself, with a separate entrance. . . . with a code for the door. His female secretary worked with him daily in the same wing of the building."[912] McCarrick "did not live with the seminarians," and the wing of the building in which he resided "was

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Bible to Pope Benedict XVI. Cardinal McCarrick had helped arrange the donations to fund the purchase of the work. *See* "Pope Receives Handwritten St. John's Bible from Minn.," *The Associated Press* (5 Apr. 2008), 26 *ACTA* 19043-44; 27 *ACTA* 20125-26; 15 *ACTA* 13326; 33 *ACTA* 27013.

907 1 *ACTA* 1222-23.

908 1 *ACTA* 1235.

909 1 *ACTA* 1281.

910 24 *ACTA* 18278. McCarrick also continued to support the IVE religious order during this period. For instance, in June 2008, McCarrick sent $50,000 to the IVE order in the United States to assist with the purchase of real property. He also provided $10,000 for gasoline, noting the recent rise in gasoline prices and stating that he knew "how much we need the vans to bring our seminarians around to different places." 9 *ACTA* 11496. Later that same year, McCarrick appears to have facilitated a large private donation for the purchase of another building for the IVE seminary in Maryland. *Id.* at 11535-39.

911 McCarrick Interview, 14 *ACTA* 13204; *see also* 33 *ACTA* 27003.

912 16 *ACTA* 13619; 33 *ACTA* 27076.

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not used at all for seminary functions."[913] The Vice Rector stated that he "never saw anything improper" with McCarrick's conduct at the seminary and that "nothing was ever reported to me either."[914]

While McCarrick's continued activities were known to Nuncio Sambi and certain officials in the Secretariat of State, it appears that Cardinal Re remained under the impression during this period that McCarrick had generally ceased his overseas travel in line with the verbal indications McCarrick had received from Sambi in 2006.

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[913] 16 *ACTA* 13619.

[914] 16 *ACTA* 13620. The Vice Rector also stated that McCarrick "never had any unaccompanied interaction with any seminarian." He recalled that McCarrick was "not there much at all" because he was "basically away travelling all the time." The Vice Rector explained that the first time he "heard of a rumor of something McCarrick might have done that was not correct" was from his mother in Italy, who "found out something . . . about a seminarian from Metuchen" through a "Google search" on the Internet in 2007 or 2008. The Vice Rector said, "It was a news article but not something where I could tell if there was any basis to it. I did not see any signs in his behavior consistent with what was being described in the article." 16 *ACTA* 13619-21; 33 *ACTA* 27076.

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XXII. HOLY SEE DECISION-MAKING AND MCCARRICK'S ACTIVITY FOLLOWING POPE BENEDICT XVI'S TRIP TO THE UNITED STATES AND PREFECT RE'S 14 JUNE 2008 LETTER TO MCCARRICK (MID-2008 TO EARLY 2009)

This section addresses Cardinal Re's written indications to Cardinal McCarrick in June 2008, as well as events preceding and following the giving of the indications.

A. Richard Sipe's Open Letter to Pope Benedict XVI, Archbishop Viganò's Memorandum and Nuncio Sambi's Report (April to May 2008)

In April 2008, at the time of the papal trip to the United States, Cardinal McCarrick concelebrated Mass with Pope Benedict XVI at St. Patrick's Cathedral and attended dinner with the Holy Father during the visit to New York.[915] McCarrick also requested permission to attend Pope Benedict XVI's remembrance and prayer at the World Trade Center Memorial site but, according to the records of the Archdiocese of New York, that request was declined by the Holy See for unknown reasons.[916]

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[915] At St. Patrick's Cathedral, Pope Benedict XVI's homily addressed the scourge of sexual abuse within the Church and assured the faithful of his "spiritual closeness as you strive to respond with Christian hope to the continuing challenges that this situation presents." In addition to McCarrick, concelebrating were Edward Cardinal Egan of New York; Francis Cardinal George of Chicago; Justin Cardinal Rigali of Philadelphia; Marc Cardinal Ouellet of Québec; Sean P. Cardinal O'Malley of Boston; Daniel N. Cardinal DiNardo of Galveston-Houston; Anthony J. Cardinal Bevilacqua of Philadelphia (Emeritus); and William H. Cardinal Keeler of Baltimore (Emeritus). Also in attendance were Secretary of State Cardinal Bertone; Substitute for General Affairs Archbishop Fernando Filoni; Prefect of the Congregation for the Doctrine of the Faith Cardinal Levada; James F. Cardinal Stafford (Major Penitentiary of the Apostolic Penitentiary); Archbishop James M. Harvey (Prefect of the Papal Household); and Nuncio Sambi. *See* S. Chan, "Benedict XVI Celebrates Mass at St. Patrick's," *The New York Times City Room: Blogging From the Five Burroughs* (19 Apr. 2008), 26 *ACTA* 19293-19300; S. Chan, "A Papal Mass at Yankee Stadium," *The New York Times* (20 Apr. 2008), 26 *ACTA* 19301-07; 1 *ACTA* 0147, 1329-30; 13 *ACTA* 13014-15.

[916] 23 *ACTA* 17464-65.

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Shortly after the Pope's return from the United States, psychotherapist and former Benedictine monk Richard Sipe published on the Internet an "open letter" to Pope Benedict XVI titled *Statement for Pope Benedict XVI About the Pattern of the Sexual Abuse Crisis in the United States*.[917] According to Sipe, "sexual aberration" in the Catholic Church was "not generated from the bottom up—that is only from unsuitable candidates—but from the top down—that is from the sexual behaviors of superiors, even bishops and cardinals." Describing the problem as "systemic," Sipe went on to provide examples, including, he asserted, that of Cardinal McCarrick:

> While I was Adjunct Professor at a Pontifical Seminary, St. Mary's Baltimore (1972-1984) a number of seminarians came to me with concerns about the behavior of Theodore E. McCarrick then bishop of Metuchen New Jersey. It has been widely known for several decades that Bishop/Archbishop now Cardinal Theodore E. McCarrick took seminarians and young priests to a shore home in New Jersey, sites in New York, and other places and slept with some of them. He established a coterie of young seminarians and priests that he encouraged to call him "Uncle Ted." I have his correspondence where he referred to these men as being "cousins" with each other.
>
> Catholic journalist Matt C. Abbott already featured the statements of two priests (2005) and one ex-priest (2006) about McCarrick. All three were "in the know" and aware of the Cardinal McCarrick's activities in the same mode as I had heard at the seminary. None of these reporters, as far as Abbott knew, had sexual contact with the cardinal in the infamous sleepovers, but one had first hand reports from a seminarian/priest who did share a bed and received cards and letters from McCarrick. The *modus operendi* (sic) is similar to the documents and letters I have received from a priest who describes in detail McCarrick's sexual advances and personal activity. At least one prominent journalist at the Boston Globe was aware of McCarrick from

[917] 18 *ACTA* 15767-70.

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> his investigation of another priest, but until now legal documentation has not been available. And even at this point the complete story cannot be published because priest reporters are afraid of reprisals.
>
> I know the names of at least four priests who have had sexual encounters with Cardinal McCarrick. I have documents and letters that record the first hand testimony and eye witness accounts of McCarrick, then archbishop of Newark, New Jersey actually having sex with a priest, and at other times subjecting a priest to unwanted sexual advances.[918]

Sipe's public letter, which did not allege any sexual misconduct by McCarrick with minors, received little mainstream coverage.[919] However, in early May 2008, Monsignor Joseph Augustine Di Noia, O.P., an official at the Congregation for the Doctrine of the Faith, acting on behalf of Prefect Levada, forwarded the letter to Secretary of State Cardinal Bertone. On the envelope containing Sipe's letter, Cardinal Bertone wrote on 19 May 2008: "Two hypotheses: either not to respond or report to N.A. [the Apostolic Nuncio] confidentially."[920] Below Cardinal Bertone's note, Monsignor Georg Gänswein, Prelate to His Holiness Benedict XVI, handwrote: "Return to Card. Bertone in a reserved manner."[921]

On 8 May 2008, Cardinal Re wrote to Nuncio Sambi regarding Sipe's open letter to Pope Benedict XVI, which "appeared on the website of Mr. Richard

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[918] Based upon a subsequent Internet post by Sipe, this refers to Priest 1's allegations regarding the incidents at the Eldred fishing camp and at the apartment in New York City in 1987. 17 *ACTA* 14372-73.

[919] *But see* "Church Critic 'Outs' American Cardinal," *Catholic World News* (21 Apr. 2008), 26 *ACTA* 19046 (repeating Sipe's assertion that he had "documents and letters that record first-hand testimony of eyewitness accounts" of "homosexual activities of the future Cardinal McCarrick more than 20 years ago").

[920] 18 *ACTA* 15767.

[921] 18 *ACTA* 15767; 4 *ACTA* 5116.

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Sipe, a former Benedictine monk, and on other sites, on the same topic."[922] Because of "these renewed insinuations," Cardinal Re asked Nuncio Sambi to "follow closely the Cardinal McCarrick case, and also to let me know if it is agreed that I should repeat the indications" that Re had originally transmitted to the Nuncio in his 17 October 2006 letter. Cardinal Re sought the Nuncio's counsel on the matter and inquired whether it would be a good idea to contact Archbishop Wuerl to see "if he would find a worthy home to offer to Cardinal McCarrick so that he does not remain in the 'Redemptoris Mater' seminary."

After receiving a copy of Sipe's letter through regular Secretariat of State channels, Archbishop Viganò wrote a second internal memorandum related to McCarrick on 25 May 2008.[923] Viganò hand-delivered the memorandum to the Congregation for Bishops on the following day.

Archbishop Viganò's memorandum in 2008, which contained some similar content to his 2006 memorandum, stated:

STATEMENT FOR POPE BENEDICT XVI
ABOUT THE PATTERN OF THE SEXUAL ABUSE CRISIS
IN THE UNITED STATES

Published on the web site RICHIARDSIPE.COM (sic)

(Richard Sipe, former Benedictine monk, is a well-known psychiatrist, with numerous publications on the sexual abuse of the clergy)

The following is noted regarding the document in question, transmitted on 24 April 2008 by Father [Joseph Augustine] Di Noia O.P., on behalf of the Cardinal Prefect of the Congregation

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[922] 20 *ACTA* 16684.*

[923] 19 *ACTA* 16271-73.*

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for the Doctrine of the Faith, to His Eminence the Cardinal Secretary of State and provided to the undersigned on 24 May:

1) The central thesis of Richard Sipe's *Statement* is as follows: *"This sexual aberration is not generated from the bottom up, but from the top down, that is from the sexual behaviors of superiors, including bishops and cardinals".*

2) As evidence of his thesis Sipe offers three examples: those of **Bishop Thomas Lyons**, former auxiliary of Washington, of **Abbot John Eidenschink** of St. John's Abbey, Collegeville, Minnesota, both deceased, (it would seem that Richard Sipe was a monk in the same Abbey), and that of **Card. Theodore E. McCarrick**.

3) Richard Sipe's accusations against Card. McCarrick have been circulating for a long time but what makes the case particularly worrying now is the public report that has been made about him. Richard Sipe asserts that he has evidence of what he affirms and is willing to give it to the Holy Father. He writes:

"While I was Adjunct Professor at a Pontifical Seminary, St. Mary's Baltimore (1972-1984) a number of seminarians came to me with concerns about the behavior of Theodore E. McCarrick then bishop of Metuchen New Jersey. It has been widely known for several decades that Bishop/Archbishop now Cardinal Theodore E. McCarrick took seminarians and young priests to a shore home in New Jersey, sites in New York, and other places and slept with some of them. He established a coterie of young seminarians and priests that he encouraged to call him "Uncle Ted." I have his correspondence where he referred to these men as being "cousins" with each other.

Catholic journalist Matt C. Abbott already featured the statements of two priests (2005) and one ex-priest (2006) about McCarrick. All three were "in the know" and aware of the

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Cardinal McCarrick's activities in the same mode as I had heard at the seminary. None of these reporters, as far as Abbott knew, had sexual contact with the cardinal in the infamous sleepovers, but one had first hand reports from a seminarian/priest who did share a bed and received cards and letters from McCarrick. The modus operandi is similar to the documents and letters I have received from a priest who describes in detail McCarrick's sexual advances and personal activity. At least one prominent journalist at the Boston Globe was aware of McCarrick from his investigation of another priest, but until now legal documentation has not been available. And even at this point the complete story cannot be published because priest reporters are afraid of reprisals."

Richard Sipe's Statement ends with the following appeal to the Holy Father:

"I approach Your Holiness with due reverence, but with the same intensity that motivated Peter Damian to lay out before your predecessor, Pope Leo IX, a description of the condition of the clergy during his time. The problems he spoke of are similar and as great now in the United States as they were then in Rome. If Your Holiness requests I will submit to you personally documentation of that about which I have spoken."

4) The Personnel Office had already dealt with the Card. McCarrick case following a report by the Nuncio to the United States, in which Archbishop Sambi pointed out that by June 2006 the Memorandum of accusations against the Cardinal had already been forwarded "to about twenty people, between civil and ecclesiastical judicial authorities, police, and lawyers. It is therefore to be feared that the news will soon enter into the mix of public opinion." See attached memo of December 6, 2006.

The writer concluded his memorandum with the following observations:

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1. To the many scandals in the Church in the United States, it seems that another of particular gravity concerning a Cardinal is about to be added.

2. Because it regards a Cardinal, according to the Can. 1405 § 1, N. 2 °, "Ipsius Romani Pontificis dumtaxat ius est iudicandi." [It is solely the right of the Roman Pontiff himself to judge in the cases mentioned in canon 1401].

3. Si vera et probata sunt exposita [if what is asserted be true and proven], it would require an exemplary measure that might have a medicinal function that would soothe the serious scandal for the faithful, who nevertheless continue to love and believe in the Church.

For once, it might be healthy if the ecclesiastical authorities were to intervene before the civil authorities and if possible before the scandal erupts in the press. This would restore a little dignity to a Church so tried and humiliated for so many abominable behaviors on the part of some pastors. In this case, the civil authority would no longer be required to judge an Eminent Cardinal, but a pastor in whose regard the Church had already taken the measures it deemed most opportune. S.m.i. [Salvo meliore iudicio]

5) The Internet publication of the Richard Sipe Statement took place around the 21-23 April, in the days immediately following the visit of the Holy Father in the U.S.A.

In this context, the Statement poses a challenge to the words of the Holy Father in his speeches in the United States, after his repeated condemnation of sexual abuse by the clergy. *("No words of mine could describe the pain and the harm inflicted by such abuse").*[924]

[924] Pope Benedict XVI made this statement in Washington, D.C., on 18 April 2008, just prior to meeting for the first time with victims of sexual abuse.

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> 6) The case of Card. McCarrick, as has been said, is within the sole competence of the Roman Pontiff, who could, possibly, entrust the Promoter of Justice of the Congregation for the Doctrine of the Faith with commencing an investigative process as soon as possible.[925]

In a manuscript note on Archbishop Viganò's memorandum, Secretary of State Cardinal Bertone wrote: "I agree with the observations, though it seems to me that the most recent report of the [Apostolic Nuncio] Msgr. Sambi contains testimony in defense (in some manner) of the Cardinal. Will it be

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[925] In his public statement on 22 August 2018, Viganò claimed that his 2006 and 2008 memoranda urged the Superiors to "intervene as soon as possible by removing the cardinal's hat from Cardinal McCarrick and that he should be subjected to the sanctions established by the Code of Canon Law, which also provide for reduction to the lay state." Viganò Statement at 2-3, 17 *ACTA* 15101-02. In reality, as demonstrated by the full text of his memoranda, Viganò had carefully noted at the time that sanctions would only be appropriate if the allegations were "true and proven" and that a procedure for determining the truth of the allegations would require an instruction from the Pope. 19 *ACTA* 16272.

In his public statement, Archbishop Viganò also wrote that Nuncios Montalvo and Sambi "did not fail to inform the Holy See immediately, as soon as they learned of Archbishop McCarrick's gravely immoral behavior with seminarians and priests." Viganò Statement at 1-2, 17 *ACTA* 15100-01. In fact, neither Montalvo nor Sambi claimed to have found clear evidence that McCarrick had engaged in immoral conduct with seminarians or priests. Specifically, Nuncio Montalvo concluded after an investigation in June 2000 that "the accusations against the prelate [McCarrick] are neither definitively proven nor completely groundless." 20 *ACTA* 16546. Although Nuncio Sambi forwarded allegations previously made by Priest 1 and Priest 2 in late 2006, he wrote in January 2007 that the Rector and the care-taking family at the Redemptoris Mater seminary were "convinced that the Cardinal's pious sincerity, his sensitive conscience and his moral rigor make the possibility of immoral behavior unthinkable." *Id.* at 16681. In the subsequent report from May 2008, discussed below, Nuncio Sambi likewise did not present any definitive evidence of McCarrick's sexual misconduct with others. *See*, *e.g.*, *id.* at 16691 (with respect to McCarrick's residence at the seminary, Sambi reporting that the person responsible for the Neocatechumenals stated that McCarrick was "touchy-feely" but that "no seminarian [had] ever confided to him that he was the object of gestures or equivocal words from the Cardinal").

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possible to carry out proposal n. 6? (But let's hear, naturally, from the Holy Father). B."[926]

No formal investigation or penal process was conducted at that time.[927] While the record does not reflect why this course of action was not chosen, the matter would generally not have fallen within the competence of the Congregation for the Doctrine of the Faith because there had been no credible allegation that McCarrick had abused a minor.[928] In addition, the alleged misconduct with adults had occurred over twenty years prior, which was well beyond the prescription period. Pope Benedict XVI could have delegated the matter to the Congregation for the Doctrine of the Faith and waived the prescription period, but this step was not taken.[929]

In mid-May 2008, soon after the conclusion of Pope Benedict XVI's trip to the United States, McCarrick participated in the Plenary of the Pontifical

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[926] 18 *ACTA* 15775.

[927] A search of the records of the Congregation for the Doctrine of the Faith turned up no file and no archival "position" related to McCarrick prior to 2018.

[928] The abuse of a minor would have constituted a *delicta graviora* within the exclusive competence of the Congregation for the Doctrine of the Faith under the Motu Proprio *Sacramentorum Sanctitatis Tutela* (2001).

[929] Similar to his statement regarding the 6 December 2006 memorandum, Viganò wrote that his 2008 memorandum "was also never returned to the Personnel Office, and I was greatly dismayed at my superiors for the inconceivable absence of any measure against the Cardinal, and for the continuing lack of any communication with me since my first memo in December 2006." Viganò Statement at 3, 17 *ACTA* 15102. At the time, Viganò was aware, as he stated in his own memoranda, that fact-finding or judgment regarding McCarrick would have required the intervention of the Pope; however, he may have been unaware that the matter *had* been commented upon by his Superiors and brought directly to the attention of Pope Benedict XVI. Moreover, there was nothing unusual in the fact that the memorandum was not "returned" to Archbishop Viganò, who was a subordinate in the Roman Curia without final decisional authority. Finally, as explained below, Cardinal Re did take certain measures in June 2008, just a month after Viganò's second memorandum – and not, as Viganò wrote, "in 2009 or 2010." *Cf.* Viganò Statement at 3, 17 *ACTA* 15102.

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Council for the Pastoral Care of Migrants and Itinerant People in Rome, which was also attended by the Holy Father.[930]

While in Rome, McCarrick appeared at an event with Pope Benedict XVI in Saint Peter's Square, together with other prelates, including Cardinal Re. Cardinal Re was surprised and displeased with McCarrick's presence because he thought it was not in keeping with the verbal indications he had given McCarrick two years earlier. Accordingly, following the event, Cardinal Re approached McCarrick and reproved him for his public presence, repeating that McCarrick was supposed to be conducting a more reserved life. McCarrick did not take Cardinal Re's verbal admonition well and, according to Re, McCarrick avoided him thereafter.[931]

On 17 May 2008, Cardinal McCarrick delivered the Commencement Address and received an honorary doctor of laws degree at the University of Notre Dame in Indiana.[932] McCarrick wrote to Pope Benedict XVI regarding these activities on 20 May 2008 and thanked the Holy Father "for your gracious message on my 50th anniversary of priestly ordination."[933]

On 27 May 2008, in response to Cardinal Re's inquiry several weeks before, Nuncio Sambi transmitted another report to the Congregation for Bishops.[934] Sambi also sent a copy of his report to Secretary of State Bertone.

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[930] 1 *ACTA* 1329-30.

[931] 14 *ACTA* 13270-71. The term "admonition" is used here in the general sense rather than as a reference to a formal canonical remedy.

In an interview, Cardinal Re stated that he spoke sternly to McCarrick in Saint Peter's Square, telling him that he should be conducting a quiet life so as not to cause himself to be spoken of. When McCarrick protested that the allegations against him were false, Cardinal Re forcefully responded: "True or not true, the accusations exist! You, for the good of the Church, must not be going around." 16 *ACTA* 13516-17; *see also* 14 *ACTA* 13270.

[932] D. Brown, "Cardinal Theodore McCarrick to Deliver 2008 Commencement Address," *Notre Dame News* (1 Apr. 2008), 27 *ACTA* 20122-23; 1 *ACTA* 1329-30.

[933] 1 *ACTA* 1329-30.

[934] 20 *ACTA* 16690-93.*

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The Nuncio's report, received at the Congregation for Bishops on 31 May, stated:

> I refer to the venerated Foglio No. [redacted], of the 8th of this month, regarding Card. Theodore McCarrick. His name is mentioned not only in the "*Statement for Pope Benedict XVI*" by former Benedictine monk Richard Sipe (annex 1), but also in a subsequent commentary by the same author titled: "*The Cardinal McCarrick Syndrome*" (annex 2).
>
> A) Card. McCarrick was orphaned by his father when he was three years old; the mother, a beautiful woman, entered the fashion industry to provide for her son, who was entrusted to an aunt (sister of the mother), who had several of her own children. The Cardinal calls their children "brothers and sisters" and "nieces/nephews."
>
> The mother, who appears to have behaved in exemplary fashion despite the difficult environment, died shortly after the son was 20 years old. He practically grew up outside of his own family. Very seldom does he mention his parents and he talks about his aunt's family as his own.
>
> B) The Bishop of Dallas, His Excellency Kevin Farrell, lived in the same residence with him for nearly 6 years while he was auxiliary of Washington. He assured me that, during that long period of time, not once did he see an indecent gesture, either towards guests or towards himself. He has heard many "voices", but no one went to Farrell, who practically ran the Archdiocese at the time, to report incorrect behavior by the Archbishop.[935]

[935] In an interview, Cardinal Farrell stated that, during his time as Vicar General in the Archdiocese of Washington, he occasionally heard "old rumors" about McCarrick having shared a bed with seminarians at a beach house when McCarrick was a bishop in New

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For this Nunciature it remains a mystery how it is that Card. McCarrick was appointed to Washington: he was in 16th place in the order of preferences; he wasn't part of the *terna* of candidates. One can ignore the advice of informants and of the Nuncio, but then one has to take responsibility before God and His Church.

C) Mr. [Layman] is responsible for the Neocatechumenals in the United States; he defines the Cardinal as "touchy-feely" and acknowledges that his behaviors can be misinterpreted in the current suspicious climate prevailing in the United States; but no seminarian has ever confided to him that he was the object of gestures or equivocal words from the Cardinal. The [Cardinal's] apartment is isolated from the rest of the seminary,

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Jersey. Cardinal Farrell noted that the rumors were not about sexual activity and "didn't ever relate to minors." 33 *ACTA* 27308.

Farrell only learned of the civil settlements involving McCarrick "through the priest grapevine" in 2007 or 2008, after Farrell had already been installed as the Bishop of Dallas. Farrell stated that it was "an absolute shock" to learn in 2018 that there had been a credible allegation in New York that McCarrick had abused a minor. 33 *ACTA* 27308.

With respect to McCarrick's conduct during the years he was Archbishop of Washington, Cardinal Farrell stated he "never saw or heard, ever, of any sharing of a bed, of any involvement with anybody, or anything of that nature, whether at the residence or elsewhere." 33 *ACTA* 27307. Farrell said that he "never suspected, or ever had reason to suspect, any inappropriate conduct by McCarrick in Washington." *Id.* at 27308.

Susan Gibbs, the former spokesperson for the Archdiocese of Washington, stated in an interview that Farrell, who had been "Cardinal Hickey's protégé" in Washington since the mid-1980s, "was not particularly close to McCarrick." Gibbs explained that Farrell "was not really around McCarrick much. Even when they lived at the same residence, they were very far apart. The residence was a renovated attic floor of a huge U-shaped building that was a former school. McCarrick and Farrell lived on opposite sides of the U-shaped structure." Gibbs stated that "McCarrick was an extreme extrovert raised in New York," whereas "Farrell was something of an introvert from Dublin, Ireland," who was "extremely ethical, very good with numbers, and with a strong background in finance." According to Gibbs, McCarrick trusted Farrell to run the Archdiocese during McCarrick's many trips abroad, and McCarrick and Farrell "had a cordial and professional working relationship, but there was no more to it than that." 33 *ACTA* 27310.

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there is only one bedroom, access is controlled by the seminary doorman.[936]

The Cardinal did not accept the invitation, though insistently made to him by Kiko, to settle at "*Domus Galileae*" on the Mount of Beatitudes.[937]

D) [The Vice Rector] is the neo-catechumenal priest, of Italian origin, who has acted as his secretary and driver since the Card. McCarrick moved to the seminary "*Redemptoris Mater*". The Archbishop of Washington has now appointed him vice-pastor in the capital [Washington] and has assigned a diocesan priest to his predecessor [Cardinal McCarrick] as a "part-time" secretary.

[The Vice Rector] confided to me:

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936 Although Nuncio Sambi had told McCarrick in December 2006 that he should no longer reside at the Redemptoris Mater seminary, McCarrick remained in the seminary building as of May 2008.

In an interview, the layman referenced in Nuncio Sambi's report confirmed speaking with Sambi at the time, and also re-affirmed what he told the Nuncio:

> Archbishop Sambi told us about accusations against McCarrick regarding sexual abuses and asked us if we knew anything. We told him that regarding McCarrick's time at the Redemptoris Mater seminaries in Newark and Washington we never saw or knew or heard anything about any bad action or misconduct whatsoever. None of the seminarians had ever been to sleep at the beach house. I noted that the general policy at the Redemptoris Mater seminary, not specifically related to McCarrick, was that no seminarian was to go out alone but always to be accompanied by one or two seminarians or a person responsible for the seminarians' formation.

16 *ACTA* 13572-73; 33 *ACTA* 27094.

937 Kiko Argüello is the principal founder of the Neocatechumenal Way and had known McCarrick since McCarrick was Archbishop of Newark. *Domus Galilaeae* or *House of Galilee* is a religious house in Israel run by the Neocatechumenal Way. The activity of the House emphasizes deepening understanding of Christian heritage and fostering inter-religious dialogue.

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-the cardinal is always agitated, nervous; he does not feel himself if he does not travel and if he does not have people around him. He spends the greater part of his time abroad;

-with regards to him, [Cardinal McCarrick] never made a gesture or uttered a suggestive word;

-the priests that the Cardinal invites to go with him to the sea seem to [the Vice Rector] to be of a homosexual tendency; one of them made an indecent proposal to him. In his opinion it is better if McCarrick goes to the sea with a group, rather than alone or with one person accompanying him.[938]

E) Sometime after my arrival in Washington, the Cardinal admitted to me in my office that he had committed imprudent acts, such as inviting a seminarian into his bed in the house by the sea, because there was no bed [for the seminarian]; but, crying, he 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.

F) The Archbishop of Washington, who came to see me Friday last, said he was willing to buy a house for his predecessor, just as soon as he is certain that [Cardinal McCarrick] will go there to live. He also told me that Archbishop Myers of Newark sold the house that the Cardinal had bought by the sea and had

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938 The Vice Rector recalled in an interview that "Archbishop Sambi looked for occasions to speak to me without Cardinal McCarrick being aware of it. For example, he used the excuse of needing technical help with his cell phone to get me alone to speak and so he would call me for this reason and I would go to the Nunciature to help him with his phone." The Vice Rector explained that although Sambi would never "say anything explicitly," it was clear that "he wanted to know, given that I was acting as [McCarrick's] secretary, if I had seen anything strange or unusual in his movements or behavior. But I could not say I saw anything strange or unusual, because I had not." 16 *ACTA* 13622; 33 *ACTA* 27077.

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prohibited the seminarians from acting as his driver, because they need to follow the courses and the life of the seminary. But the Cardinal has many friends who put at his disposal their summer residences. Even the priests and seminarians of Washington do not go to the sea anymore with the Cardinal.

With Msgr. Wuerl we found ourselves in agreement on certain points:

> 1) The risk of a scandal-inducing campaign against the Cardinal exists, no matter his place of residence;
>
> 2) nobody will succeed in convincing the Cardinal to accept "a life in retirement": it is not part of who he is; if it were to be imposed on him, psychological collapse (depression) and even psychosis are to be feared;
>
> 3) the most protected and watched-over place for him is where he currently lives: it is an isolated place far from the city center, the seminarians have no contact with him, his visits are monitored and appear practically non-existent. In a house for him alone he would become much more difficult to monitor;[939]
>
> 4) Msgr. Wuerl is of the opinion that he should not accept invitations in the United States: [Cardinal McCarrick] recently spoke at "Notre Dame" University on the occasion of the awarding of diplomas: this reawakens the aggressiveness of those who do not agree with his ideas and behaviors. (I have no difficulty in reproaching him in

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[939] To the extent that point 3 suggested that Archbishop Wuerl believed at that time that it would have been best to let Cardinal McCarrick remain at the Redemptoris Mater Seminary, Cardinal Re clearly recalled in an interview that in his discussions with Archbishop Wuerl – which took place while Re was still Prefect at the Congregation for Bishops – Wuerl consistently favored McCarrick not living at the seminary. 16 *ACTA* 13518.

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this regard). The United States mass media never mentions his travels and his speeches abroad.

5) From every person we must bring out the best that he has: perhaps it is best to leave him free [to pursue] his commitments abroad to ecumenical and inter-religious dialogue and for peace in the Middle East, so long as he does so wisely; and ask him not to make commitments within this country.[940]

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[940] When shown Nuncio Sambi's report from May 2008, Cardinal Wuerl stated in an interview, "The only thing that Sambi raised with me was: 'He is travelling all over the United States and the world presenting himself as the representative of the Holy See. And he isn't. Is there some way that you can help me persuade him to keep a lower profile?'" 16 *ACTA* 13862; *see also id*. at 13854. Cardinal Wuerl stated that "Sambi indicated it was a problem, but he did not indicate why." *Id.* at 13851. During the interview, Cardinal Wuerl asked, "What I do not understand is why, if they had other concerns, why did they not inform me clearly?" *Id.* at 13858.

Cardinal Wuerl also stated that at the time he had never heard any rumors or allegations regarding McCarrick's sexual misconduct with priests or seminarians, including the allegations in Sipe's open letter to Pope Benedict XVI. 16 *ACTA* 13853, 13873. Cardinal Wuerl stated categorically that he did not recall being aware of "even a whisper in the media that McCarrick was doing anything wrong. No person in this Archdiocese, no former secretary of his, no lay person, *nobody*, ever came to me to say that anything abusive had ever occurred, or to say that Cardinal McCarrick had engaged in any inappropriate behavior. Nothing." *Id.* at 13862. Cardinal Wuerl explained that he "concluded at some point that [McCarrick] put himself too much in the limelight and that this was not appreciated." *Id.* at 13850. He also noted that McCarrick was "constantly saying he had enemies," and that he would state, "'some of them [Holy See officials] are uncomfortable with me or don't like me.'" *Id.* at 13876-77. Cardinal Wuerl agreed that, while McCarrick was generally well-liked and appreciated, there were those in the Church and in the media who did not care for him and criticized him, particularly regarding certain political or pastoral issues. 33 *ACTA* 27097.

With respect to McCarrick's change of residence, Cardinal Wuerl stated, "Nobody ever told me anything about [Holy See officials] wanting him to move. Nothing." 16 *ACTA* 13857. Wuerl recalled: "The only thing is that McCarrick came to me to say 'This is so far out of the way, I am so out of contact here [at Redemptoris Mater Seminary], can you find another place for me?' There was no metro [station near the seminary]. He would have to have somebody have to come get him. So, there was value for him to live in the center. And he came to me on that and I identified St. Thomas Rectory." *Id.* at 13857-58;

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B. Cardinal Re's Written Indications to McCarrick (June to August 2008)

On 14 June 2008, Cardinal Re, Prefect of the Congregation for Bishops, wrote separate letters to Nuncio Sambi and to Cardinal McCarrick.

In his letter to the Nuncio, Cardinal Re referred to the report of 27 May 2008 and assured Sambi that "the question and the observations presented by your Excellency and by S.E. Archbishop Donald W. Wuerl of Washington have been studied carefully."[941] Cardinal Re continued:

> Given the persistence with which the accusations are repeated, the Cardinal's imprudences and, as Your Excellency pointed out, the risk of a campaign of accusations against him, it seems appropriate to try to convince Cardinal McCarrick, for the good of the Church, to accept the following indications:
>
> a) that he not reside in Washington's "Redemptoris Mater" Seminary; it would seem more appropriate for the cardinal to live only in a religious house with other people (chaplain in a home for the elderly, etc.);
>
> b) that he conduct a more private life, and accordingly he should not accept invitations either within the United States or abroad, except for some special cases, according to the judgment of the Holy See.
>
> I understand that it will not be easy to present to and get the Archbishop Emeritus of Washington to accept these limitations, given his character as is well described in the Report. Therefore, I would be grateful to Your Excellency if you speak with

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see also id. at 13828, 13866. Wuerl noted that he had always wanted to repurpose the wing of the large Redemptoris Mater building occupied by McCarrick and explained that the space was later converted into a retirement community for elderly priests. *Id.* at 13869.

[941] 20 *ACTA* 16711-12.*

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> Cardinal McCarrick to try to convince him and also giving to him my attached letter.
>
> I would ask Your Excellency to appeal to his ecclesial spirit.

Cardinal Re's letter to McCarrick, dated 14 June 2008, was enclosed with the letter to Nuncio Sambi, but the letter to McCarrick was held in the Nunciature until the Nuncio could hand-deliver it to McCarrick in late August (after both had returned from trips away from Washington).[942] Prefect Re's letter stated:

> **Strictly Confidential**
>
> Dear Cardinal McCarrick,
>
> It gives me great pain to once again make reference to the accusations which have surfaced regarding Your Eminence. However, the open letter which the former monk Richard Sipe addressed to the Holy Father at the end of his visit to the United States obliges me to do so. As Your Eminence knows, the text of the letter was published by Mr. Sipe on his website along with his commentary entitled 'The Cardinal McCarrick Syndrome.'
>
> I am well aware that your Eminence has always stated clearly that you have never committed sexual acts with others, but the testimony of some men who affirm that they were in the same bed with you when they were younger is commonly interpreted in a very negative way. Even people who love and defend priests and Bishops are disconcerted about it.
>
> This recent publicity of accusations against Your Eminence makes one conscious of the grave harm that happens to the Church and weakens the authority of her Pastors who govern Catholic dioceses.

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[942] 20 *ACTA* 16709-10; 19 *ACTA* 16284-85.

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Your Eminence's frequent public appearances at gatherings, some of which are reported in the media, causes others to recall yet again the old accusations and contributes to their being even more widely known.

As I have already said to you in the past, such a negative campaign requires that Your Eminence behave in such a way as not to draw attention to yourself. There is only one way to achieve this: not to make public appearances and to conduct a quiet life of prayer and penance for past imprudent actions.

I know that this goes against your natural character since you enjoy getting together with others in order to do so much good and spread the values of the Gospel in every setting.

Therefore, I appeal to your ecclesial spirit and I am obliged to ask you not to accept invitations for any public events.

Moreover, I ask you to chose (sic) one of the following possibilities (or something similar): to take up residence in a home for the elderly, possibly one directed by religious sisters, in which you could act as their Chaplain: living in the house, celebrating Mass for them, giving them homilies, conferences, etc.; or, if you prefer, you could ask a monastery to take you in as a guest and participate in the community prayer, community meals, etc.

Thus, for those who have been surprised by the proliferation of the unfounded reports, knowing that you are conducting a quiet life, carrying out an apostolate among the elderly and living a life of prayer, would offer an edifying example and could even halt the spreading of accusations against you.

With great confidence in your love for the Church and your understanding of this matter, I remain

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Sincerely yours in Our Lord

s/ +GB Card. Re

Pref.[943]

Though severe in tone and appealing to McCarrick's ecclesial spirit to ensure compliance, Cardinal Re's letter did not rely on any finding of fact as to the allegations against McCarrick, did not invoke Pope Benedict XVI's name or indicate that the letter reflected a directive from the Pope, and did not set forth any formal order or prohibition on public ministry.[944] Cardinal Re stated in an interview that his 14 June 2008 letter to McCarrick "was not juridical in nature" and depended upon the expectation that Cardinal McCarrick, as a bishop, would comply with the request of the Holy See.[945]

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[943] The American *minutante* in the Congregation for Bishops who translated the 14 June 2008 letter to McCarrick recalled that Re had originally drafted it in Italian in his own handwriting. 40 *ACTA* 33878. He also explained why the language remained somewhat unusual in English:

> A lot of those phrases, if it were a normal letter, we would have reworked it pretty extensively to put it in a more standard English. But this was a very special letter. It was unusual that the Cardinal [Re] would do as he did here. . . . [H]ere you were dealing with another Cardinal. . . . [W]e just translated and touched it up slightly but minimally, without changing the phrases. Re wanted to make sure that certain things were in that letter in a certain way, even if it didn't sound exactly written by an American, but it retains with some exactitude what he wanted to say. . . . He had precise things he wanted to say in a precise way and it was our job to respect that.

Id. at 33878-79.

[944] 16 *ACTA* 13527.

[945] 16 *ACTA* 13527-28. In an interview, Cardinal Re confirmed that his letter "was not a decree" and "had no legal value." *Id.* at 13528. The letter also did not set forth a canonical "sanction" or a "judicial precept." *Id.* at 13881. However, Cardinal Re expected McCarrick, as a bishop, to follow the indications as a "moral obligation" that was "for the good of the Church," which "should be sufficient as a reason." *Id.* at 13528, 13882; *see also id.* at 13881, 13884.

In an interview, the *minutante* from the Congregation for Bishops who helped with the translation stated: "It definitely is not an order. We could issue orders. Things with a

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After sending the two letters to Sambi, Cardinal Re informed Pope Benedict XVI of the decision of the Congregation for Bishops to urge McCarrick to lead a quiet life.[946] As Cardinal Re explained in an interview, "I communicated to the Pope the contents of the letter, the substance of the letter, and the Pope was in agreement. He said, 'Good, very good.'"[947]

Through Archbishop Gänswein, Pope Emeritus Benedict XVI recalled receiving Cardinal Re in audience, being briefed on the situation regarding Cardinal McCarrick by Cardinal Re, and reviewing Re's 14 June 2008 letter to McCarrick. The Pope Emeritus also recalled approving the approach taken in Cardinal Re's letter.[948]

On 16 June 2008, Cardinal Re transmitted a copy of his letter to McCarrick directly to Cardinal Bertone. Cardinal Re wrote:

> For the sake of consistency, it seems to me that Card. McCarrick should no longer be invited to come to Rome for meetings of the dicasteries of which he is a member.

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strong juridical imprint. This was not one of them. It's not an order. It's not imposing restrictions. It is telling him, strongly, what he should be doing." 40 *ACTA* 33879. He added:

> [Cardinal Re] was taking an approach that kept in mind that the situation was not good but not that McCarrick had actually done sexual things. If Re had been convinced that McCarrick, a cardinal, had engaged in actual sexual conduct, much less with a minor (which is something we didn't know about at that time; it was never on the radar), he would have insisted on a much much harsher approach. That's just my opinion from what I know of Re.

Id. at 33877.

[946] Cardinal Re Interview, 16 *ACTA* 13516. The *minutante* who translated the letter also recalled: "At some point [Cardinal Re] was in contact with Pope Benedict about it[,] but I can't remember whether it was before or after the letter was written precisely. But I have the impression that Pope Benedict was informed. And that would be normal. We are speaking about a Cardinal here." 40 *ACTA* 33876.

[947] 16 *ACTA* 13518.

[948] 40 *ACTA* 33984.

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> Regarding the Pontifical Commission for Latin America, since Cardinal McCarrick's five-year term has come to a close, I wrote to the Secretariat of State last month so that I might have in hand the customary thank you to be sent together with my letter informing him that his work [for the Commission] is completed. I await your reply.
>
> Card. McCarrick remains a member of the Pontifical Council for Christian Unity, of the Pontifical Council for Migrants, and of APSA. If we do not want him to travel, it shall be necessary to examine how these departments, if they do not want to exclude him from membership, at least do not call him to Rome.
>
> I also send you for your opportune information in this regard the photocopy of a letter from Cardinal McCarrick held in the archives of this Dicastery, in which – prior to his appointment to Washington – he assured that he never performed sexual acts with another person in his life.[949]

Also on 16 June 2008, Cardinal Re sent a letter to Nuncio Sambi, marked "Personal," in response to the Nuncio's 27 May 2008 memorandum.[950] Enclosing copies of McCarrick's 6 August 2000 letter to Bishop Dziwisz and Cardinal Sodano's 14 September 2000 letter to Cardinal Moreira Neves,

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[949] 19 *ACTA* 16288. Cardinal Re also sent a copy of the letter to Cardinal Levada, the Prefect of the Congregation for the Doctrine of the Faith. Father Steven Lopes, an official at the Congregation at the time, explained in an interview: "I can tell you that Levada did receive a copy of the letter that was communicated to McCarrick regarding his behavior. I remember that because I was present when the letter was opened. It was provided to Levada because he was a member of the Congregation for Bishops who was also Prefect of CDF, but [this was] not properly part of CDF files, it was a personal copy to him." *Id.* at 13557.

Information regarding the written indications given to McCarrick would not otherwise have been widely shared within the Roman Curia. As one former Holy See official stated, because the situation involved a Cardinal, information "would have been closely held and would not have necessarily been shared even with senior officials of the dicasteries involved." 17 *ACTA* 15111.

[950] 20 *ACTA* 16713.

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Cardinal Re stated: "I believe it is useful to furnish you, in a completely private and confidential manner, a factor illuminating the 'mystery' to which Your Excellency referred in the Report . . . of 27 last May (annex). I also clarify that the decision was not made 'against' the Apostolic Nuncio's opinion, as you state: a meeting was held (not by me) with then-Archbishop Montalvo."[951]

On 5 August 2008, McCarrick, who had not yet received Cardinal Re's 14 June 2008 letter from Nuncio Sambi, wrote to Re, thanking him for informing him that his service on the Pontifical Commission for Latin America had come to a close.[952] On the same date, McCarrick reported to Sambi that he had received an invitation from Archbishop Celata, then Secretary of the Pontifical Council for Interreligious Dialogue, to be "part of the Catholic delegation in the seminar which is being organized in Rome between Catholics and Muslims for this coming November."[953] McCarrick stated that he had informed Celata "of my great joy in being invited and my acceptance with alacrity."

Also on 5 August 2008, McCarrick informed Archbishop Wuerl regarding his health and upcoming travels.[954] He stated that Cardinal Bertone and Archbishop Mamberti had felt it "not wise" to accept an invitation to attend the opening of the Olympics in China, and that this "made it possible for me to make a quick trip to the Holy Land before I go to France to lead the pilgrimage to Lourdes for the Assumptionist Fathers next week." He wrote

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[951] 19 *ACTA* 16290. The record does not otherwise reflect the meeting with Nuncio Montalvo referred to by Cardinal Re or who that meeting may have been with. The documentation shows that Archbishop Montalvo repeatedly advised that McCarrick's transfer from Newark would be imprudent (*see* Sections XII and XIII), but it may be that the Nuncio later indicated that he was not affirmatively "against" the decision to move McCarrick to Washington.

[952] 24 *ACTA* 18053. McCarrick's membership at the Pontifical Council for Migration ended at the same time. 1 *ACTA* 1348-51.

[953] 1 *ACTA* 1342. This referred to the First Seminar of the Catholic-Muslim Forum, which was held in Rome in early November 2008.

[954] 24 *ACTA* 18054-55.

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that he would "try to spend some few days down at Southern Maryland" at the end of the month, but that "September will be hard to break down because I am already committed to a trip to Chile, to Mexico City for the Holy See and to Malaysia for talks at the International Islamic University there."

On 22 August 2008, Nuncio Sambi memorialized his hand-delivery to McCarrick of Cardinal Re's June 14 letter, by writing on his copy, "Delivered to the Cardinal at 12:30 on 22nd August 2008 in my study after my return from vacation and the return to Washington from Lourdes of the Cardinal."[955]

C. McCarrick's Responses to the Written Indications and Related Holy See Decision-Making (August 2008 to June 2009)

On 25 August 2008, McCarrick wrote a detailed letter to Nuncio Sambi regarding their 22 August 2008 meeting:

> Thank you for our meeting of Friday. I confess that it left me somewhat bewildered since I believed that I had been following the wishes of the Holy See in my years of retirement. I have never sought invitations to speak or to be part of different groups. They have come from others – usually Bishops – who felt that I could be useful. However, having studied the letter of Cardinal Re and having shared it with my Archbishop [Wuerl], I pledge again that I shall always try to be a good servant of the Church even if I do not understand its desires in my life.[956] Of course, I am ready to accept the Holy Father's will in my regard.

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[955] 20 *ACTA* 16709.*

[956] In an interview, Cardinal Wuerl did not recall McCarrick having shown him Cardinal Re's 14 June 2008 letter. *See* 16 *ACTA* 13873 (stating that McCarrick "never shared the letter and never put into my hands anything, certainly nothing that came from Rome"); *see also id.* at 13854.

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May I quickly review with Your Excellency the two major points, which are made in the letter, namely the canceling of all public appearances and the change of residence.

I enclose a list of commitments to which I have already agreed during the next three months or more accurately between now and Christmas. These are requests that have come to me from Bishops throughout the country who apparently still feel that I would be a welcome guest in their dioceses and in the pastoral service of their people. There are a few that I can cancel and I have crossed them off. I fear that the others would be hard to cancel since the publicity has already gone out and I am expected. I would need a clear public reason to cancel them this late. I would need your advice on whether to keep these commitments or not.

I will make no other commitments to speak or appear in public without permission from the Holy See or from Your Excellency.

Secondly, I fear that a sudden move into a Monastery or a home for the elderly would probably raise a red flag in the media and cause great *admiratio*.

It would give rise to the news that I was being "sidelined" by Rome for some cause and the resulting publicity would be precisely what Cardinal Re is hoping to avoid.

After consultation with Archbishop Wuerl, whose help and understanding is, as always, a great help and fraternal support to me, the following possibilities seem feasible.

l) Since I do have a small apartment in the building which houses the priest faculty of Seton Hall University, I could leave my residence in Hyattsville and move there more or less permanently. There, in a community of forty priests, all of whom share the same rectory and other facilities, I would be quietly at home for prayer, study and writing.

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2) I could find a place to live in one of the parishes of the Archdiocese of Washington. The Archbishop is willing to arrange for that in any area that the Holy See would desire.

3) The Holy See could find me an apartment in Rome, for which I would expect to pay, near the Vatican where I could live in my retirement like so many other former prelates in service to the Church.

4) I could find a residence in any one of a number of Catholic Universities, which have already offered me a place to live and work in different areas of quiet study and research.

Furthermore, I can quickly resign from the Presidency of the Papal Foundation, from my role as a Counselor to the American Bible Society, from my post as Chair of the CRS Foundation, from all committees of the USCCB to which I belong, from the Board of the World Faith Development Dialogue which I have served at the request of the Holy See and from all the Vatican offices of which I am still a member – namely the Pontifical Council for Christian Unity, the Post Synodal Council of the Assembly for America and the APSA.

I would like permission to continue to work with Catholic Relief Services on its overseas missions in developing nations - for which there is no publicity - and in the work for peace in the Holy Land in which I am very much involved as well as in quiet Catholic Muslim dialogue.

In summary, in the future I will make no commitments to accept any public appearances or talks without the explicit permission of the Apostolic Nuncio or the Holy See itself. I presume that I am allowed to study and write during whatever time the Lord is willing to grant me before He calls me home.

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Looking forward to your judgment in this matter and with every good wish, I am

Respectfully,

s/Theodore Card. McCarrick

Cardinal Theodore E. McCarrick

Archbishop Emeritus of Washington

Public Commitments in USA- 2008

Sept. 3 Preside at N.I.L.I. Meeting – D.C.

8 Consecration of Bishop Cruz – Newark

23 Invocation at Rabbi Schneier's Dinner honoring Pres. Sarkozy – NYC

27 Anniversary Mass at Annunciation – D.C.

28 Anniversary Mass at Incarnation Church – NYC

30 Meeting with priests of diocese – Oklahoma City

Oct. 1 Talk at Loyola University – New Orleans

6 Mass, Anniversary of Cardinal Cooke's death – NYC

7 Reception of Volunteer Association – D.C.

12 Talk at Businessmen Catholic Club – Bridgeport

13 Meetings with priests and students – Univ. of San Diego, CA

18 Mass for Knights of Malta – D.C.

30 Cristo Rey H.S. dinner – D.C.

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Dec. 2 Talk at St. Thomas University – Minneapolis, MN

Foreign Commitments - 2008

Sept. 4-7	Chile
Sept. 9-10	Mexico City (CELAM meeting, organized by Holy See)
Sept. 12-15	Malaysia (Talk at Islamic University)
Sept. 17-21	Rome (various meetings)
Oct. 18-25	France (Vacation with Family)
Oct. 26-29	Israel (Council of Religious Institutions)
Nov. 3-6	Rome (Catholic Muslim Dialogue)
Nov. 10-13	Budapest (Committee Catholic-Jewish Relations, Holy See)
Nov. 14-17	Cyprus (Community of Sant'Egidio Meeting)
Nov. 18-19	Rome (Assembly for America - Post Synodal Council)
Dee. 9-12	Rome (Pontifical Council for Christian Unity)[957]

On 27 August 2008, Nuncio Sambi sent a letter to Cardinal Re describing the letter that McCarrick had sent two days earlier.[958] Nuncio Sambi's letter stated:

> On the 22nd of this month I provided to Card. Theodore McCarrick, who had just returned from Lourdes, Your

[957] 20 *ACTA* 16719-21.

[958] 20 *ACTA* 16722-24.*

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Eminence's "Strictly Confidential" letter, N. [redacted], of 14 June 2008.

The Cardinal, I do not know by what cunning, responded to me, in particular regarding the two fundamental issues:

l) change of residence: He seems willing to move away from the "Redemptoris Mater seminary" in Washington, but not to retire to a rest home for the elderly to serve there as chaplain.

He proposes 4 solutions:

> -Live in the small apartment he has in the building for priests of the Faculty of Theology at Seton Hall University of the Archdiocese of Newark, participating in some of the community activities there with the other priests (I am not at all sure that Archbishop Myers would appreciate this solution).
>
> -The Archbishop of Washington would be willing to arrange for him a residence in any parish of the capital "*that the Holy See would desire*". The Holy See could make available in Rome an apartment "*for which I would expect to pay*".[959]
>
> -Establish himself at one of the numerous Universities that have invited him (not mentioned [in his letter]), where he could dedicate himself to "*quiet study and research*".

For each solution proposed, remaining isolated is out of the question; contact with people appears to be indispensable for him.

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959 On the copy of this letter held in the files of the Congregation for Bishops, the word "impossible" was handwritten in the margin with regard to this point.

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2) Public commitments already made. He attaches the list of those [commitments] already made for 2008, both in the USA and abroad; he has already cancelled the others, but those on the list would be difficult to cancel because they have already been announced and one would have to provide "*a clear public reason*" to decline to be present. "*I would need your advice on whether to keep these commitments or not*".

For the future, the Cardinal promises not to take on other commitments to speak or appear in public "*without permission from the Holy See or from you*"; at the end of the letter he inverts the order: "*without the explicit permission of the Apostolic Nuncio or the Holy See*".

Both out of respect for his rank as Cardinal and to avoid him being daily at my door, it is best that "*the explicit permission*" must come from the Holy See.

The Cardinal says he is ready to resign from all the ecclesiastical institutions in which he takes part, both at the level of the Holy See and at the national level.

However, he would love to continue to participate in the foreign missions of Catholic Relief Services, to work for peace in the Holy Land, and to participate in the catholic-islamic dialogue.

After reading Your Eminence's letter in my presence, the Cardinal exclaimed, "This is a persecution". During the lunch that followed together with my collaborators, he did not give evidence of his typical exuberance.

The reply attached hereto illustrates his fears: living in isolation and being forgotten. He accepts in principle what is asked of him, then requests exceptions that annul the principle.

The last sentence seems to me sarcastic and threatening: "I presume that I am allowed to study and write".

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With regard to the residence, it does not seem to me opportune, and I know not appreciated by the local Archbishop, that he stay at Newark's Seton Hall University: the old friends and enemies could provide fuel for the fire!

It seems to me the same regarding the "numerous universities" that might invite him: the Cardinal does not possess the preparation to be a "scholar". He would certainly choose a "liberal" university, which would then use him to lend credibility to positions not quite in harmony with the teaching of the Church.

Regarding a Holy See apartment, Your Eminence has more information than I do to judge the possibility and opportunity of this.[960]

The solution that seems to me to be certainly less than ideal, but the least bad, would be to ask the Archbishop of Washington to procure for him a dignified residence in a parish outside the city, where the Cardinal might lead a private life.

As for the public commitments both in the USA and abroad, perhaps he should fulfill those already taken on and not take on others, without the prior and explicit permission of the Holy See.

Finally, regarding the positions that should be renounced, we must give him an answer; the three he asks to retain all involve sensitive sectors of world opinion.

It will not be easy to obtain from the Cardinal complete adherence to the norms imparted to him, embattled as he is between his desire to obey the Holy See and the fear of being

960 Once again, the word "impossible" was handwritten in the margin of this portion of the letter.

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> forgotten and isolated. Being concrete in indicating to him what to do keeps him from finding loopholes.

On 1 September 2008, McCarrick wrote directly to Cardinal Re to acknowledge receipt of the letter of 14 June 2008. McCarrick stated that he was "surprised by it since I believe I have tried to be faithful to your directions. I did not see the item you mentioned and the fact that no responsible news service has picked it up is probably a sign that they all recognize where it came from and its lack of Truth."[961]

McCarrick continued:

> However, be that as it may, I pray that I will always be willing to accept the will of my superiors as the will of God, whether it seems just or unjust. I have given the Nuncio a letter in which I suggest certain ways in which your desires may be fulfilled, without causing other problems which my sudden disappearance could provoke, unless we can find a credible public explanation for it. I believe that the Nuncio has sent this to your Eminence.
>
> I await your instruction and ask God's blessing on your Eminence and your ministry. You have been a good friend in the past and I want to trust your judgment in this matter.

Also on 1 September 2008, McCarrick wrote to Cardinal Bertone, enclosing the letter to Cardinal Re of the same date.[962] McCarrick stated:

> 1. Over the years of my Episcopal Ministry, I seem to have made enemies on the extremes within the Church. I have always tried to be a man in the center, remembering the axion (sic) *In*

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[961] 19 *ACTA* 16299.

[962] 24 *ACTA* 18116. It remains unclear whether this letter was ever provided to Cardinal Bertone. *See id.* at 18067.

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medio stat virtus. I have probably offended some of the more conservative and liberal by my positions.

2. Possibly from these or from other unknown people whom I may have offended, rumors have arisen from time to time attacking my moral character and alleging improper actions. On one occasion some unknown person wrote to three prominent United States newspapers alleging terrible immoral acts. Each of the newspapers - the New York Times, the Washington Post and the Newark Star Ledger - launched their own investigations. Obviously, they found nothing and dropped the investigation of the allegations completely.

3. Even though these allegations were found to be without basis, they continued to be circulated and Cardinal Re has received these complaints about me. I have asked him for the names of my accusers, but they may be Anonymous. I have asked for a complete investigation and have offered to submit [to] a lie detector test, but these steps were apparently not deemed feasible.

4. I do recognize that in one particular I had been at fault in an unfortunate lack of judgment. I have always considered my priests and seminarians as part of my family, and just as I have shared a bed with my cousins and uncles and other relatives without thinking of it being wrong, I had done this on occasion when the Diocesan Summer House was overcrowded. In no case were there minors involved, but men in their twenties and thirties.

5. This was never done in secret or behind closed doors. It was always known to everyone in the house and there was never any comment of impropriety. However, as the problems of sexual abuse began to surface, I realized that this was imprudent and stupid and it stopped. These events date back twenty years and more.

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6. Cardinal Re is rightly concerned about the good of the Church and I am, of course, willing to do whatever the Holy See asks of me, whether I personally may feel it to be just or unjust. I have never had sexual relations with anyone, man, woman or child, nor have I ever sought such acts. I have replied to the Cardinal's directive by suggesting ways in which I can be less public a figure and I just wanted Your Eminence to know the background, since I do have great regard for your person and great appreciation for your friendship.

7. The letter to the Nuncio is attached.

On 2 September 2008, McCarrick declined an invitation to attend the Charities Gala during the coming year, where he was to be an honoree.

On 8 September 2008, Cardinal Re replied to Nuncio Sambi's letter of 27 August 2008.[963] Cardinal Re wrote:

The Cardinal's reaction was predictable, but he too must understand that the good of the Church demands that his past not be spoken of given the impact these accusations have already had (even if not true in their actual substance) and that they will have to an even greater extent if they are published again.

He is a cardinal who was Archbishop of the Capital! He is not just any priest. We must also take into account the present sensitivities in the USA (this relates to a problem that really exists, even if it has in part been exaggerated to fight the Church).

As for the two points in the response:

1) <u>for the residence</u> it would make sense for Your Excellency to speak with the Archbishop of Washington [Wuerl]: If he

[963] 19 *ACTA* 16300-01.*

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> finds an appropriate residence in a parish, it seems to me a step that would improve the situation (It is impossible to imagine residence in a university; unthinkable a dwelling in Rome...).
>
> 2) You must clearly state to Card. McCarrick that in the future he cannot accept public commitments either in the USA or abroad. In exceptional cases he must ask for the prior and explicit permission to the Congregation for Bishops, which will remain in contact with the Holy Father.
>
> As for the commitments already made for the next months, the decision could be left to the sound judgment of the interested party [McCarrick], excluding, however, travel to Rome.
>
> As regards membership in entities, in particular those of the Holy See, I would not find difficulty if he remains "theoretically" a member until the normal expiration of the respective mandates, but he must find reasons for not attending the meetings.

Cardinal Bertone received McCarrick in audience on 17 September 2008. In an interview, Cardinal Bertone recalled receiving McCarrick and the two having discussed the indications previously given by the Congregation for Bishops concerning McCarrick's "public movements and residence." McCarrick told Cardinal Bertone that he believed that the limitations contained in the June 14 letter were unfair and based on misinformation. Recognizing that McCarrick, given his nature, would have difficulty adhering to the instructions, and aware that the allegations had never been put to the test, Cardinal Bertone specifically repeated the importance of adhering to the terms of the Re letter.[964]

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[964] Cardinal Bertone Interview, 14 *ACTA* 13048; Cardinal Re Interview, 16 *ACTA* 13515. In an interview, Cardinal Bertone noted that the allegations against McCarrick did not relate to minors, that they were ambiguous with regard to overt sexual conduct, and that they were deemed untrue by those who lived with McCarrick. Given McCarrick's strong denials and the fact that he was already emeritus, the focus of Holy See officials was on the need to avoid drawing unwarranted attention to allegations that remained unproven.

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Primary competence over the question remained with the Congregation for Bishops. As both Cardinal Re and Cardinal Bertone independently recalled, since McCarrick lived within the territory of the Archdiocese of Washington, the Congregation for Bishops expected to rely upon Archbishop Wuerl to act, in Cardinal Bertone's words, as the Holy See's "eyes and ears" regarding McCarrick's activity within the Archdiocese. Cardinal Bertone recalled that while Archbishop Wuerl had no disciplinary authority over McCarrick, he was nevertheless viewed as the most likely candidate to carry out the delicate task of keeping track of McCarrick's activities.[965] However, there is no reference in the record indicating that Wuerl himself believed that he was supposed to keep track of McCarrick's whereabouts, or that he ever in fact did so.[966]

On 17 September 2008, Cardinal McCarrick e-mailed Nuncio Sambi to inform him that he had met with Cardinal Bertone in Rome and that, according to McCarrick's report of the meeting, Cardinal Bertone said he

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16 *ACTA* 13348-49. Bertone stated that McCarrick's "forceful denial . . . had an impact" and that "his 'analysis' was effective," while the information he received from Sambi and Viganò was "about something possible, but not proved in any formal sense at all." *Id.* at 13348.

On 22 September 2008, McCarrick wrote the following in a letter addressed to Cardinal Bertone: "I just wanted to send you a quick note, thanking you so very much for your tremendous graciousness in receiving me the other day and for accepting the documentation which I gave you. Once again, I repeat my desire always to be in communion with the Holy Father and yourself and willing to accept whatever you feel is the best way I can serve the Church at this time." 24 *ACTA* 18074. It is unclear whether this letter, which was not found in the files of the Secretariat of State, was ever sent to Cardinal Bertone.

[965] 14 *ACTA* 13046-47.

[966] In an interview, Cardinal Wuerl expressed certainty that no Holy See official requested that he monitor McCarrick, stating that he "did not recall anybody from the Vatican ever telling me anything about this." 16 *ACTA* 13854; *see also id.* at 13862. Wuerl noted that he "never received anything in writing related to this, whether from [the Congregation for] Bishops, [the] Secretary of State, or [the] Nuncio." *Id.* at 13858-59; *see also* 33 *ACTA* 27098. Cardinal Wuerl added, "I can also say that I did not have the means to keep track of him, and I did not have the authority to do so either." 16 *ACTA* 13854.

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"had never heard of the situation and promised to look into it."[967] McCarrick wrote that "The only thing he asked was about my reputation among the other Cardinals and Bishops of the US. I told him that I thought it was good since they continue inviting me to talk to their priests and people."[968]

On 1 October 2008, McCarrick wrote to Nuncio Sambi, stating that he was "anxious that I have understood correctly the instructions I have received so that an appeal [to the Holy Father] may be based on the factual letter you have been sent."[969] McCarrick identified the instructions as follows:

> I may live in a parish in accord with the concurrence of the archbishop.
>
> I should try to cancel even the commitments I have made for this year. (I may use the excuse of a Vatican appointment if necessary.)
>
> I may take no new commitments either in this country or abroad without explicit permission from the Holy See (i.e. The Congregation for Bishops).
>
> I am not allowed to travel to Rome. Therefore, I should not fulfill my obligations to attend meetings of APSA, the Pontifical Council for Christian Unity or the Post Synodal Council for America.
>
> (However, I have been named to the Catholic Delegation to the Vatican meeting with Islamic representatives in November as well as the Catholic Jewish meeting in Budapest that same

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[967] 20 *ACTA* 16727.

[968] Cardinal Bertone was in fact well aware of the situation, since he had read Viganò's two memoranda and discussed the matter with other Superiors in the Secretariat of State as well as the Congregation for Bishops. It is likely, however, that Cardinal Bertone did not wish to disclose to Cardinal McCarrick his knowledge of the situation during their meeting to ensure that McCarrick would fully relate his position.

[969] 20 *ACTA* 16728-29. The phrase "factual letter you have been sent" appears to refer to Cardinal Re's letter to Nuncio Sambi dated 8 September 2008.

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> month. Since these were ad personam, I would plan on fulfilling these obligations. There is also the case that from time to time, Archbishop Mamberti requests my services in certain specific issues. I presume that I have permission to continue to try to be of help in these matters.)
>
> Presumably, the requests I made to continue working for peace in the Holy Land, Catholic Moslem dialogue and Catholic Relief Services overseas operations have been denied.

McCarrick asked the Nuncio if there were "any other significant proscriptions in the letter." McCarrick further informed Sambi that he intended to "write the Secretary of State to appeal to the Holy Father against these denials and against the exclusion from coming to Rome to pray, to visit my titular Church and to be in the presence of the Holy Father at an audience."

On 3 October 2008, Nuncio Sambi wrote back to Cardinal McCarrick to provide the requested clarification:

> In reference to your personal and confidential letter of 1 October 2008 concerning the instruction received from the Cardinal Prefect of the Congregation for Bishops, I prefer, for the sake of clarity, to put the following points in writing:
>
> 1. If the Archbishop of Washington could find Cardinal [McCarrick] an adequate residence in a parish, this would ameliorate the situation (I spoke already with His Excellency Archbishop Donald Wuerl, and he is disposed to this solution).
>
> 2. For the future, the Cardinal must not accept any public engagements in the United States or abroad. For exceptional cases, he must request a prior and explicit permission from the Congregation for Bishops, which will remain in contact with the Holy Father.

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> 3. As to engagements already taken for the next months, the decision may be left to the good judgment of the Cardinal, excluding, in any cases, travels to Rome.
>
> 4. Concerning membership in the various agencies and organizations, especially those of the Holy See, the Cardinal could "theoretically" remain a member until the normal completion of each term, but he should find a way not to participate in these meetings.
>
> I believe, Your Eminence, that in this instruction you have the answers to the questions which you posed in your letter.[970]

McCarrick responded to the Nuncio on 7 October 2008.[971] Referring to the Nuncio as someone who had always been a "good counselor and a good friend," McCarrick reported that he had had "a good conversation with Archbishop Wuerl about my future ministry in the Church" and that he would "be moving from my present residence as soon as a residence in a parish can be organized." He explained that Archbishop Wuerl had suggested that McCarrick meet personally with Cardinal Re, and that he would do so during his trip to Rome in November for the meeting with Muslim leaders sponsored by the Pontifical Council for Interreligious Dialogue. McCarrick noted that he was "grateful for that appointment [to participate in the meeting with Muslim leaders] because it seems to indicate that the Holy Father still has confidence in me and my judgment."[972]

McCarrick also asked the Nuncio to review a draft letter he had prepared for Cardinal Re to help ensure that the letter "is in keeping with my own responsibilities and to let me know if you think that I should also send a copy of it with a request for an audience with Cardinal Bertone."[973] To Sambi, McCarrick expressed his intent to lodge an "appeal" with Pope Benedict

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[970] 20 *ACTA* 16730.

[971] 20 *ACTA* 16737-38.

[972] 20 *ACTA* 16737; *see also* 40 *ACTA* 33947.

[973] 20 *ACTA* 16738.

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XVI, to the extent necessary, with regard to the limitations on his activity described in Cardinal Re's June 14 letter. He wrote, "I truly hesitate to burden the Holy Father with my own personal problem, but if it cannot be resolved in any other way, I will ask Cardinal Bertone to make it possible for me to see His Holiness personally."

On the same date, 7 October 2008, McCarrick wrote his letter to Cardinal Re, with blind copy and translation to Cardinal Bertone.[974] The letter, which arrived at the Congregation for Bishops on 13 October, stated:

> Your Eminence,
>
> I thank you for your recent letter to Archbishop Sambi and I appreciate your approval of my residing in a parish in the Archdiocese of Washington. Archbishop Wuerl has been most gracious and I will be relocating my residence in the near future.
>
> In the same vein, I have already canceled several of my public commitments for this calendar year and I will not accept any others unless I have received the approval of the Congregation and the Holy Father.
>
> Eminence, I do have some confusion as to my being able to come to Rome. I certainly do not have to be present at the meetings of APSA or the Post-Synodal Council of the Assembly for America, or the Plenary of the Pontifical Council for Christian Unity. However, your words about not coming to Rome at all do put me in some confusion. I would hope that they do not prohibit my coming to Rome to pray, to celebrate Mass in my own titular church or to receive the Holy Father's blessing at public audiences as I have always strived to do.
>
> Perhaps I may ask for the opportunity of speaking to you personally in November. As you may know, I have been appointed to the Catholic delegation of the meeting with

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[974] 20 *ACTA* 16735-36.

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Muslim leaders which is scheduled in the first days of the month of November. This would be the last of any formal meetings in the Eternal City. I will be grateful for the opportunity of having a meeting with Your Eminence at that time so that I may understand your mind on any further ministry that I may offer to the Lord.

I am presuming that I may continue to serve the Lord and the Church in a way that will not involve public appearances or lectures or positions of leadership. To that end, I have already resigned as President of The Papal Foundation, and as Trustee of the World Faith Development Dialogue and as a member of several committees of the United States Conference of Catholic Bishops.

I would like to be able to continue working for peace in the Holy Land and in Muslim-Christian dialogue. In a special way, I would like to continue my commitment to Catholic Relief Services which does not involve any travel in the United States at all, but only in the underdeveloped and poorest nations of the world. In all of these journeys, I try to be in contact with the Papal Nuncio so that you would, of course, be aware of my travels.

Even though I have been retired, I would like to continue serving the Church in ways that my past experience would warrant. For instance, from time to time I receive requests from the section on Relationships (sic) with States of the Secretariat of State and from some other dicasteries to check something out or to quietly make some inquiries. I am happy to be able to be of usefulness here and I do not believe that there would be a problem in doing that.

I am hoping that a meeting with Your Eminence could help me to understand what are the parameters of my ability to continue to serve and I would be grateful if you might receive me in the beginning of November.

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Grateful for your attention to this request, I am

Fraternally,

s/ Cardinal Theodore E. McCarrick

Archbishop Emeritus of Washington

cc: Most Reverend Donald W. Wuerl[975]

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[975] Also on the same date, McCarrick summarized the situation in an e-mail to a former priest secretary, who worked in the Roman Curia and who continued to help McCarrick with correspondence and other matters in Rome:

> I'm afraid there's a second chapter in my difficulty. Here's where it stands now:
>
> 1. Cardinal Re has approved my moving to a parish and my Archbishop has been great in beginning to work that out.
>
> 2. I've agreed to make no public appearances either here or abroad without his permission and resign from all Roman and USCCB entities.
>
> 3. He has forbidden me to come to Rome!
>
> I have to appeal that last one. As a Cardinal I am a priest of Rome and want, not just to be able to greet the Holy Father and receive his blessing now and again, but also visit and pray in my Titular Church.
>
> I also hope to stay active - quietly and without fanfare - in working for peace in the Holy Land, in Moslem-Christian dialoge (sic) and in working for the poor through CRS. In these journeys, I always touch base with the Nuncios so the Cardinal will always know where I am.
>
> I have asked Card. Re to receive me when I come to Rome in November for the meeting with the Moslems since I have been named to the Catholic delegation and I presume that this was with the approval of the Holy Father.
>
> If the Cardinal is unyielding in his prohibitions, I will ask Cardinal Bertone to request an audience for me with the Holy Father ...

24 *ACTA* 18082 (ellipsis in original). Cardinal McCarrick also prepared a letter to Cardinal Bertone with almost identical content on the same day, but it does not appear that this letter was ever delivered to the Secretary of State. *Id.* at 18090-91. On 9 October 2008, McCarrick wrote a follow-up e-mail to his former priest secretary in Rome, stating:

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The following day, 8 October 2008, McCarrick wrote to the Nuncio to assure him of his desire "to be in line with the direction that I receive from the Holy See" and also to ask whether he should accept an invitation to attend the Sixth World Meeting of Families in Mexico City in January 2009.[976] McCarrick stated, "I believe I would be free to go, but I will not respond to them until I am sure that this is something to which the Holy See would not object. I will certainly not have a leading role in the meeting, but it would be nice to be there and support the families who are being gathered."

On 21 October 2008, Cardinal Re responded to McCarrick's letter of 7 October 2008.[977] He wrote:

> I am grateful for your letter of October 7, 2008, with which Your Eminence updated me on recent developments in following the instructions given to you by this Dicastery concerning your residence and pastoral activity.
>
> I wish to commend Your Eminence for the ecclesial spirit with which you have received the abovementioned instructions and I am pleased to hear that you will be relocating your residence in the near future to a parish in the Archdiocese. I likewise appreciate the efforts you have made to cancel public commitments and resign from various organizations and

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> It has been recommended to me that I do not approach the Secretary [Cardinal Bertone] before I have an answer from the Prefect [Cardinal Re]. The thought is that the Prefect may relent and therefore going beyond him could only complicate things. If he continues the hard line, then I have no choice.
>
> Therefore, I have sent the copy directly to Apb. W [Archbishop Wuerl] and will hold off on the italian translation and letter to the Secretary until I have an answer[.] As soon as I do, I'll let you know[.]

Id. at 18096.

In an interview, Cardinal Wuerl did not recall ever having received McCarrick's letter of 7 October 2008 to Cardinal Re. 16 *ACTA* 13875-76.

[976] 24 *ACTA* 18093.

[977] 20 *ACTA* 16739-40.

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committees. I know this has not been easy for you, but I pray you will continue to accept these directives with great solicitude.

With regard to the possibility of coming to Rome, allow me to assure Your Eminence that a personal pilgrimage, private visits to your titular Church, and meeting with friends are certainly not prohibited. The important thing is not to appear in public.

With regard to working for peace in the Holy Land, participating in the various Muslim-Christian dialogue meetings and your commitment to Catholic Relief Services, I would kindly ask Your Eminence not to accept any engagements inside or outside the United States without prior and explicit permission from this Congregation. Such appearances are occasions for others to speak of you and of the accusations. The limitation of such activity can serve to diminish any negative campaign against you personally and against the Church.

I would be happy to meet with Your Eminence when you come to Rome. Please feel free to contact this Congregation upon your arrival in order to arrange a meeting.

Having received Cardinal Re's invitation, McCarrick met with the Prefect of the Congregation for Bishops in early November 2008. On 4 November 2008, McCarrick wrote an e-mail to CRS president Kenneth Hackett and to Archbishop Timothy Dolan (Chairman of CRS's Board of Directors at the time), which he also blind copied to Nuncio Sambi. McCarrick's e-mail, carrying the subject line "Good News," reported to the recipients that he had received "permission to continue with CRS as long as you think I'm useful and as long as I can do it without too much publicity! Just about everything else I do is put under wraps, so I can now give you as much time as you want."[978] Archbishop Dolan responded, "Alleluia! CRS needs you and wants

[978] McCarrick also referred to the permission to continue work with CRS in a separate e-mail on the same date to his personal secretary, in which he stated:

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you!"[979] The record indicates that Cardinal Wuerl's e-mail account also received a copy of the same e-mail.[980]

There is no record in the files of the Congregation for Bishops memorializing the meeting between Cardinal Re and Cardinal McCarrick in early

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> [Cardinal Re] relented just a little bit. I can stay with CRS - which was the most important for me - and I can finish out the [State Department] program [in the Holy Land] with Ambassador Hall and David Austin until it ends in May.
>
> So I'm a bit more peaceful - but now I'm dodging reporters and cameras so I won't be quoted from the meeting here!
>
> TEM [Theodore E. McCarrick] also known as "low profile" !

24 *ACTA* 18104.

[979] 24 *ACTA* 18107. During an interview in 2019, Cardinal Dolan recalled that he had had the understanding in late 2008 of Cardinal McCarrick having been "sidelined," but stated that he had identified it as arising from McCarrick's excessive intrusion into delicate foreign affairs, especially in the Middle East. Cardinal Dolan stated that he never received the impression that the "sidelining" was related to any sexual impropriety. In a separate interview in 2019, Cardinal DiNardo similarly recollected that he had received the impression sometime during the papacy of Benedict XVI that McCarrick had been asked to avoid international activity because it might have impinged on Holy See diplomatic relations. Because there was a common perception that Pope Benedict XVI and Cardinal McCarrick did not share the same vision as to certain matters, this rationale for McCarrick's more limited activity made sense to both Cardinal Dolan and Cardinal DiNardo, especially given McCarrick's recent retirement and advanced age. Cardinal Dolan and Cardinal DiNardo each stated that they were never informed that Cardinal McCarrick was subjected to a "sanction" or "restriction" relating to his travel, including during their respective tenures as President of the USCCB. 33 *ACTA* 27078.

Both prelates stated that they never became aware of any allegations, or even gossip, about McCarrick whether inside or outside of priest circles, nor of the online posts relating to the allegations against McCarrick, including the blog posts by Messrs. Abbott and Sipe, nor knew anything of the subject-matter of McCarrick's correspondence with Cardinal Re, Cardinal Bertone or Nuncio Sambi. Finally, Cardinal Dolan affirmed that he had no knowledge of any accusation relating to minors until those accusations were brought to light by the report to the Archdiocese of New York in 2017. Cardinal DiNardo was not made aware of any allegation related to minors until approximately one month before the public release of the information in June 2018. 33 *ACTA* 27078.

[980] 24 *ACTA* 18106.

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November 2008. Cardinal Re later recalled that the meeting was "cordial" but "complicated," because McCarrick was unable to understand that he needed to live a life of retirement and penitence for the good of the Church and to safeguard McCarrick's own reputation. Cardinal Re also recollected that McCarrick emphasized during their meeting that he could continue to help many people through CRS, and that he responded by telling McCarrick that he could remain in direct contact with CRS officials, as long as he avoided public appearances.[981] Cardinal Re further advised McCarrick to remain in contact with Nuncio Sambi, a person whom Re considered wise and prudent and who knew the local situation better than Cardinal Re, and that McCarrick should follow the Nuncio's advice.[982]

On 6 November 2008, McCarrick e-mailed Archbishop Wuerl, stating that he had asked Cardinal Re for "a special dispensation" to attend the Catholic

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[981] 16 *ACTA* 13881-82. The record also indicates that Cardinal Re acceded to McCarrick's request that he be permitted to complete his work in the Holy Land with the United States Department of State, which was supposed to end in May 2009. 24 *ACTA* 18104.

[982] A layperson interviewed regarding this period reported in detail that Nuncio Sambi asked him, his wife and another couple – all long-term followers of the Neocatechumenal Way and close to McCarrick since his days in Newark – to try to persuade the Cardinal to adopt a less visible public presence. Nuncio Sambi, who also knew the couples well, told them that he had himself already urged McCarrick to lower his profile given the indications received from Cardinal Re.

According to the informant, the two husbands went to meet McCarrick at his study at the Redemptoris Mater Seminary. The layman explained, "We went into the study there and it was in disastrous condition. Really a disaster – dusty, files on the floor. It struck me because before, he had a certain style of life at Newark and we never saw anything like this." The layman stated that McCarrick listened politely to their entreaties, with the New Testament open, after which McCarrick closed the two-hour discussion with a prayer. The laymen left the meeting cautiously optimistic that McCarrick understood their position and the importance of his living a quiet life for the good of the Church, even though, the informant noted, McCarrick had not committed during the meeting to withdrawing to a private life. According to the informant, after this singular meeting, Cardinal McCarrick's relationship with the lay couples cooled and he did not ever meet with them thereafter. 14 *ACTA* 13061-63; 16 *ACTA* 13572, 13574; *see also* 33 *ACTA* 27094 (second layman at the meeting with McCarrick, who had also spoken with Nuncio Sambi about McCarrick prior to the Nuncio's May 2008 report, stating that McCarrick said "'I will think about it'" at the end of the meeting).

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Charities Gala in February 2009 but that Re had "replied in the negative. He is apparently afraid it will give too much publicity and he will get more letters!"[983] In a follow-up e-mail to Wuerl, McCarrick explained that he had asked Cardinal Re "specially" about the Gala "and even mentioned that you were supportive."[984] McCarrick stated that he would try to explain his absence to the Gala organizer "when I get home after my Budapest and Cyprus meetings. Hopefully no one will see me in either of those places."[985] McCarrick continued: "At the Vatican/Moslem meeting my picture was in the Roman papers and on Vatican TV since, besides Cardinal Tauran, I was the only Cardinal on the Catholic delegation. Our friend will be furious at that too. Oh well. Everything is a grace."[986]

On 21 December 2008, following the United States presidential election, McCarrick wrote to Nuncio Sambi, stating "Since my contacts with the new Administration are becoming more frequent and complicated, I thought it probably would be good if I were to outline the present situation and present them both to you and to the Secretariat of State so that you and they may give me guidance or instruction as to what role, if any, they want me to continue to play."[987] McCarrick stated that he believed it would be "prudent for me to let the Secretariat of State and Your Excellency know about these communications and guide me in the road that I should follow, if any, in pursuing them." McCarrick enclosed letters to Secretary of State Bertone,

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[983] 24 *ACTA* 18108.

[984] 24 *ACTA* 18109.

[985] 24 *ACTA* 18109. With respect to McCarrick's declination to be the honoree at the Catholic Charities Gala in 2009, Cardinal Wuerl recalled that the decision related to the planning of the event and was based on the belief that it would be more appropriate to wait another year before honoring McCarrick at the Gala. Cardinal Wuerl stated that it had "absolutely nothing to do with any restrictions or anything else related to Cardinal McCarrick's personal conduct, or any instructions that I received." 16 *ACTA* 13874.

[986] 24 *ACTA* 18109. On the last day of the Catholic-Muslim Forum, Pope Benedict XVI addressed the participants in the *Sala Clementina*. *See Address of His Holiness Benedict XVI to Participants in the Seminar Organized by the "Catholic Muslim Forum"* (6 Nov. 2008), 27 *ACTA* 20408-10. McCarrick actively participated in the Forum and attended the Pope's address. 40 *ACTA* 33983.

[987] 18 *ACTA* 15813-14.

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Archbishop Mamberti, then Secretary for Relations with States, and Archbishop Fernando Filoni, who was the newly appointed Substitute for General Affairs.

In the enclosed letter to Cardinal Bertone, McCarrick explained that he had been contacted by President-elect Barack Obama and his transition team. McCarrick noted "that there are some concerns that others in the Holy See have concerning my involvement with these matters." He wrote he was "certainly willing to step out of the picture if you feel that it is best. However, I hesitate to do it without your instruction, since I do not believe that these contacts are present by (sic) too many others if, indeed, by anyone in the hierarchy at this moment." He stated that he was willing "to continue in this position as contact as long as you feel it is useful for the Church." The letters to the Archbishops also discussed the contacts with members of the president-elect's transition team and asked whether McCarrick should continue the conversations.

Each of the four letters included a three-page attachment detailing communications with members of the incoming administration.

On 27 December 2008, Nuncio Sambi sent a report to Cardinal Re, together with a copy of the letters McCarrick had sent to the Secretary of State, the Substitute, the Secretary for Relations with States and the Nuncio.[988] The Nuncio wrote:

> Mindful of the instructions given by your Dicastery to Cardinal Theodore McCarrick, Archbishop Emeritus of Washington, following the recurrent accusations against him (most recently last April, during the visit of the Holy Father to the USA) of unacceptable moral conduct: accusations that in all likelihood are unfounded, but that can become the explosive material of a grave scandal in the hands of the mass media.
>
> I now bring to your attention copies of letters that, on the 21st of this month, [Cardinal McCarrick] sent to the Cardinal

[988] 20 *ACTA* 16742-46.*

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Secretary of State, to his Excellency the Substitute of the Secretariat of State and to the Secretary for Relations with States, and to the undersigned (Attachment).

In my humble opinion he has two central ideas: 1) to make people believe that his political contacts with the new American Administration are extremely useful, if not indispensable to the Church: contacts that - I am convinced - more than requested of him, are sought by him, including those that are highly visible, such as the "Invocation" next January 6 at the opening of Congress (which already has a chaplain who, for the first time, is a Catholic priest) and the other "Invocation" on January 20, when President Obama goes to the White House (he communicated this by telephone); 2) seeking "guidance on these matters" amongst different authorities, he hopes to obtain contradictions, which would allow him to do what he would like most.

I have not had occasion to speak of Cardinal McCarrick's specific requests with the President of the Episcopal Conference, Card. George, but he let me know more than once that I should let the matter regarding Card. McCarrick go since he is already retired.

I personally think that the activism and thirst for being "front and center" of Cardinal McCarrick (who is no champion of clarity of ideas and of coherence of conduct in relation to the doctrine of the Church) are very dangerous at the outset of this administration, as he supported positions not reconcilable with the teaching of the Church.

I said to Card. McCarrick that, using as justification his position as "retired archbishop" and to avoid friction with the Episcopal Conference and with the Holy See, when he receives official invitations and for public functions, it would be convenient for him to excuse himself and suggest the President of the USCCB or the Archbishop of Washington go in his place.

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> I am also sending a copy of this Report to Cardinal Bertone and to his Excellencies Filoni and Mamberti, grateful if Card. McCarrick were to be sent a coordinated and agreed upon response.

In the cover letters to Cardinal Bertone, Archbishop Mamberti, and Archbishop Filoni, Nuncio Sambi explained that the subject of his report was "the answer to be given to His Eminence Cardinal, Theodore McCarrick, Archbishop emeritus of Washington, who has asked for 'guidance' on his relations with the new American administration."[989]

On 5 January 2009, Cardinal McCarrick wrote to Chicago Archbishop and USCCB President Cardinal Francis George, enclosing McCarrick's prior letters to Nuncio Sambi (25 Aug. 2008) and Cardinal Bertone (1 Sept. 2008), and the 21 October 2008 letter from Cardinal Re.[990] McCarrick's letter to Cardinal George, marked "Confidential," stated:

> Your Eminence
>
> Dear Francis,
>
> It is with some hesitation that I present this difficult problem to you. I do not do it that you might solve it. I have accepted the position of Cardinal Re, although I find it unjust. His concern is that the situation could result in bad publicity for the Church at this time and certainly that is a graver problem than my own personal inconvenience. The fact that you are now a close friend and the President of our Conference and that some of the decisions we will be making with regard to the present political situation in the United States is affected by my ability or inability to do things publicly, prompts me to want to share this with total confidentiality with you.

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[989] 20 *ACTA* 16742-44.*

[990] 24 *ACTA* 18112-13; *see also id.* at 18114-19.

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To make it easier, I am just sending you three documents. The first is a letter to Cardinal Bertone. I had wanted to make sure that the Holy Father was aware of this difficulty in which I find myself and I was surprised to learn from Cardinal Bertone that he himself knew nothing about it. I found that surprising since, if the Holy Father were personally involved, I would have thought that he would have mentioned it to his Secretary of State. On the other hand, I have heard nothing from Cardinal Bertone after my meeting with him and after my presentation of the facts as I knew them. The fact that he has never gotten back to me may indicate that he is now aware of it and unwilling to intervene – which is fine with me as long as I have had a chance to present the truth of the matter.

I am also sending you a copy of a letter which I sent to Archbishop Sambi, responding to a letter from Cardinal Re, which was delivered to me by Archbishop Sambi.

Finally, I am sharing with you a letter from Cardinal Re in which he outlines his concerns and gives me directions, which I have tried to follow. He did allow me one opportunity for ministry and that is through the Catholic Relief Services. My work there is really not public in that it takes place mostly in the poorest nations of the world where news reports are hardly sent back to the United States. My work as a member of the Board is also almost totally without notice by any of the media outlets.

In dealing with the government on any of the issues that affect the Church and where I have had the opportunity – because of friendships or past association – to be useful, when I have had to pull back because of the possibility of publicity, I have always indicated that the reason was that I did not want to take a position that might be resented by some of the more

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conservative elements of the Catholic community. So far, that has been satisfactory and I feel that it is the best way to go.[991]

Obviously, this has not made life easier, but I truly believe that everything is a grace and that this is also an opportunity for me to try to become a holier man through total acceptance of God's Will.

In case you do want to pursue this, just to gain a better understanding of it, you might want to speak to Archbishop Wuerl or Archbishop Sambi, both of whom have been tremendously helpful to me. I do not think that it is worthwhile going to Rome on it, since I have basically accepted the premise that, although I have never had sexual relations with anyone, man, woman or child in my life, nor have ever requested same, it is perhaps the best to do whatever I can in a quiet way and hopefully the Lord will accept that as a sacrifice of love and will count it in my favor at the Judgment.

You have always been a special friend, dear brother, and I appreciate that friendship very much. I felt it best to let you

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991 As his letter to Cardinal George indicates, McCarrick often told others that he needed to maintain a lower public profile because he had enemies in the Church. A staffer who traveled with McCarrick on several overseas trips during this period noted that McCarrick "would make comments about the 'enemies' in Rome. Even when we were in Rome, he would sometimes use that expression." 40 *ACTA* 33566. As one former priest secretary stated, "McCarrick always believed that there were some members of the hierarchy in the United States who wanted to get him. He said that he believed that he had 'enemies' quite a few times. It was something on his lips for many years." The former priest secretary said that McCarrick discussed "Cardinal O'Connor not liking him in the 1990s and mentioned that idea in the years after he had gone to Washington as well. He also said that he felt that Cardinal Burke did not like him. . . . .[McCarrick] also spoke of Cardinal Re in this vein, referring to him facetiously as 'The King' because his surname was 'Re.'" 14 *ACTA* 13089; *see also* 16 *ACTA* 13960, 13962; 33 *ACTA* 27079.

As noted above, Cardinal Re was the Prefect of the Congregation for Bishops. Both Cardinal O'Connor (until his death in 2000) and Cardinal Burke (beginning in late 2009) were members of the Congregation.

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know of this situation without asking you to take any part in it, just so that you too can guide me in any efforts that I should make in the political arena in whatever years ahead the Lord desires to give me.

With every good wish and deepest gratitude for your friendship and your prayers, I am, as always

Your devoted brother in Christ,

+Ted

Cardinal Theodore E. McCarrick

Archbishop Emeritus of Washington

P.S. To be totally open and frank, I have accepted the request to give the prayer at the opening session of the House of Representatives on Tuesday, January 6th. I discussed this with Archbishop Sambi and Archbishop Wuerl before I accepted it. Even though it is a public act, it is not likely to have any publicity. There are more important news items going on in the swearing in of the new Congress.[992]

On 7 January 2009, McCarrick sent Nuncio Sambi a report of his recent meeting with Mr. Denis McDonough, the senior foreign policy advisor to United States President-elect Obama.[993] McCarrick wrote, "I present this report, since I believe it will be of interest to the Holy See. I am, of course, at the service of the Holy See in any way they would like me to continue to function here. I very much appreciate that I am retired and have no position

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[992] There is no evidence that Cardinal George informed other members of the USCCB leadership about the indications given by Cardinal Re to McCarrick, whether while he was USCCB President or after his term ended in 2010. USCCB officials during and after Cardinal George's term stated in separate interviews that neither George nor anyone else ever provided them with any information about the indications. *See* 40 *ACTA* 33506-08, 33513, 33520-21, 33545-46, 33551-52.

[993] 1 *ACTA* 1436-38.

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in the Conference of Bishops. It is, however, true that because of relationships that I have had with both [political] parties over the course of many years, I would know most of the actors in this new Administration and am certainly willing to be useful in any way the USCCB or the Holy See would like me to be involved."

On 15 January 2009, McCarrick wrote a letter to Nuncio Sambi, which enclosed a letter to Cardinal Re.[994] McCarrick's letter to Sambi stated:

> Your Excellency,
>
> As you know, I am doing my best to keep to the program which Cardinal Re proposed for me. I think I have been relatively successful so far, even though it meant saying no to the new Vice President of the United States. Thank goodness, I think that my relationship with him will still be a good one and I expect that I will be seeing him from time to time and, if Your Excellency would be interested, perhaps working on an invitation for you, as his neighbor across the street, to dine with him, either in his Residence or, if you would so desire, in the Nunciature.
>
> I have a great favor to ask you. Before I let this letter to Cardinal Re, describing my present situation go in the mail, I would be so grateful if you would look at it and see that it is not offensive. I certainly do not need to become hostile in my relationships with him, although I have to confess that there is a growing sense of exasperation in my present status. I fully appreciate that I should handle this by a deeper spirituality and by the guidance of my spiritual directors. Unfortunately, I am afraid that they are sometimes more disturbed than I am by what is going on.
>
> I would be happy to tone down anything that I have written or to eliminate any and all parts of it. Would you be so good to

[994] 24 *ACTA* 18126-27.

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take a few minutes just to look it over and then let me know whether I can send it as it is?

More to the point, I am sending you an interesting report on the media coverage of the Gaza conflict, which was given to me by our mutual friend, Canon Alistair Macdonald-Radcliff. You might find it interesting to see how the American media are handling these situations as differently from other media.

Once again, grateful for your help in all these matters and ready to give your best regards to our mutual friends in the Holy Land,

I am Respectfully,

s/ Cardinal Theodore E. McCarrick

Archbishop Emeritus of Washington

P.S. I will be leaving Washington on the 19th to fly to Israel on the 20th, since the Council of Religious Institutions is meeting on Thursday, the 22nd. (There is a possibility that it will not meet because of the tensions among the members. In which case, I will try to see them individually and hopefully try to hold them together.)

Enclosures

After speaking with Nuncio Sambi on 16 January 2009, McCarrick transmitted the letter to Cardinal Re, dated 15 January 2009, through the Apostolic Nunciature on 19 January 2009.[995] McCarrick's letter to Cardinal Re stated:

> I had promised that every few months I would bring you up to date with my present situation and give you news of the travels

[995] 20 *ACTA* 16750; 19 *ACTA* 16308-10.

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that I have accepted on behalf of Catholic Relief Services. I am happy to do that at this time.

Up until this time, I have refused four honorary degrees that were offered to me for the Spring season. In each case, I found some excuse of being out of town or otherwise engaged. I have written to Cardinal Nicora, indicating that I would not be able to go to the meeting of the Cardinal's Commission on APSA and telling him that I will try to give him more notice of my absence in the future. (Actually, since there is really no publicity connected to the meetings of APSA, and since I can easily be in Rome without any public notice of my presence, I am wondering whether, one of these meetings, I might be able to attend. I feel very uncomfortable making up reasons for my absence and it is not my custom just to ignore the invitations.)

I have had a number of requests from the incoming United States government to be involved in public events. I have turned down all of them and have limited myself to a number of private meetings, at the request of Cardinal George, the President of our Bishops' Conference. I have therefore turned down requests by the Office of the President-elect to be present at certain prayer functions and to have a role in the National Prayer Service. The disappointment that I was not able to be available was highlighted by a personal phone call from the Vice President-elect, Senator Joseph Biden. I believe that I took care of this without losing a friend for the Church or for myself, but it is very difficult. (Dear Eminence, it is so interesting that my reputation among so many of my brother Bishops and among the leaders of government, who have access to investigative agencies, still remains so high that they want me present at their functions while the Church seems unwilling to have any confidence in me.) I will not be attending the Inauguration, lest they put me in a place of prominence and I be seen to be present.

Only once was I trapped into accepting something which was a public act, although totally unobserved by the press. The

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Speaker of the House of Representatives asked me to offer the prayer at the Opening of Congress in the House of Representatives. It was apparent to everyone that the coverage would be in the Senate where a difficult situation had developed and, indeed, as we all anticipated, that is what happened. There was no coverage in the press of my prayer, copies of which, of course, were given to the Nuncio, to my Archbishop and to Cardinal George. My presence in the Chamber did give me an opportunity to continue a personal relationship with some of the movers and shakers of our government which can be useful to the members of the Conference of Bishops who will be seeking bridges to these people in the months ahead and who may ask me to open these doors for them quietly.

I have not traveled out of Washington for the last two months, except to see my family at Christmastime. My move to the parish of St. Thomas, Apostle in Washington, D.C. is just about complete. Archbishop Wuerl has been most gracious in arranging accommodations there which are very satisfactory. I will be going to the Holy Land next week, thus beginning the final stages of that program for the State Department which I had begun two years ago, and which you gave me permission to terminate. I do not anticipate any attention from the media, since my meetings are strictly with religious leaders and I will presumably not be invited to see any of the political figures while I am there.

When I return from the Holy Land, I will be giving a short meditation to the Board of The American Bible Society. This is also a private affair. Sometime ago, they asked me to be a counselor to this group and, with the approval of the Bishops' Conference, I accepted. I receive an honorarium of $25,000 for it to – which, according to my practice, I turn over intact to the Archdiocese of Washington or some similar charity. I am going to tell them that I can no longer serve in this way when I meet with them next month. I know I have one other journey for

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> Catholic Relief Services, to Kosovo and Serbia and to Georgia, to talk to the Agency's staff there, since we are realigning our projects in those parts of the world. Except for celebrating Mass and preaching in parishes, there is no other public appearance on my calendar for the present time period.
>
> As I promised your Eminence, I will send you another report in the next few months, but I do not anticipate it to be very different from this one, since I am falling into the pattern that you have set out for me.
>
> I ask the Lord to continue to bless you in your ministry and to keep you always close to Him.

On 23 February 2009, Archbishop Mamberti, the Secretary for Relations with States, wrote to Nuncio Sambi, in response to the latter's request for instructions regarding McCarrick's activities with respect to the new administration in the United States. Relaying instructions received from Cardinal Bertone, Archbishop Mamberti wrote:

> The Cardinal Secretary of State [Bertone] instructs me to inform You of the approval of the indications that Your Excellency has already opportunely given to Cardinal [McCarrick]. Faced with any requests or invitations from civil authorities to participate in initiatives, you can let him know that, as emeritus, [McCarrick] should leave it to the Most Reverend Msgr. Donald William Wuerl, current Archbishop of Washington, or to the President of the Episcopal Conference.[996]

On the same date, Archbishop Mamberti forwarded a copy of his dispatch to Cardinal Re, noting that "the indications that Archbishop Sambi has already opportunely given to the Cardinal have been reaffirmed" and adding that the dispatch "may come in handy for Your Eminence in achieving agreement on

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[996] 19 *ACTA* 16312.*

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a common approach of the competent dicasteries of the Roman Curia, as desired by the Apostolic Nuncio himself."[997]

In early 2009, Cardinal McCarrick, adhering to Cardinal Re's request that he leave the Redemptoris Mater Seminary, moved into an upper floor apartment connected to the St. Thomas the Apostle parish in Washington, D.C., as had been arranged by Archbishop Wuerl.[998] However, McCarrick maintained his office at the Redemptoris Mater Seminary and traveled there frequently for work.[999]

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[997] 19 *ACTA* 16311.*

[998] 9 *ACTA* 11544; 20 *ACTA* 16752; Consultant 1 Interview, 14 *ACTA* 13239; E. Condon, "Where Did Retired McCarrick Live After Alleged Vatican Sanctions?" *Catholic News Agency* (27 Aug. 2018), 26 *ACTA* 19329-36.

[999] McCarrick's priest secretary at the time noted that this move to the parish was perceived as "obviously strange," since it required McCarrick to commute daily from his new home to his office at Redemptoris Mater. According to the secretary, on more than one occasion, McCarrick explained the move as having been required because he had "many enemies in Rome" who were acting against him. 14 *ACTA* 13299.

The Vice Rector of Redemptoris Mater seminary similarly indicated that McCarrick resented and resisted the indications he had received from Cardinal Re, including with respect to the move from the seminary. He recalled that McCarrick at one point told him, "'Cardinal Re wants me out of the seminary, but unless the Pope tells me I won't go anyplace.'" 16 *ACTA* 13622. McCarrick said, in so many words, "'I am a cardinal of Mother Church and it has to be the Pope who tells me what I can and can't do.'" *Id.* The Vice Rector stated that he remembered "reference to a letter of Cardinal Re asking McCarrick to go to live away in a convent and not to travel," but explained that he ultimately did not observe any diminished activity as a result:

> I didn't really see any change in activities. I do remember that he was focused on helping the State Department with things. Peace talks in the Middle East, Israel, China. There was a lot of that. He was traveling all the time. He was a Cardinal of the Church but it was more than just assisting a Cardinal or a Cardinal Emeritus, since his activities went well beyond that and entered also into the political realm. And during those years that I was helping him, he continued doing that. The activity did not go down. On the contrary, there was more and more and more of it.

Id. at 13624; *see also* 33 *ACTA* 27080.

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On 23 March 2009, Cardinal Re wrote to Nuncio Sambi, stating that "I believe that Your Excellency has already received from the Secretariat of State the indications - which correspond to those of this dicastery - to be given to [Cardinal McCarrick] regarding these activities."[1000]

On 15 May 2009, McCarrick wrote again to Cardinal Re. His letter stated:

> I greet you during this Easter Season asking the Risen Lord to bless you and your ministry.
>
> I have not been in Rome since last November when I had the privilege of spending some time with you. I am writing now to ask whether it would be possible for me to go to the meeting of APSA. As Your Eminence knows so well, that meeting is not a matter of public interest and, except for the records that APSA itself keeps, I don't think anyone knows who is at the meeting or who is not. I do not contribute much to it, I know, but I feel badly missing a third meeting in a row. I think it would be good if I could attend this meeting and also if it would be possible for me to go to the Pallium ceremony, since I was a priest of the Archdiocese of New York and it would not be seemly if I did not attend the Pallium given to Archbishop Dolan. There are no other public events that I would be present at, except perhaps a dinner with some friends.
>
> I have spoken to Archbishop Wuerl about this and he has no problems with it and I will check with the Apostolic Nuncio before I send this letter to Your Eminence.[1001]

[1000] 19 *ACTA* 16313.*

[1001] 19 *ACTA* 16314. The request to Cardinal Re appears to have been made following a conversation between McCarrick and Nuncio Sambi. On 18 May 2009, McCarrick wrote to Sambi as follows:

> Thank you for your good advice the other day. I am so grateful to you for always being there to give me good counsel.

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On 20 May 2009, McCarrick wrote to Nuncio Sambi "to explain a possible misunderstanding" that, McCarrick feared, might have arisen due to an article appearing in the London *Tablet* that mentioned United Kingdom Prime Minister Tony Blair's recently-established Faith Foundation and indicated that McCarrick had "'been in discussions with the foundation about possible involvement.'"[1002] In the letter to Sambi, McCarrick explained that he had "no intention of becoming involved in [the foundation] and that I have never had discussions with the former prime minister about it. I thought that it might be important to write you, since they are quoting one source as saying, 'this latest episode has caused real dismay in the Vatican.'" Nuncio Sambi forwarded McCarrick's letter to Cardinal Re on 26 May 2009.

Cardinal Re responded directly to McCarrick on 30 May 2009, stating:

> I am grateful to You for the courteous letter of 15 May. I am in favor of Your Eminence coming to Rome for the APSA meeting: there is no difficulty in this regard because the meeting is private.
>
> The problem arises regarding the ceremonies associated with receiving the pallium. The presence of the Archbishop of New York will attract television and journalists. The spotlight will

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> I have prepared the enclosed letter to Cardinal Re and I would be grateful if you might include it in the diplomatic pouch. I mentioned both the Pallium and the meeting of APSA and I hope that he will not have any problems with either.
>
> I mentioned your name in the letter in passing just so he will know that I am keeping in touch with Your Excellency.
>
> If there is anything in the letter that should not be there, please tell me and I will adjust it at once. Otherwise, I would very much appreciate it if you would send it for me. As always, I enclose a copy for your own records.

1 *ACTA* 1883.

[1002] 19 *ACTA* 16315-16.

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be on the Most Reverend Msgr. Dolan and those who will be accompanying him.

It seems to me that it is not convenient that Your Eminence participates in ceremonies where TV and journalists are in attendance.

I regret having to give You this indication, which is contrary to Your desires, but prudence demands it.[1003]

On 2 June 2009, Cardinal Re responded to Nuncio Sambi regarding the Faith Foundation project, requesting that he "[p]lease inform Cardinal McCarrick that the Holy See has taken cognizance of his appropriate position on this matter."[1004]

After his letter of 15 May 2009, there is no further trace of McCarrick having written again to Cardinal Re or to any other official of the Congregation for Bishops, including Cardinal Ouellet, the new Prefect appointed on 30 June 2010.[1005] There is also no record of correspondence from any official of the Congregation for Bishops to McCarrick after Cardinal Re's letter of 30 May 2009.

As of mid-2009, when the communications between McCarrick and the Congregation for Bishops ceased, the record reflects the following:

- No administrative or judicial process, including any preliminary investigative process, was initiated regarding the allegations against McCarrick. No findings of fact were made by any dicastery and there was never any determination of culpability.

[1003] 19 *ACTA* 16318.*

[1004] 19 *ACTA* 16319.*

[1005] Cardinal Ouellet and Cardinal Re did not discuss the McCarrick matter at the time that Ouellet was installed as Prefect of the Congregation for Bishops in mid-2010. Cardinal Ouellet Interview, 16 *ACTA* 13460. In an interview, Cardinal Re stated that he "never spoke with Ouellet about the question of McCarrick" because "[i]t was a resolved case for me." 16 *ACTA* 13524.

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- While Pope Benedict XVI was informed by Cardinal Bertone regarding the options available with respect to McCarrick, the Holy Father did not authorize an investigation or other proceeding that might have resulted in findings of fact upon which more decisive action could have been taken. The Holy Father did not impose sanctions or restrictions on McCarrick's activity. The matter was handled by Cardinal Re, who was the Prefect of the Congregation for Bishops, which was the dicastery primarily competent for the question. Cardinal Re informed Benedict XVI of the letter he had written during a regular audience with the Pope, who approved the approach taken in Re's letter.

- The indications communicated by Cardinal Re were intended to appeal to McCarrick's conscience and pleaded for his cooperation *pro bono ecclesiae*, without resort to canonical sanctions or penalties imposed by the Congregation for Bishops. The indications did not invoke the Holy Father's explicit authority or rise to the level of an enforceable "order" as a matter of canon law.

Under the indications received, McCarrick was permitted to:

- Remain in active public ministry.

- Travel to Rome for various meetings or private events.

- Remain a member of Holy See dicasteries (APSA and Pontifical Councils).

- Undertake other engagements with the "explicit permission" of the Holy Father, the Holy See, or the Apostolic Nuncio.

- During all of his activities, McCarrick was expected to keep a low profile and avoid publicity.[1006]

[1006] Archbishop Viganò wrote in his statement of 22 August 2018 that it was "**certain**" that Pope Benedict XVI had "**imposed on Cardinal McCarrick sanctions similar to those now imposed on him by Pope Francis: the Cardinal was to leave the seminary**

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The record is less clear regarding whether McCarrick received permission from Cardinal Re in late 2008 to continue to engage in certain activities, including his work for CRS and the USCCB, so long as there was no resulting publicity. With respect to CRS, the record indicates that McCarrick received some form of limited permission from Cardinal Re to continue his work with that organization,[1007] but there is no indication that Re knew of, or approved of, McCarrick's continued travel for CRS after 2008.[1008]

It does not appear that McCarrick received approval from Cardinal Re to continue his work with the USCCB. On 27 August 2008, Archbishop Sambi

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where he was living, he was forbidden to celebrate [Mass] in public, to participate in public meetings, to give lectures, to travel, with the obligation of dedicating himself to a life of prayer and penance." Viganò Statement at 3, 17 *ACTA* 15102. As the foregoing list makes clear, Viganò's account is inaccurate: the indications were not "sanctions"; they were not imposed by Pope Benedict XVI; McCarrick was never forbidden to celebrate Mass in public; McCarrick was not prohibited from giving lectures; Cardinal Re did not impose on McCarrick "the obligation" of dedicating himself to a life of prayer and penance; and McCarrick remained free to conduct activities, including travel, with the permission of the Holy See, including the Nuncio.

The approach taken with McCarrick was in marked contrast to the handling of the matter involving Hans Hermann Cardinal Groër in Austria, who received on 14 April 1998 a request in the name of the Holy Father to relinquish all ecclesiastical duties and privileges, which came after an investigation conducted *in loco* that yielded clear evidence of misconduct that was presented to Pope John Paul II. *See*, *e.g.*, D. Coday, "A Cardinal is Accused: the Groër case," *National Catholic Reporter* (4 Apr. 2014), 26 *ACTA* 19340-44; *see also* 33 *ACTA* 27041.

[1007] 16 *ACTA* 13881; 24 *ACTA* 18107.

[1008] McCarrick's 15 January 2009 letter to Cardinal Re notably identified only "one other journey" for CRS, and also stated that "there is no other public appearance on my calendar for the present time period" and that "I am falling into the pattern that you have set out for me." In an interview, Cardinal Re stated that he was unaware that McCarrick had continued to be active and that he believed that McCarrick, in accordance with the language of Re's letter of 14 June 2008, was withdrawing to live a quiet life. Cardinal Re explained: "I, in fact, had the impression that everything was calm. After [my 14 June 2008 letter], I thought that he was not taking any more trips. That he remained tranquil in the United States. This was the impression that I had…that he had understood the import and importance of my letter and that he had retired. I do not recall any further contact with him after that." 16 *ACTA* 13523.

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had reported that McCarrick was "ready to resign from all the ecclesiastical institutions in which he takes part, both at the level of the Holy See and at the national level."[1009] In his letter to Cardinal Re on 7 October 2008, McCarrick wrote that he had "already resigned . . . as a member of several committees of the United States Conference of Catholic Bishops."[1010] In an e-mail to his former priest secretary in Rome on the same date, McCarrick wrote that he had "agreed" to "resign from all Roman and USCCB entities."[1011] McCarrick did not mention USCCB committees in his January 2009 letter to Cardinal Re, and there is no evidence that Cardinal Re was aware that McCarrick remained on USCCB committees or continued to travel on behalf of the USCCB.

Irrespective of whether McCarrick received explicit permission from Cardinal Re for his CRS and USCCB work, the record shows that McCarrick continued his activity with both organizations, with the eventual approval of Archbishop Sambi. This ongoing activity does not appear to have been reported to the Congregation for Bishops by the Nuncio.[1012] According to Cardinal Re, it is likely that Archbishop Sambi, as a senior diplomat, felt it important to determine *in loco* the nature and effect of compliance with the original 14 June 2008 letter and the follow-up correspondence that year, especially after McCarrick's change of residence from the Redemptoris Mater Seminary to a house attached to a parish. Cardinal Re speculated that Nuncio Sambi may have come to realize that the continued activity of McCarrick was not in fact creating any scandal, and that his travel overseas

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[1009] 20 *ACTA* 16723.

[1010] 20 *ACTA* 16734.

[1011] 24 *ACTA* 18082.

[1012] There was no correspondence from the Apostolic Nunciature to the Congregation for Bishops regarding McCarrick's continued activity for the remainder of Archbishop Sambi's tenure as Nuncio, and Cardinal Re confirmed that Sambi "said nothing to me about [McCarrick] having continued to travel. I never heard anything else in this regard." 16 *ACTA* 13523.

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also tended to lessen his time in the United States (something he believed might have been favored by both Sambi and Archbishop Wuerl).[1013]

Through Archbishop Gänswein, Pope Emeritus Benedict XVI stated that he believed that, after Cardinal Re's letter was given to McCarrick, the approach set forth in the letter was coherently followed in the ensuing years. The Pope Emeritus was unaware that the original indications may have been relaxed or that Nuncio Sambi had adopted a flexible approach to McCarrick's travel and public activity. Like Cardinal Re, the Holy Father did not recall being aware, or being made aware, that McCarrick continued to travel frequently after 2008.[1014]

From the files of the Secretariat of State and the Congregation for Bishops, it does not appear that Archbishop Viganò received correspondence or was involved in decision-making relating to McCarrick following his 28 May 2008 memorandum to Superiors, prior to his appointment as Nuncio to the United States late in 2011. On 16 July 2009, Archbishop Viganò left his position in the Secretariat of State and was appointed Secretary General of the Governorate of Vatican City, where he would not have been involved in matters pertaining to McCarrick.

[1013] In other words, whether through explicit or implicit permission, the situation generally appears to have followed the approach suggested by Archbishop Sambi in his memorandum of 27 May 2008. *See* 20 *ACTA* 16693 ("From every person we must bring out the best that he has: perhaps it is best to leave him free [to pursue] his commitment abroad to ecumenical and inter-religious dialogue and for peace in the Middle East, as long as he does so wisely; and ask him not to make commitments within this country.").

[1014] 40 *ACTA* 33984.

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XXIII. MCCARRICK'S CONTINUED ACTIVITY AND RELATED HOLY SEE DECISION-MAKING (FALL 2008 TO FALL 2011)

McCarrick remained active from the Fall of 2008 through the Fall of 2011, albeit generally with a lower profile.

As he stated to Cardinal Re in October 2008, McCarrick appears to have resigned from some of his USCCB committee assignments, including the Domestic Policy Committee.[1015] However, McCarrick remained a member of the following committees: International Justice and Peace; Migration; National Collections; Church in Africa (Subcommittee); and Aid to the Catholic Church in Central and Eastern Europe (Subcommittee).[1016] He also attended the semiannual meetings of the USCCB.[1017]

McCarrick remained on the board of directors of CRS and the CRS Foundation.[1018] As he explained in an August 2009 interview, CRS by-laws were modified to allow him to continue to serve beyond the regular term.[1019] McCarrick traveled on behalf of CRS to a number of areas, including the

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[1015] 19 *ACTA* 16302-03.

[1016] 5 *ACTA* 6256.

[1017] 1 *ACTA* 1955-56. Even after McCarrick ceased to be a member of certain USCCB Committees, he nevertheless attended them and commented on issues raised, though he had no formal right to affect the agenda or vote. *See*, *e.g.*, *Statutes of the United States Conference of Catholic Bishops* (2000), art. II(b) ("[B]ishops emeriti have a consultative voice but not a deliberative vote in the Conference. They are encouraged and invited to attend all sessions of the Plenary Assembly and to make available to the Conference their special wisdom and experience by speaking to issues at hand.").

[1018] 7 *ACTA* 7655; 5 *ACTA* 6257; CRS, *2009 Annual Report* (2010), at 46.

[1019] *See* "A Discussion with Cardinal Theodore McCarrick, Archbishop Emeritus of Washington, D.C.," *Berkley Center for Religion, Peace & World Affairs* (25 Aug. 2009), 27 *ACTA* 20245 ("In my retirement I have become more involved with development. This is especially because, along the way, I was elected to the board of CRS …. They have graciously changed the by-laws to allow me to be reelected. It's useful to have a cardinal on the board because it helps open doors in some countries.").

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Balkans, Caucasus and Lebanon in February 2009,[1020] and a trip to Southeast Asia a few months later.[1021]

McCarrick generally maintained a busy travel schedule during this period. He traveled to Chile (2008 and Aug. 2010),[1022] Malaysia (Sept. 2008),[1023] Mexico (Sept. 2008),[1024] Rome (2008, 2009 and 2010),[1025] Hungary (Nov.

[1020] 1 *ACTA* 1488; 13 *ACTA* 13020-21.

[1021] 24 *ACTA* 18130.

[1022] 7 *ACTA* 8477; 10 *ACTA* 11971, 11973. In August 2010, McCarrick led a delegation of the USCCB's Subcommittee on the Church in Latin America to visit areas devastated by the earthquake on 27 February 2010, including Chile. 29 *ACTA* 33012, 33014.

An employee who worked with McCarrick at the USCCB during this period stated that McCarrick would travel to disaster areas "to help bring recognition to the situation and the needs of people in the region and to the fact that the disaster or event had occurred and the importance of donating or giving something to help people. He was consistently the first to volunteer and often the only [bishop] to volunteer from the United States." 16 *ACTA* 13470-71. The same employee reported that McCarrick "viewed pastoral work not as a big man of the Church, though he was aware of the utility of being a Cardinal, but he viewed it as personal, something to convey on a human level, person to person, not afraid to simply speak to a regular person and discuss things." *Id.* at 13472-73; *see also* 33 *ACTA* 27081.

[1023] 1 *ACTA* 1364. In September 2008, McCarrick traveled to Kuala Lumpor for a meeting with Muslim scholars on Catholic Social Thought. After his trip, McCarrick reported back to Jean-Louis Cardinal Tauran, President of the Pontifical Council for Interreligious Dialogue. 24 *ACTA* 18072.

[1024] On 12 September 2008, McCarrick attended the meeting for Jewish-Catholic Dialogue in Mexico City convened by the Latin American Episcopal Council (CELAM) and by the Latin American Jewish Congress (CJL). 27 *ACTA* 20127-28.

[1025] In early November 2008, McCarrick participated in the meeting in Rome related to the promotion of inter-religious dialogue with Muslims. 1 *ACTA* 1380-81.

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2008),[1026] Belarus (Nov. 2008),[1027] Cyprus (Nov. 2008),[1028] Kosovo (Feb. 2009),[1029] Lebanon (Feb. 2009 and Dec. 2010),[1030] Philippines (Apr. 2009),[1031] Israel (Apr. or May 2009, Sept. 2009, Dec. 2010 and Feb. 2011),[1032] Russia (May 2009),[1033] Ghana (Aug. or Sept. 2009),[1034] Swaziland

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[1026] In mid-November 2008, McCarrick was part of the Catholic delegation to the 20th meeting of the International Jewish-Catholic Liaison Committee in Budapest. 13 *ACTA* 13017; *see also* Joint Declaration of the 20th International Catholic-Jewish Liaison Committee Meeting (9-12 Nov. 2008), 27 *ACTA* 20129-31. The delegation was led by Cardinal Kasper, president of the Pontifical Council for the Promotion of Christian Unity.

[1027] McCarrick traveled with Cardinal Kasper to Belarus on 13 November 2008. 13 *ACTA* 13025.

[1028] On 18 November 2008, McCarrick spoke at the meeting in Cyprus promoted by the Sant'Egidio community regarding inter-faith dialogue, which was also attended by Cardinal Kasper. 13 *ACTA* 13019.

[1029] 1 *ACTA* 1488.

[1030] 1 *ACTA* 1390; 3 *ACTA* 3469; 10 *ACTA* 11955.

[1031] 24 *ACTA* 18130.

[1032] 24 *ACTA* 18130; 1 *ACTA* 1955; 3 *ACTA* 3469. McCarrick's weeklong trip to the Holy Land in late April or early May 2009 occurred just before Pope Benedict XVI's visit. 9 *ACTA* 11543. Multiple sources have suggested that Pope Benedict XVI was displeased that McCarrick had gone to the Holy Land in the week prior to the papal trip, though this notion has not been substantiated. *See*, *e.g.*, 16 *ACTA* 13558.

With respect to his trip in February 2011, McCarrick attended a retreat and conference organized by the Neocatechumenal Way at their *Domus Galilaeae* Center in Israel, to which numerous United States bishops had been invited. 3 *ACTA* 3469.

[1033] In 2009, McCarrick traveled to Moscow and St. Petersburg for the work of the USCCB Committee on Aid to the Church in Central and Eastern Europe. 1 *ACTA* 1893. In Moscow, McCarrick met with Orthodox and Latin Catholic Church leaders. 39 *ACTA* 33005.

[1034] 7 *ACTA* 7739. McCarrick attended the World Bank/WFDD meeting in Ghana.

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(Sept. 2009),[1035] Zimbabwe (Sept. 2009),[1036] South Africa (Sept. 2009),[1037] Poland (Sept. 2009),[1038] Jordan (Dec. 2009 and 2011),[1039] Syria (2010),[1040] Indonesia (2010),[1041] Argentina (Feb. 2010 and Aug. 2011),[1042] Qatar (Feb. 2010),[1043] the Baltic countries (Mar. 2010),[1044] Ukraine (Mar. 2010),[1045] Haiti (June 2010), Spain (Sept.-Oct. 2010 and Aug. 2011),[1046] England (July 2011),[1047] Brazil (Aug. 2011),[1048] Armenia (Aug. 2011),[1049] Uzbekistan

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[1035] 7 *ACTA* 7739.

[1036] In September 2009, McCarrick traveled to Zimbabwe and South Africa as part of a USCCB delegation to examine the situation of refugees in the two countries. USCCB Committee on Migration, "Report: Zimbabwe and South Africa Mission Trip," 27 *ACTA* 20132-39 (Sept. 2009). McCarrick visited CRS project sites during the trip. 39 *ACTA* 33006.

[1037] 7 *ACTA* 7739.

[1038] On 7 September 2009, McCarrick spoke at the Sant'Egidio forum in Krakow, Poland. 27 *ACTA* 20140-41.

[1039] 1 *ACTA* 1955; 10 *ACTA* 11926; 39 *ACTA* 33004.

[1040] 10 *ACTA* 11923.

[1041] 1 *ACTA* 350; 10 *ACTA* 11957.

[1042] 7 *ACTA* 8478; 10 *ACTA* 11958. During his trip to South America in August 2011 to ordain priests of the Institute of the Incarnate Word, McCarrick paid his respects to Cardinal Bergoglio, Archbishop of Buenos Aires. 24 *ACTA* 18144; *see also* Section XXV.A.

[1043] 1 *ACTA* 326.

[1044] During his trip to Estonia, Latvia and Lithuania, McCarrick held meetings with bishops and visited grant projects. 39 *ACTA* 33012.

[1045] 1 *ACTA* 323. McCarrick met with Greek and Latin Rite bishops during his trip to Ukraine. 39 *ACTA* 33012.

[1046] 1 *ACTA* 050. McCarrick attended World Youth Day in Madrid, Spain, in August 2011.

[1047] In July 2011, McCarrick traveled with Bishop Gerald Kicanas and USCCB staff to attend a meeting in London convened by the Archbishops of Canterbury and Westminster, which focused on the plight of Christians in the Holy Land. 39 *ACTA* 33036.

[1048] 10 *ACTA* 11442.

[1049] 39 *ACTA* 33032, 33037, 33044. As part of the USCCB's Subcommittee on Aid to the Church in Central and Eastern Europe, McCarrick traveled to Armenia, Uzbekistan and

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(Aug. 2011),[1050] Kazakhstan (Aug. 2011),[1051] Iran (Sept. 2011)[1052] and Germany (Sept. or Oct. 2011).[1053] During a 2009 interview, McCarrick said, "At 79 and a half years old, I'm doing more than I can do. But that's just been my life."[1054]

In early 2009, the Holy See renewed McCarrick's diplomatic passport, which had been originally conferred in 2004. Such passports are provided to cardinals for official use in conformity with internal regulations and upon a cardinal's request, most commonly to help ensure secure transit to a conclave or other critical functions. In McCarrick's case, an internal notation by a Secretariat of State official on McCarrick's application stated that the

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Kazakhstan in August 2011 to examine how best to assist the struggling Church in the former Soviet Union. 39 *ACTA* 33032.

[1050] 10 *ACTA* 11922; 39 *ACTA* 33037, 33044.

[1051] 10 *ACTA* 11927; 39 *ACTA* 33037, 33044.

[1052] 10 *ACTA* 11929.

[1053] 1 *ACTA* 004.

[1054] "A Discussion with Cardinal Theodore McCarrick, Archbishop Emeritus of Washington, D.C.," *Berkley Center for Religion, Peace & World Affairs* (25 Aug. 2009), 27 *ACTA* 20246. As indicated above, many of these trips were on behalf of the USCCB and CRS. One USCCB staff member explained:

> He was used in so many ways in an official capacity in those years. We sent him on a number of sensitive trips. And I went on some of those trips with him. So, while questions about his conduct have arisen later, as they obviously did, it is indisputable that he was a continuing and valued member of the Bishop's Conference and several of its committees during those years. They relied upon him whenever they needed him. And he, in turn, acted on the Conference's behalf in situations where others either could not or would not, or where they simply thought he was the best man for the job.

40 *ACTA* 33564; *see also id.* at 33571 ("He was certainly the 'go-to' guy. I can't think of anyone else like him. Also, he was retired and he was available, he loved to travel and he spoke all the languages. He was so multi-lingual and he put everybody at ease."). The staff member added: "I know for a fact that there were no sanctions. Because there is no way that the USCCB would have ever done any of the things we did with him if there were any known sanctions. No way. And you know why? Because it is an extremely risk-averse organization." *Id.* at 33565; *see also* 33 *ACTA* 27082.

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passport would be particularly "useful for trips to the Middle East." The passport was transmitted to the Apostolic Nunciature by diplomatic pouch and presented to Cardinal McCarrick by Nuncio Sambi.[1055]

China remained an area of special interest for McCarrick.[1056] Shortly before Nuncio Sambi's sudden death in July 2011, McCarrick volunteered to the Nuncio information he had received regarding China.[1057] McCarrick wrote, "If there is anything you or the Holy See would like me to try to do, you know all you have to do is let me know."[1058]

On 5 September 2011, McCarrick raised the subject of China in a letter to Monsignor Jean-François Lantheaume, the Nunciature's *Chargé d'affaires* and the person with responsibility for the Nunciature until the arrival of Archbishop Sambi's successor. McCarrick wrote:

> Some time, during my long association with our dearly beloved Nuncio, Archbishop Sambi, I continued to pursue the relations that I still have with the Church in China. As you may recall, years ago in the Pontificate of Pope John Paul II, I was very much involved in the China negotiations on behalf of the Holy See and probably went to China at least once a year to pursue the possibility of normalizing the relations between the Vatican and the People's Republic. Some of this work I continued in the early years of our present Holy Father, but as soon as I retired all these relationships ceased rather promptly.[1059]

[1055] 7 *ACTA* 8474-8480. The Holy See passport ultimately did not receive much use when compared to his United States passport, bearing stamps only for Lebanon, Brazil, Argentina, Paraguay and Chile.

[1056] 1 *ACTA* 258-68, 270-71.

[1057] 1 *ACTA* 007, 009, 018.

[1058] 1 *ACTA* 009. McCarrick's correspondence during this period appeared under the letterhead of the Archdiocese of Washington, Office of the Archbishop Emeritus.

[1059] 3 *ACTA* 4800.

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Noting that he believed that China remained "something often on the Holy Father's mind,"[1060] McCarrick reiterated to Msgr. Lantheaume his willingness to provide assistance if asked, stating that he looked forward to visiting the *Chargé* at the Nunciature the following Saturday.[1061]

In September 2011, McCarrick traveled to Iran as part of a small delegation that met with President Mahmoud Ahmadinejad and other Iranian officials regarding the potential release of two American hikers being held in Iran.[1062] The hikers were freed later that month. The trip was widely reported, and McCarrick observed publicly afterwards that the event stressed the importance of developing and maintaining "religious channels" to other nations, which, he noted, could be especially important when diplomatic relations between states had broken down.[1063]

On rare occasions during this period, McCarrick communicated with the Roman Curia regarding his travels. For example, after his February 2009 trip to Kosovo, McCarrick sent Secretary of State Cardinal Bertone and Secretary for Relations with States Archbishop Mamberti a memorandum regarding the trip, which included summaries of his meetings with several political and religious leaders. McCarrick also informed the Holy See about the Iran trip through the Apostolic Nunciature.[1064]

[1060] *See Letter of His Holiness Pope Benedict XVI to Chinese Catholics* (27 May 2007).

[1061] 3 *ACTA* 4801. McCarrick also maintained his contacts in Cuba during this period. For example, in a letter to Cuba's Foreign Minister Bruno Rodríguez Parrilla, McCarrick confided, "I will be talking to Ambassador [Jorge Alberto] Bolaños about the important matters which we discussed so that I may try to be helpful in coming to the conclusion that we all so devoutly hope for." 24 *ACTA* 18132.

[1062] McCarrick had previously met with President Ahmadinejad and several others in New York City in September 2010 regarding the release of the American hikers. P. Moses, "McCarrick: U.S. Needs 'Religious Channels' to Muslim Countries," *Commonweal* (21 Nov. 2011), 26 *ACTA* 19309.

[1063] P. Moses, "McCarrick: U.S. Needs 'Religious Channels' to Muslim Countries," *Commonweal* (21 Nov. 2011), 26 *ACTA* 19308-09; 7 *ACTA* 7765.

[1064] 3 *ACTA* 3506-15; 7 *ACTA* 7769-78.

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McCarrick wrote directly to Pope Benedict XVI about some of his travels, including trips to the Holy Land[1065] and Serbia,[1066] in 2009. However, during the 2009 to 2010 period, Holy See officials expressed concern as to whether it would be wise for the Pope to correspond with McCarrick. In May 2010, a diocesan official from the Archdiocese of Washington contacted Monsignor Peter B. Wells, the Assessor for General Affairs of the Secretariat of State, seeking a letter from the Pope or Cardinal Bertone offering blessings on the occasion of McCarrick's 80th birthday. Wells received indications from his Superiors to inquire about the matter and, on that basis, contacted Cardinal George, the President of the USCCB, as well as Archbishop Wuerl of Washington, to receive their views. While Monsignor Wells, like many other American priests in Rome, had heard gossip regarding McCarrick's conduct with seminarians, he never received the files of the Secretariat of State or the Congregation for Bishops related to Cardinal McCarrick (including the 2006 and 2008 Viganò memoranda), and was never informed about any restrictions on McCarrick's activities related to prior allegations.[1067]

According to a 2 June 2010 internal memorandum of the Secretariat of State, Cardinal George and Archbishop Wuerl both expressed the belief that a birthday message from the Holy Father seemed inopportune because there remained "the possibility that the New York Times is going to publish a nasty article, already prepared, about the Cardinal's 'moral life'."[1068] In his memorandum, Monsignor Wells wrote, "Since it is not the Holy See's

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[1065] McCarrick informed the Pope that he "had been in the Holy Land last week before Your Holiness was present, coming to the end of a commission from the Department of State of the United States to work with and encourage the Council of Religious Institutions." He also thanked the Pope for his "courageous, frank and loving words in the Palestinian Territories." 1 *ACTA* 1888-89.

[1066] 1 *ACTA* 1923.

[1067] In an interview, Archbishop Wells specified: "What I do recall was some concern expressed about McCarrick's international initiatives 'overlapping' with Holy See diplomatic activity. I heard informally that he was asked to reduce his international travel for this reason." 33 *ACTA* 27084.

[1068] 18 *ACTA* 15821.

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practice to send messages for eightieth birthday celebrations, [Cardinal George and Archbishop Wuerl] do not see any difficulty if we were to decide not to send a letter or telegram."[1069]

The view that it would be best not to send a special greeting was endorsed by Wells' two immediate Superiors, Substitute Archbishop Fernando Filoni and Secretary of State Cardinal Bertone. Substitute Filoni then took up the issue directly with Pope Benedict XVI during his regular Tuesday audience and recorded the Pope's view as follows: "The Holy Father is of the opinion not to write."[1070]

High-level officials in the United States government continued to maintain contacts with McCarrick during this period, particularly with respect to efforts to achieve peace in the Middle East.[1071] For instance, in late September 2010, McCarrick was one of a number of religious leaders invited to the White House and the United States Department of State in support of the Obama Administration's efforts to encourage talks between Israel and the Palestinian Authority. McCarrick and the other religious leaders presented a statement at meetings on 29 September 2010 with National Security Advisor General James Jones and Secretary of State Hillary Clinton, on behalf of the National Interreligious Leadership Initiative for Peace in the Middle East (NILI).[1072] President Obama also occasionally

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[1069] 18 *ACTA* 15821. Cardinal Wuerl stated in an interview that he did not recall ever speaking with Monsignor Wells about either a possible birthday message from the Pope to McCarrick or about a potential article about McCarrick in *The New York Times*. In the interview, Cardinal Wuerl emphasized that he was never aware of any sexual scandals involving McCarrick. 16 *ACTA* 13852; *see also id.* at 13877-78; 33 *ACTA* 27099.

[1070] This came at a time of particular sensitivity with respect to the Pope's exclusive canonical competence in matters involving members of the College of Cardinals. *See* Communiqué of the Holy See Press Office of 28 June 2010, *as translated in* Zenit Staff, "Vatican Note on Cardinal Schönborn's Papal Audience," *Zenit* (28 June 2010), 26 *ACTA* 19347 ("It is reminded that in the Church, when it is a question of accusations against a cardinal, the competence belongs only to the Pope; other entities can have a consultative function, always with due respect for the persons.").

[1071] 1 *ACTA* 044, 256, 322, 1373-75, 1435-38, 1485-86; *see also* 39 *ACTA* 33011, 33051.

[1072] *See* "In Message to White House, Religious Leaders Say Peace is Possible," *USCCB* (29 Sept. 2010), 27 *ACTA* 20142; *see also* 39 *ACTA* 33018. As part of NILI, McCarrick

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conversed directly with McCarrick about these issues, which McCarrick reported back to Nuncio Sambi.[1073] On one occasion in January 2010, an article regarding Cardinal McCarrick's influence in the White House led McCarrick to write the following to Nuncio Sambi:[1074]

> It is true that from time to time they have asked my good counsel on something, but in every one of these instances I had always gone to Your Excellency and to Archbishop Wuerl before I became involved in any advice or counsel to the White House or to the President himself. I am not sure who begins these stories, but I just wanted to assure you that you and Archbishop Wuerl have always been informed whenever I would be in contact with the President or with his aides.

In March 2010, the United States Library of Congress offered Cardinal McCarrick an appointment as a senior fellow.[1075] McCarrick initially expressed to Nuncio Sambi his reluctance to accept the position:

> I am not convinced that I want to do this because it would mean that I would probably not be able to travel at all during the period of the contract. I am not sure whether I could let go of all the other obligations that I have accepted - the work with Catholic Relief Services for the poor of the world, the work with the Council of Religious Institutions of the Holy Land for Peace in Israel and Palestine, and the increasing meetings surrounding building bridges toward Christian/Muslim dialogue.
>
> I really don't know what an 80th birthday will bring me. I know that I am a little more tired than I have been 20 years ago, but

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also participated in other meetings with high-level United States officials in July 2010 and February 2012. *See* USCCB Department of Justice, Peace and Human Development, "Background on the Holy Land" (Feb. 2012), 27 *ACTA* 20158; 39 *ACTA* 33011, 33055.

[1073] 1 *ACTA* 350, 1923-1924.

[1074] 1 *ACTA* 350.

[1075] 1 *ACTA* 216.

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> not enough to hold me back from doing things. And yet, the years do take their toll and I am sure that they will start doing that in greater rigor in the not too distant future. I don't know if I need the permission of the Holy See to take on this obligation, since the Library of Congress is a quasi-governmental agency established by federal law here in the United States. At any rate, I would really be grateful for an opportunity to chat with you about it and to get your good counsel.[1076]

The record reflects that McCarrick and Sambi met to discuss the offer of the Library of Congress position.[1077] By November 2010, McCarrick had agreed to accept the position on a limited basis. As he wrote to Nuncio Sambi at the time:

> I begin it the first of the year and I have promised to give them a year. It will still give me a chance to do a lot of other things, since I have received their permission to take one week a month to do my other responsibilities - CRS, work for peace in the Holy Land and build bridges to Islam. I will keep you posted on what I am doing, if I may, and hope that I will have a chance to visit with you from time to time.[1078]

The United States Librarian of Congress officially appointed McCarrick on 12 January 2011 as the distinguished senior scholar in the Library's John W. Kluge Center to study "the growing critical role of religion in diplomacy and the new responsibilities of religious leaders to work in the search for peace and care of the world's poor."[1079]

[1076] 1 *ACTA* 215.

[1077] 1 *ACTA* 313.

[1078] 3 *ACTA* 3476-77.

[1079] 27 *ACTA* 20324. At the time, McCarrick wrote to the Assessor of the Secretariat of State about the position as well: "I think I mentioned to you that I had been offered the post of Distinguished Senior Scholar at the Library and have accepted it for a year. I had discussed this with both my Archbishop and with the Nuncio and both felt that it would be a good thing to do, especially since no Catholic priest has ever held such a post. (I'm

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With respect to public ministry, McCarrick's priest secretary during this period, who kept McCarrick's calendar of ecclesiastical activities, reported that these activities seemed to tail off by late-2008. While Cardinal McCarrick had never ceased to publicly celebrate Mass in the Archdiocese of Washington, he shifted his focus "from the cathedral to the parishes," and he tended to avoid major public Archdiocesan events.[1080] The former priest secretary added that about six months after receiving the impression that McCarrick was keeping a lower profile (at least in the archdiocese), McCarrick's activity gradually increased again, driven in part, the former secretary felt, by McCarrick's determination to remain "relevant." As McCarrick explained to his secretary: "When you are out you are out. Everybody moves on."[1081] Over the next few years, McCarrick continued to celebrate and concelebrate regular and special Masses (both within the territory of the Archdiocese of Washington and beyond) and celebrated baptisms, marriages, funerals and other liturgical functions.[1082]

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clearly out of my depth here, since you know that I am no scholar nor distinguished, but I am very senior and one out of three ain't bad!)" 7 *ACTA* 8433.

[1080] 14 *ACTA* 13302. Cardinal Wuerl disagreed with this assessment in an interview, stating "As for just beginning to go to the parishes, that seems to be part of a story about Cardinal McCarrick presenting himself as a common man. I do not remember specifically him switching from larger functions to going out to parishes." Cardinal Wuerl also stated, "I do not recall any instruction from the Holy See to not have him attend large functions and I invited him to everything." 16 *ACTA* 13850.

[1081] 14 *ACTA* 13301. The same priest secretary said in an interview that McCarrick demanded hard work from his assistants, even during his retirement: "When you are working for Cardinal McCarrick, you have to be on call 18 hours a day. Whatever he says to do, you do. It was hard work." *Id.* at 13298.

[1082] 1 *ACTA* 1362. As mentioned above, on 6 January 2009, Cardinal McCarrick offered the prayer at the opening session of the United States House of Representatives. 155(1) *Congressional Record* H1 (6 Jan. 2009). In March 2009, McCarrick presided over the celebration of Mass held for the 25th anniversary of the founding of the IVE, at the National Shrine of the Immaculate Conception in Washington, D.C. 27 *ACTA* 20303. On 29 August 2009, McCarrick spoke at the burial service of U.S. Senator Edward "Ted" Kennedy at the Arlington National Cemetery, where he recited portions of a letter from the late senator to Pope Benedict XVI, together with a written reply from a Holy See official. The Holy See official communicated that Pope Benedict XVI had read Senator

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In June 2010, at a Mass celebrated on the occasion of Cardinal McCarrick's 80th birthday, an event attended by political figures and a number of Catholic prelates, McCarrick chose to have a reading given by Sister Carol Keehan, president of the Catholic Health Association. The symbolism of having Sister Keehan give the reading received notice in Catholic circles because she had publicly taken a position inconsistent with that of the USCCB regarding the passage of the Patient Protection and Affordable Care Act health reform law ("Obamacare"). News of the Mass and knowledge that McCarrick had diverged from the Conference on the health care legislation reached Rome, where Archbishop Leonardo Sandri, now Cardinal Prefect of the Congregation for Oriental Churches, remarked to McCarrick that he thought inviting Sister Keehan to read at the event was inopportune.[1083]

After turning 80 years old in July 2010, McCarrick's term as member of APSA's Cardinals Commission and his presence on the Pontifical Council for the Promotion of Christian Unity expired. His participation in any future papal conclave was also now age-barred, though, like all cardinals, he remained eligible to attend the preparatory General Congregations.

McCarrick consistently continued to attend important public liturgical functions in Rome and tried to be present for every consistory, including the November 2010 consistory.[1084] On his trips to Rome, McCarrick typically stayed in the special quarters reserved for high prelates at the North

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Kennedy's letter, offering him his prayers and "impart[ing] his apostolic blessing as a pledge of wisdom, comfort and strength in the Lord." *See* H. Chabot, "Ted Kennedy Roars One Last Time," *The Boston Herald* (30 Aug. 2009), 26 *ACTA* 19325-28; 27 *ACTA* 20323.

[1083] McCarrick Interview, 7 *ACTA* 8842-43. At the time, *The Washington Post* reported that "the whole celebration has been uncharacteristically quiet. There was zero publicity about this week's happenings, and weeks of our requests to interview Cardinal McCarrick about the milestone and his current work were rebuffed." M. O'Loughlin, "McCarrick Kept a Robust Public Presence during Years He Was Allegedly Sanctioned," *America: The Jesuit Review* (29 Aug. 2018), 26 *ACTA* 19162.

[1084] 24 *ACTA* 18133. In an interview, McCarrick stated that all cardinals receive invitations to attend consistories in Rome, and that these invitations to him "were never interrupted" during this period. 33 *ACTA* 27014.

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American College. Other than the concerns expressed by Cardinal Re about McCarrick's appearance at Cardinal Dolan's pallium ceremony in June 2009, there is no record in this period that other Holy See officials considered McCarrick's presence improper or admonished him for his participation in these events.

From 2008 to 2011, Cardinal McCarrick continued to grant interviews,[1085] testify before Congress,[1086] and make public statements regarding a variety of issues, including immigration,[1087] workers' rights,[1088] interreligious

[1085] On 25 August 2009, McCarrick answered questions at the Berkley Center for Religion, Peace and World Affairs at Georgetown University regarding his long-standing involvement with humanitarian, development and peacemaking initiatives throughout the world. "A Discussion with Cardinal Theodore McCarrick, Archbishop Emeritus of Washington, D.C.," *Berkley Center for Religion, Peace & World Affairs* (25 Aug. 2009), 27 *ACTA* 20246.

[1086] On 8 October 2009, Cardinal McCarrick addressed immigration reform before the United States Senate Subcommittee on Immigration, Refugees and Border Security. 13 *ACTA* 13024-25. He specified that he was "testifying on behalf of the United States Conference of Catholic Bishops where I serve as a consultant to the U.S. Bishops Committee on Migration." 27 *ACTA* 20268.

[1087] On 28 July 2008, McCarrick offered remarks at the opening Mass and plenary session of the National Migration Conference, which was co-sponsored by the U.S. Conference of Catholic Bishops, the Catholic Legal Immigration Network, Catholic Charities USA and Catholic Relief Services. On 21 March 2011, McCarrick delivered the keynote address at an immigration conference sponsored by the USCCB and CUA's Institute for Policy Research and Catholic Studies. 27 *ACTA* 20255.

[1088] Respecting the Just Rights of Workers: Guidance and Options for Catholic Health Care and Unions (22 June 2009), 1 *ACTA* 1900-13.

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dialogue,[1089] the Iraq war[1090] and peace initiatives in the Middle East.[1091] He occasionally accepted awards at public events, including an award from the Appeal of Conscience Foundation at the Waldorf Astoria in New York (Sept. 2008), the Saint Luke Institute Award at an annual benefit held in the Apostolic Nunciature (Oct. 2009) and, in recognition of his role in securing the release of the hikers from Iran, the Common Ground Award at the Carnegie Institution for Science in Washington (Oct. 2011).[1092]

[1089] In early September 2010, McCarrick spoke at a press conference hosted by the Islamic Society of North America, regarding a Florida pastor's plan to burn the Quran. 13 *ACTA* 13030. In October 2010, McCarrick participated in a conference held by Sant'Egidio in Barcelona, Spain, where he addressed the issues of migration and Jewish-Christian relations. On 29 March 2011, McCarrick testified on behalf of the USCCB to the Senate Judiciary Committee of the United States Senate Subcommittee on the Constitution, Civil Rights and Human Rights, regarding the need to safeguard the civil rights of Muslim Americans. *See* "Cardinal to Senate: Respect Religious Freedom of All," *USCCB* (29 Mar. 2011), 27 *ACTA* 20251.

[1090] T. McCarrick, "Troops Exit, but U.S. Role Remains," *Politico* (15 Dec. 2011), 26 *ACTA* 19310-12.

[1091] In April 2011, McCarrick was one of the signatories of a NILI letter addressed to President Obama, urging him to take action with regard to initiatives to foster peace in the Middle East. 26 *ACTA* 19447.

[1092] Notwithstanding his continued activity, McCarrick also appeared to understand that he generally was expected to maintain a lower profile. On 31 December 2008, before releasing a letter by NILI where he appeared as a signatory, McCarrick wrote the following to Sambi:

> I am still the Convener of NILI, even though I realize that there are some who would prefer that I do not continue in that responsibility. The difficulty is that there is really no one now among the Bishops who is ready to step in and would be acceptable to our separated brethren and the others. In a sense, the good thing is that we never get any publicity, anyway, so it is hardly likely that this statement will make the media.
>
> However, if you would like to send this on to the Secretariat of State, the document will have been signed by more than a dozen religious leaders so that my name will not be alone on the letter.

1 *ACTA* 1452. There is no record that Nuncio Sambi sent the statement to the Secretariat of State.

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Throughout this period, McCarrick regularly corresponded with Nuncio Sambi, including with regard to overseas travel,[1093] meetings with foreign political and religious leaders,[1094] contacts with United States government officials,[1095] public appearances[1096] and other activities.[1097] McCarrick shared with Sambi correspondence and other materials that he received, including a March 2009 letter from a European cardinal that, he said, "shows that I can be useful from time to time in working with our friends in other countries as, indeed, in working with some of our friends in the Vatican. I am so grateful to you for all the support that you give me so that I can do these things for others."[1098]

[1093] 1 *ACTA* 1364, 1488. In June 2009, McCarrick wrote the following to Nuncio Sambi regarding his travels: "I am heading this morning to Rome for the APSA meeting for which I have permission to attend and then on to Serbia to bless a seminary whose cornerstone I blessed three years ago. I then go to Africa for a meeting with the World Faith Development Dialogue, since the Holy See has not yet accepted my resignation made more than a year ago, and then I do some work for Catholic Relief Services." *Id*. at 1915.

[1094] 1 *ACTA* 027, 1955.

[1095] 1 *ACTA* 036, 044, 1370, 1373-75, 1435-38, 1483-86, 1932-33; 13 *ACTA* 13031.

[1096] 1 *ACTA* 1448, 1158-65. On 23 June 2009, McCarrick wrote to Sambi:

> You may recall that I have been working for the last three years on this question of bringing the Catholic health care and the unions together. We finally did have a breakthrough and we presented it to the folks in the media on the 22nd of June. I doubt that it will be picked up by many and so I felt rather secure in leading the press conference. My hope is that it doesn't get to the knowledge of my 'special friends.' However, it was the right thing to do at this time for our country and it could ultimately be important in the survival of Catholic hospitals.

Id. at 1915.

[1097] For example, in January 2009, McCarrick wrote to Sambi about his position as a Counselor for the Center of Strategic International Studies. He stated, "There is truly no publicity attached to this and it is a very personal thing, which brings me to two or three meetings a year, which are never publicized." 1 *ACTA* 1416.

[1098] 1 *ACTA* 1498.

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As before, McCarrick and Sambi frequently exchanged correspondence related to the Middle East, including with respect to McCarrick's travels to the region.[1099] After one trip, McCarrick wrote to Sambi, "As I get closer to 80, my thoughts revolve around on (sic) cutting back on these meetings and this travel, but when things arise that could be of potential use to the peace of the world and to the Church and this country, it makes me hesitate to cease, as long as I can be useful."[1100]

Nuncio Sambi routinely thanked McCarrick for his correspondence and for his "thoughtfulness" in sending along documents.[1101] For instance, on 27 July 2009, Archbishop Sambi wrote that he was "grateful to you for informing me about the press conference concerning Catholic health care, as well as your intended visits to Rome, Serbia and Africa."[1102] In August 2010, Sambi stated to McCarrick, "I am happy that you have returned safely from your travels, which are always a source of benefit."[1103] Before McCarrick's NILI trip to the Middle East in October 2010, Sambi wrote, "May your praiseworthy efforts bear much fruit in the days ahead."[1104] In a reply letter to McCarrick on 25 October 2010, Nuncio Sambi stated:

> Thank you for your kind letter after your return from your lengthy trip in Europe and then at many meetings here in the United States.
>
> I am grateful to you for sharing with me your talk at the annual program of the Community of Sant'Egidio held in Barcelona. May your hope-filled words continue to inspire others to work

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[1099] 1 *ACTA* 020, 023-24, 061-63, 1383-84, 1500, 1948.

[1100] 1 *ACTA* 326-28.

[1101] 1 *ACTA* 1363, 1399, 1454, 1456, 1482, 1487, 1497.

[1102] 1 *ACTA* 1914.

[1103] 1 *ACTA* 0124.

[1104] 1 *ACTA* 043.

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> for peace in the Holy Land, as you encourage believers to come together in prayer, dialogue and action.[1105]

A few months later, Nuncio Sambi wrote, "May your upcoming trip to Lebanon meet with some measure of success, as you forge ahead in your tireless efforts to bring hope to the peoples of the Middle East."[1106]

Cardinal McCarrick regularly met with Nuncio Sambi, often monthly.[1107] McCarrick recalled that they would "spend a half hour or 45 minutes together," after which they "would have lunch" in the common dining room with the Nunciature staff.[1108] The documentary record reflects numerous meetings, telephone calls and other interactions between the two men, including discussion of McCarrick's travel schedule.[1109] For example, an agenda for a meeting on 11 January 2010 listed "Cardinal McCarrick's Travel Schedule" as the first item to be discussed and contained the following items:

> January: Indonesia -- State Department
>
> February: Latin America -- CRS and Ordinations
>
> DOHA -- State Department

[1105] 1 *ACTA* 049.

[1106] 3 *ACTA* 3474; *see also* 1 *ACTA* 025. Although Sambi generally encouraged McCarrick's activities, Nuncio Sambi appears to have advised McCarrick on one occasion that it would "seem more prudent" that McCarrick decline to endorse a particular environmental project, given one of the project's "questionable objective[s]." 1 *ACTA* 1402, 1414-15. However, this was stated as a suggestion and did not relate to the issue of publicity.

[1107] One agenda, apparently provided by McCarrick prior to a meeting with Nuncio Sambi in late 2010, included the following items: Meeting with Holy Father; New Secretary; Change of residence; Library of Congress offer; IVE update; Sr. Carol Keehan; China initiative. 1 *ACTA* 313.

[1108] 14 *ACTA* 13196, 13198; *see also* 16 *ACTA* 13565.

[1109] 1 *ACTA* 037, 053, 313, 331, 1383-84.

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March: Eastern Europe -- USCCB

El Salvador -- Archbishop Romero Anniversary

April: Rome -- Papal Foundation.[1110]

Following his April 2010 Rome trip for a Papal Foundation meeting, McCarrick reported back to Nuncio Sambi regarding an audience with the Holy Father and a meeting with Cardinal Re:

> I want to tell you that I had a wonderful visit with the Holy Father during the meeting of The Papal Foundation. I had planned not to go to the audience, as we had discussed when I last saw you. When I mentioned this to Archbishop Harvey, he thought that it was important that I went because there were not many bishops coming this year.
>
> I did have an opportunity to see Cardinal Re at the reception at the North American College prior to the Rector's Dinner. I decided that it would be the proper thing to mention to him that I considered not going to the audience. His reaction was immediate! He said, "No, no. This is a private thing, you should go, you should go!" Under those circumstances, I did go and had a moment with the Holy Father during which he was most gracious and I was so pleased with that opportunity.[1111]

[1110] 1 *ACTA* 331.

[1111] 1 *ACTA* 220. At the time, Cardinal Harvey had received no information related to the allegations against McCarrick, apart from McCarrick's own denial in his letter to Bishop Dziwisz in August 2000. 16 *ACTA* 13512, 13541-45. Cardinal Harvey, whose office had no competence over the matter, knew nothing about the indications given to McCarrick by Cardinal Re in June 2008. *Id*. at 13546.

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Sambi responded that he was "pleased to hear that you had the opportunity for a brief visit with the Holy Father during the meeting of the Papal Foundation."[1112]

McCarrick also worked to provide support to the IVE religious order during travel to Rome. In January 2010, following its investigation of IVE founder Father Carlos Miguel Buela, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life issued a decree expressly finding that Buela had engaged in misconduct with adult seminarians. The decree removed Buela as IVE Superior General and ordered him to reside separately from IVE members in a French monastery.[1113] Following issuance of the decree, McCarrick continued to donate to the IVE[1114] and facilitated substantial donations to the IVE from wealthy Catholic donors as well.[1115] At some point in 2010, while in Rome, McCarrick met with officials of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, including Archbishop Joseph William Tobin, then the Congregation's Secretary, to advocate that the IVE become an institute of pontifical right notwithstanding the actions of its founder. In an interview, Cardinal Tobin recalled that he responded, "No way, it's not going to happen – if it even

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[1112] 1 *ACTA* 218. On 12 May 2010, Richard Sipe appears to have updated his Internet post entitled "The Cardinal McCarrick Syndrome" to include details of Priest 1's allegations of non-consensual sexual touching and a reference to the settlement with Priest 1. 17 *ACTA* 14372-75. Unlike the open letter to Pope Benedict XVI in May 2008, no record was located reflecting that this updated post ever drew the attention of any Holy See official.

[1113] 17 *ACTA* 15112-14.

[1114] For instance, in May 2010, McCarrick provided $10,000 to the Rector of the IVE House of Formation for the "expenses of the seminary" and noted that he appreciated "that I have the special privilege of enjoying the help of the seminarians of the Institute in arranging my transportation and in so many other important parts of my responsibility. I know that this comes with a price tag in purchasing gasoline and in many other ways." 9 *ACTA* 11560. McCarrick wrote again in late December 2010, stating "I am happy to send you a check in the amount of $10,000 for whatever seminary expenses you may have, especially to make sure that we take care of food and heat and whatever is needed to keep them all alive." *Id*. at 11565. During this period, McCarrick also provided money to the IVE "to help take care of Father Buela's needs." *Id*. at 11567, 11577.

[1115] 9 *ACTA* 11552, 11558, 11593-94.

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happens at all – until the allegations against Buela are finally settled and the IVE accepts the judgment of the Holy See."[1116]

In late 2010 or early 2011, McCarrick moved from the apartment appurtenant to the St. Thomas the Apostle Parish Church, where he had been residing since 2009, to a small house located in a compound near the Church of the Saint John Baptist de la Salle Parish in Hyattsville (Chillum), Maryland, which had been entrusted to the IVE by the Archdiocese in 2005.[1117] While one reason given for McCarrick's move was that his apartment had been on the third floor in the residence and his knees could no

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[1116] 16 *ACTA* 13600; 40 *ACTA* 33874; *see also* 9 *ACTA* 11583-84 (letter from McCarrick to Archbishop Tobin contending that the IVE should "be granted Pontifical status"). At the time, Archbishop Tobin only had a few limited interactions with Cardinal McCarrick and knew nothing about any prior allegations or rumors against him. During the period that Archbishop Tobin was Secretary at the Congregation from August 2010 through November 2012, the Congregation never received any reports relating to McCarrick's misconduct with seminarians or priests, including those from the IVE. Archbishop Tobin had also never heard that Cardinal McCarrick was under any form of restriction or indication related to his activities. As Cardinal Tobin later observed in an interview, "From my experience and what I saw at the time, [McCarrick] was interacting normally with everybody." 16 *ACTA* 13601; 33 *ACTA* 27086.

Cardinal Tobin stated in an interview that he first heard about the prior allegations against McCarrick in early 2017, after he was appointed Archbishop of Newark. Cardinal Tobin recalled that Archbishop Myers, then retired, vaguely alluded to past undefined misconduct by McCarrick and "said something like, 'Look on the Internet.'" 16 *ACTA* 13602-03. "Archbishop Myers hinted and alluded; he did not say that he himself knew of anything, or that there were any files on possible misconduct by the former Archbishop McCarrick." Tobin did check on the Internet and saw old allegations against McCarrick, which did not involve minors. Cardinal Tobin concluded that it must have been a "resolved issue" since the allegations had been public for a long time and "it seemed nobody was doing or saying anything, as far as I could discern. A lot of time had passed. So, I thought either it was just rumor, since the Church is full of them, or it had been investigated and determined not true. He was still in circulation and widely feted even in ceremonies attended by representatives of the Holy See, so my conclusion that it had been looked into and the evidence was not there to sustain the allegations." *Id*. at 13603; *see also id*. at 13604 ("I just figured that if this stuff was in the public domain, somebody would have acted on it as it had occurred 10 or 15 years or more ago.").

[1117] 9 *ACTA* 11570. The residence was also near the IVE's Fulton J. Sheen House of Formation.

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longer withstand climbing the stairs, two other reasons appear to have been important: Cardinal Wuerl had determined that he would no longer be able to spare a diocesan priest secretary to help McCarrick and the IVE superiors had indicated their willingness to take McCarrick in and provide him with assistance.[1118] McCarrick lived on the second floor of the IVE house, upstairs from an IVE priest secretary and two seminarians, who acted as his drivers and personal assistants.[1119]

Following Nuncio Sambi's unexpected death on 27 July 2011, the Apostolic Nunciature to the United States was directed by *Chargé d'affaires* Monsignor Lantheaume until the 19 October 2011 appointment of Archbishop Viganò. Other than routine correspondence, Monsignor Lantheaume left no record regarding McCarrick in the files of the Nunciature.

[1118] 14 *ACTA* 13199, 13204-05; 16 *ACTA* 13828; 24 *ACTA* 18142; 40 *ACTA* 33562.

[1119] McCarrick Interview, 14 *ACTA* 13205. There are no known allegations of misconduct by McCarrick at the IVE residence.

By all accounts, McCarrick lived a frugal life during this period. In an interview, one layman who worked closely with McCarrick stated:

> I have never seen a man so careful with money. And this was not affect. It was how he lived. He simply refused to spend money on himself. I remember buying him T-shirts because what he was wearing was so worn out. He kept wearing a pair of old blue pants that he didn't want to get rid of because he felt they were still good and he didn't want to waste money on a new pair. Myself and some others said, "You're a Cardinal. You need to get a pair of black pants." And we finally had to buy a pair for him. He just did not want to spend money on himself if he could possibly avoid it. I used to look at his tax returns. He had an accountant, but he'd just ask me to recheck them. He gave everything he received away each year. Money that he received as donations or any fees he might receive for speaking, anything like that . . . , he just gave away. Every year. . . . And he never showed any income from the diocese at all. He didn't have a pension.

33 *ACTA* 27087; 40 *ACTA* 33574-75.

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XXIV. MCCARRICK'S ACTIVITY AND HOLY SEE DECISION-MAKING DURING THE FIRST EIGHTEEN MONTHS OF ARCHBISHOP VIGANÒ'S TENURE AS APOSTOLIC NUNCIO (FALL 2011 TO SPRING 2013)

This section contains information regarding McCarrick's activity and Holy See decision-making during the first eighteen months of Archbishop Viganò's tenure as Apostolic Nuncio in Washington, D.C., during the papacy of Benedict XVI.

A. McCarrick's Continued Activity During Archbishop Viganò's Tenure as Apostolic Nuncio (Fall 2011 to Fall 2012)

On 19 October 2011, Pope Benedict XVI appointed Archbishop Viganò as Apostolic Nuncio to the United States.[1120] The written instructions provided to Archbishop Viganò from the Congregation for Bishops prior to his arrival at the Nunciature in Washington, D.C., made no mention of McCarrick. However, Cardinal Ouellet, who had become Prefect in late June 2010, recalled telling Archbishop Viganò in person that McCarrick was supposed to adhere to certain "conditions and restrictions due to some rumors surrounding his past behavior."[1121]

[1120] Viganò, who had been Secretary-General of the Governorate of Vatican City State since 2009 and who believed that he had been promised the position of President of the Governorate, a position normally held by a cardinal, reputedly did not wish to accept Pope Benedict XVI's decision to appoint him as Nuncio to the United States in October 2011, stating that it would undermine his efforts to fight corruption in the Vatican. *See*, *e.g.*, J. Allen, "New Nuncio is No Stranger to Politics," *National Catholic Reporter* (27 Sept. 2011), 26 *ACTA* 19337-39; *see also* 26 *ACTA* 19363.

[1121] 17 *ACTA* 14814. The written record casts some doubt on this recollection, since Viganò's initial letter to Cardinal Ouellet about McCarrick – written on 13 August 2012 and discussed below – nowhere mentioned a prior conversation with Ouellet about the situation and left the impression that Viganò was informing Ouellet for the first time about the indications. In any event, contrary to Viganò's statement of 22 August 2018, Cardinal Ouellet and Viganò never discussed a ban on public ministry or any other canonical sanction imposed in the name of the Holy Father, as neither was ever imposed. *Cf.* Viganò Statement at 3-4, 17 *ACTA* 15102-03; *see also* Cardinal Ouellet Interview, 16 *ACTA* 13449

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In his 2018 statement, composed long after his retirement, Viganò wrote that, upon arrival in Washington, D.C., he repeated the "restrictions" to "Cardinal McCarrick at my first meeting with him at the Nunciature." According to Viganò, "The Cardinal, muttering in a barely comprehensible way, admitted that he had perhaps made the mistake of sleeping in the same bed with some seminarians at his beach house, but he said this as if it had no importance."[1122] McCarrick stated categorically that no such meeting ever occurred, and there are no notes or letters in the Nunciature or Holy See files indicating that Viganò spoke to McCarrick about the matter at this time.[1123]

Following Nuncio Viganò's arrival in Washington, McCarrick continued his domestic and international activities. At one point or another during this period, McCarrick served on, or was consultant to, the following USCCB committees: Ecumenical and Interreligious Affairs; International Justice and Peace; Migration; National Collections; Aid to the Catholic Church in Central and Eastern Europe (Subcommittee); and Church in Africa (Subcommittee). McCarrick was a member of the CRS Board of Directors and CRS Foundation during this period as well.[1124]

(stating that the indications transmitted by Cardinal Re to McCarrick were "strong recommendations" but "not an order" or a "sanction").

[1122] Viganò Statement at 4, 17 *ACTA* 15103.

[1123] In his subsequent letters to Cardinal Ouellet about McCarrick in August and September 2012, Nuncio Viganò did not refer to any prior meetings with McCarrick about limitations on his activities.

[1124] 5 *ACTA* 6257.

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McCarrick made public appearances in Washington, and elsewhere in the United States, including as a keynote speaker,[1125] on television[1126] and as the recipient of awards.[1127] He also remained active in public ministry[1128] and gave invocations at major public events.[1129] Nuncio Viganò was a host or participant in some of these events, including a Patrons of the Arts in the Vatican Museums dinner at the Nunciature (Dec. 2011),[1130] a dinner on the evening of the Chrism Mass at St. Matthew's Cathedral (Apr. 2012),[1131] a

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[1125] For instance, McCarrick gave a speech at the United States Library of Congress on 16 November 2011, regarding Muslim and Christian quests for common understanding. T. McCarrick, "The Amman Message: A Magisterium for Islam?" *Library of Congress* (16 Nov. 2011), 27 *ACTA* 20147-48. In mid-March 2012, McCarrick was the keynote speaker at a Washington, D.C. fundraiser for the Franciscan Mission Service. 27 *ACTA* 20160-62. In late December 2012, McCarrick spoke publicly about the need to reform gun laws in the wake of the shooting in Newtown, Connecticut. H. Harris, "Bells Toll in Honor of Conn. Shooting Victims," *The Washington Post* (21 Dec. 2012), 26 *ACTA* 19314-17.

[1126] McCarrick appeared on NBC's Meet the Press in December 2011. 27 *ACTA* 20152-55.

[1127] In April 2012, McCarrick received an award from Catholic Charities of Washington, D.C. M. O'Loughlin, "McCarrick Kept a Robust Public Presence during Years He Was Allegedly Sanctioned," *America: The Jesuit Review* (29 Aug. 2018), 26 *ACTA* 19163. In November 2012, McCarrick spoke at an award presentation held by the Knights of Columbus in Dallas, Texas. 27 *ACTA* 20165-66.

[1128] For example, in October 2011, McCarrick attended a two-day event for Catholic Charities, including an event at the National Press Club, and he celebrated Mass at Saint Patrick's Cathedral in New York. In December 2011, he concelebrated a memorial Mass for a deceased bishop in New York. In January 2012, McCarrick concelebrated Mass with Cardinal Wuerl and other U.S. bishops at the tomb of St. Peter in Rome. McCarrick also concelebrated Mass at St. Patrick's Cathedral in New York in February 2012.

[1129] On 6 February 2013, McCarrick performed the invocation at the swearing-in ceremony for United States Secretary of State John Kerry. On 13 June 2013, McCarrick offered the opening prayer at a gala hosted by House Speaker Boehner recognizing John D. Dingell as the longest-serving member of the United States Congress. 27 *ACTA* 20167.

[1130] 7 *ACTA* 7806. On 4 December 2011, McCarrick wrote to Viganò, "I wanted to express my deepest gratitude to you for your kindness in including me and my secretary in the invitations to the splendid dinner which we enjoyed very much at the Nunciature." *Id.*

[1131] 1 *ACTA* 1019.

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reception at the Nunciature for Pope Benedict XVI's anniversary (Apr. 2012)[1132] and the World Mission Dinner of the Pontifical Mission Societies in the United States, which was held at a hotel in Manhattan (May 2012).[1133] At the Pontifical Mission Societies dinner, Nuncio Viganò warmly referred to McCarrick at the beginning of his remarks, stating: "His Eminence Cardinal Theodore McCarrick – he's an ambassador from quite a certain time (sic), as a priest, as a bishop, as archbishop and cardinal, and very much loved from us all."[1134]

McCarrick continued to travel throughout the world during this period, including to Argentina (Oct. and Dec. 2012),[1135] Paraguay (Oct. 2012),[1136]

[1132] Afterwards, McCarrick wrote to Viganò "to say thank you for a very gracious and enjoyable reception at the Nunciature to celebrate the Holy Father's anniversary . . . . Thank you so much for inviting me. I met a number of old friends and was so pleased to have the opportunity." 1 *ACTA* 1026.

[1133] 1 *ACTA* 1031. Cardinal Wuerl recalled in an interview that McCarrick attended large events at the Nunciature and elsewhere during Archbishop Viganò's tenure as Nuncio. 33 *ACTA* 27099.

[1134] 1 *ACTA* 1031; 16 *ACTA* 13478; 27 *ACTA* 20290. Shortly after the Manhattan dinner, McCarrick sent a letter to Viganò expressing his "deepest gratitude for your presence at the dinner for the Mission Societies. Your kind words and obvious warmth and graciousness were a very important factor in making their first annual dinner a real success." 1 *ACTA* 1031.

According to eyewitnesses, Viganò also expressed warmth and affection towards McCarrick behind the scenes at these events. 14 *ACTA* 13140; 16 *ACTA* 13478. One informant, who described Viganò as a "very sensitive man," recalled: "At a reception for the Holy Father, McCarrick took a bad fall near the elevator and Viganò stayed at McCarrick's side as he lay on the floor of the Nunciature until an ambulance arrived, leaving his guests to attend to him. And the next morning he went to be at McCarrick's side at the hospital." 33 *ACTA* 27088, 27090.

[1135] 7 *ACTA* 8449, 8462, 8464. McCarrick traveled to South America in October 2012 on behalf of the USCCB's Subcommittee on the Church in Latin America. 39 *ACTA* 33057.

[1136] 7 *ACTA* 8479. In Paraguay, McCarrick presided at the opening Mass of the Latin American Congress on Youth, in preparation for World Youth Day events in Rio de Janeiro in 2013. 39 *ACTA* 33057.

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Uruguay (Oct. 2012),[1137] Hong Kong (July 2012),[1138] Cambodia (July/Aug. 2012),[1139] Vietnam (July/Aug. 2012),[1140] Thailand (July/Aug. 2012),[1141] Myanmar (July/Aug. 2012),[1142] Kenya (Sept. 2012),[1143] Malawi (Oct. 2012),[1144] Moldova (Aug. 2012),[1145] Belarus (Sept. 2012),[1146] Bosnia-Herzegovina (Jan. 2012), Hungary (2012),[1147] Qatar (May/June 2012 and June 2013),[1148] Jordan (June/July 2012),[1149] Lebanon (June/July 2012),[1150]

[1137] 39 *ACTA* 33057.

[1138] 7 *ACTA* 8445. The planning of McCarrick's June 2013 travel to China arose from this trip to Hong Kong during the summer of 2012. Consultant 1 Interview, 14 *ACTA* 13236.

[1139] 7 *ACTA* 8445.

[1140] Consultant 1 Interview, 14 *ACTA* 13236.

[1141] 7 *ACTA* 7818.

[1142] 7 *ACTA* 8447.

[1143] 7 *ACTA* 8448. As the incoming chair of the USCCB's Subcommittee on the Church in Africa, McCarrick met with Nairobi Archbishop John Cardinal Njue in Kenya, before traveling to Malawi, where he met with dignitaries and addressed the bishops conference at their plenary meeting. 39 *ACTA* 33058.

[1144] 7 *ACTA* 8446.

[1145] 7 *ACTA* 8463.

[1146] 7 *ACTA* 8448. During his trip to Belarus on behalf of the USCCB, McCarrick met with the president of Belarus and other dignitaries. 39 *ACTA* 33056; *see also* "Metropolitan Filaret of Minsk and Slutsk Meets with Roman Catholic Prelates," *Pravmir.com* (26 Aug. 2012), 26 *ACTA* 19047.

[1147] 7 *ACTA* 7631. At the 2012 Sant'Egidio Conference in Sarajevo, McCarrick stated, "I have just come from Budapest where I was part of an official Vatican dialogue with leaders of the Jewish communities in Eastern Europe and especially in Hungary." *Id.*

[1148] 7 *ACTA* 7817, 8446.

[1149] 7 *ACTA* 8444; 27 *ACTA* 20153-55.

[1150] 7 *ACTA* 8444.

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Syria (June/July 2012),[1151] Iraq (Nov. 2012) and Israel (Jan. 2013).[1152] Much of the travel arose from McCarrick's work with the USCCB and CRS.

McCarrick also traveled to Rome to meet with Pope Benedict XVI on 16 January 2012, on the occasion of the *Ad Limina* visit of the Archdiocese of Washington. He returned in April of the same year on behalf of the Papal Foundation.[1153] McCarrick maintained his contacts abroad during this period as well, including with Cuban officials and with Archbishop of Havana Jaime Lucas Cardinal Ortega y Alamino, whom McCarrick had first met during his prior trip to Cuba in 1988.[1154]

Consistent with his approach during Archbishop Sambi's tenure as Nuncio, Cardinal McCarrick kept Nuncio Viganò informed of his activities. For instance, in February 2012, McCarrick sent Viganò a magazine that featured on the cover McCarrick's appearance at a press conference related to anti-Muslim bigotry. McCarrick wrote to Viganò, "I would be delighted to chat with you at your convenience about some of these important interreligious activities that are going on in our country. There are certainly others more qualified than I to do it, but the fact of my participation in some of these areas is useful, I do believe."[1155]

The following month, Cardinal McCarrick sent Viganò a copy of an article McCarrick had authored that was published in *The Hill*, a weekly newspaper focused on the United States Congress. McCarrick also described his attendance at an annual luncheon hosted by John Boehner, Speaker of the House of Representatives, for the visiting Prime Minister of Ireland, at which McCarrick gave the invocation and spoke "of the blessings of freedom of

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[1151] 27 *ACTA* 20153-55.

[1152] McCarrick visited CRS staff in Jerusalem and Gaza in January 2013 and spent the night in Gaza in solidarity with those affected by the conflict. 39 *ACTA* 33065.

[1153] M. O'Loughlin, "McCarrick Kept a Robust Public Presence during Years He Was Allegedly Sanctioned," *America: The Jesuit Review* (29 Aug. 2018), 26 *ACTA* 19164.

[1154] 24 *ACTA* 18145-49.

[1155] 1 *ACTA* 1006.

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religion and freedom of conscience."[1156] McCarrick stated that he had been seated at the table with the Irish prime minister, President Obama and the Speaker. McCarrick wrote, "I look forward to continuing conversations with Your Excellency on all these issues and, as you know, I am at your service in any way that I can be helpful."[1157]

Nuncio Viganò responded to Cardinal McCarrick's letter by thanking him for the information, including "the text of your Invocation delivered at the Luncheon Honoring the Irish Prime Minister." Viganò stated: "Your Eminence, I am very grateful for your thoughtfulness in this regard and likewise, would truly look forward to an opportunity after Easter, either here or at Your Eminence's residence, to continue our conversation about such important, current issues as freedom of religion and freedom of conscience."[1158]

Cardinal McCarrick continued to write to the Nunciature about foreign affairs during this period. On 21 November 2011, McCarrick wrote to Msgr. Lantheaume about the Church in China, stating that he was "sending this to you because I really do not want to overwhelm His Excellency, the Apostolic Nuncio, with all of these extraneous things. However, I do think that this is something which might be useful for him and I share it with you and ask you to make the judgment." McCarrick referred to his contacts in China and stated that "[i]t is something that [Nuncio Viganò] may feel should be sent to Rome or just possibly to follow as the situation continues to clarify itself. I am happy to work in this way if it is pleasing to him, but I will be totally guided by whatever instructions you have for me."[1159]

[1156] 7 *ACTA* 7833.

[1157] 7 *ACTA* 7834.

[1158] 1 *ACTA* 997. Nunciature personnel confirmed that Archbishop Viganò and Cardinal McCarrick shared a common interest in freedom of religion and freedom of conscience, and that they discussed such issues at meals both at the Nunciature and at McCarrick's small house near the IVE seminary in Maryland.

[1159] 3 *ACTA* 4871-72. During the annual human rights dialogue between the United States and China in July 2012, Obama Administration officials "brought Chinese officials to meet with Cardinal McCarrick and Catholic Charities to see how religious organizations

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In early April 2012, McCarrick sent a letter to Nuncio Viganò about Iran, referring to a recent dinner Viganò had attended at St. Matthew's Cathedral on the night of the Chrism Mass, in which the two prelates had "had a moment to chat." Forwarding his own correspondence to the USCCB leadership regarding Iran, McCarrick wrote, "I thought it would be good for me to share this with you."[1160]

Cardinal McCarrick also kept Viganò apprised of his travels. For example, on 21 April 2012, McCarrick wrote about his upcoming trips in the United States and abroad:

> In June I begin my travels again, heading for the Eucharistic Congress, at least to put in an appearance for a few days from June 10th to the 14th. Then I will go to the Bishops' meeting for a day or two, at least to sign in. (We always say that if you miss a meeting at my age, they all think you're dead!) From there, I must go to a meeting in Lebanon at the Muslim-Christian Summit. Cardinal Tauran has very graciously indicated that he would be pleased to have me as one of the friends of the official Vatican delegation. From there, I stay in Lebanon to talk to some of the Patriarchs, who are all friends of mine from years ago, and try to assess the situation. After a few days in Lebanon, I head to Jordan to see how Catholic Relief Services is working with Caritas Jordan in the care of some of the refugees from Syria. From there, I go to Egypt since Catholic Relief Services wanted me to try to be of some support to the staff which has been so traumatized by the recent developments. From there, I will be going into Asia to accompany Dr. Woo, the new CEO of Catholic Relief Services, in allowing her to meet some of the major contacts we have in that part of the world.

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provide critical social services." "Remarks by Denis McDonough on International Religious Freedom," *Archives of Obama White House*, (12 Sept. 2012), 27 *ACTA* 20350.

[1160] 1 *ACTA* 1019.

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> By the time I come back, I will have turned 82 and I am wondering when the Lord is going to tell me that I am too old to do these things. He has not given that information yet and so I wait for His Word and continue to do whatever He asks me to do through His delegates and deputies here in this world of ours.[1161]

On 6 June 2012, McCarrick wrote again to Viganò, providing information regarding his recent visit to Qatar for the U.S.-Islamic World Conference. McCarrick noted that he had spoken out regarding the rights of minorities and the freedom of Christians to exercise their religious liberties, and stated that "I think it is very important that we are represented at these special moments in the discussion of matters which will affect us very deeply and where there are many who listen carefully among the leaders of Muslim communities around the world." McCarrick then stated:

> I have been wondering if I should write and let the Holy Father know that I am involved in this. Certainly, Cardinal Tauran knows and I will be with him at the Christian-Islamic Summit in Lebanon beginning the 16th of this month. I will then, once again, have an opportunity to speak to these issues but of course it will be always subject to the wise leadership of the Cardinal.
>
> I am almost six years retired now and I still am invited to so many of these meetings which have some significance and sometimes importance. I would love to see some of the younger bishops become involved in this and I mentioned the same to the Presidents of our Conference and to Your Excellency's predecessor, Archbishop Sambi. All of them agree that it is a matter of great importance that this happen, but it is almost impossible to find anyone willing to do it, or someone who feels that he would be equipped by languages or by experience.

[1161] 1 *ACTA* 1027.

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> Next week, I go from Lebanon to Jordan so I can visit the refugee camps where so many of the people who fled from Syria are now being cared for by Caritas Lebanon. From there I go to Egypt on a mission for CRS with the hope that I will have a chance to speak to the Coptic Patriarch and to some of our bishops to get a picture of the situation there. From there I fly to the Far East where I have meetings in Burma, Bangkok and ultimately in Hong Kong. In all these meetings I am always in contact and with the approval of the local hierarchy and whenever it is possible I seek to come in contact with the Nuncio or the Chargé. I just felt that it is important for me to advise you of these journeys and to follow your good advice if you feel that this is not useful for the needs of the Church or that I may not be the right person to continue in this rather unusual apostolate.
>
> I desire only to be of service and, although I must admit that even at 82 I do enjoy the give and take of these meetings, I am most willing to go into a more retirement mode if Your Excellency or my other Superiors feel that this would be preferred. [1162]

There is no record indicating that Viganò followed up on McCarrick's offer "to go into a more retirement mode." Instead, Viganò told his staff to set up a meeting with McCarrick, which was scheduled for 24 July 2012, after what Viganò's secretary called McCarrick's "extensive travel."[1163]

[1162] 1 *ACTA* 1034-35. McCarrick reiterated his travel plans in another letter to Viganò the following day, in which he stated that he was preparing "to go to the Eucharistic Congress for a few days and then ultimately off to the Middle East and the Far East at the beginning of the summer." *Id.* at 1037.

[1163] 1 *ACTA* 1039. This correspondence between Archbishop Viganò and Cardinal McCarrick in April and June 2012 was left unmentioned in the Viganò Statement of 22 August 2018. 17 *ACTA* 15100-10. Viganò's decision not to take action during the first six months of 2012 in response to McCarrick's detailed reports of his travel is also inconsistent with the former Nuncio's claim that he had told McCarrick that the Cardinal was subject to canonical sanctions issued by Pope Benedict XVI that prohibited

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On 29 June 2012, a parishioner in Maryland, who identified herself by name and address, wrote to a diocesan official in the Archdiocese of Washington regarding a number of issues of concern to her.[1164] The letter, which was copied to Nuncio Viganò, described McCarrick as a "predator" who "was retired for advocating homosexual civil unions on the radio in 2005" and was "given an apartment at Redemptoris Mater seminary in Hyattsville, MD, assigned priest 'secretaries,' and freed to roam the world seeking the destruction of souls." The letter did not provide any specifics and included nothing that had not been previously available on the Internet. The parishioner quoted Richard Sipe's Internet post from April 2008 and claimed that what was stated in the post regarding McCarrick had long been known to the Archdiocese, including during its fundraising campaigns. While there is a notation in Viganò's handwriting in the Nunciature file stating that the letter contained "serious accusations" against McCarrick, there is nothing in the file to suggest that Viganò followed up on this letter by contacting the sender, McCarrick, the Archdiocese, or the Holy See.

McCarrick and his IVE secretary came to the Nunciature for dinner on 24 July 2012. The following day, McCarrick wrote a letter to Nuncio Viganò, stating:

> I wanted to thank you for a wonderful visit yesterday!
>
> First of all, you gave me the precious gift of so much time and allowed me to talk about many issues. Secondly, inviting [my priest secretary] and myself to that wonderful dinner was a special grace for me and for him. To be with you and your colleagues is a great honor and I am truly thankful for your kindness in letting us become part of your house.[1165]

McCarrick from traveling and that required him to dedicate "himself to a life of prayer and penance." Viganò Statement at 3-4, 17 *ACTA* 15102-03.

[1164] 20 *ACTA* 16758-60.

[1165] 1 *ACTA* 1042.

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As he often did in his correspondence to Viganò, McCarrick enclosed articles relating to world affairs of relevance to the Church, on this occasion the Middle East.

B. Information Received by Nuncio Viganò from Priest 3 and Cardinal Ouellet's Instructions to Viganò (August to November 2012)

In August 2011, Priest 3 filed a civil complaint in the Superior Court of New Jersey against the Diocese of Metuchen, the Archdiocese of Newark and Bishop Bootkoski.[1166] Although the complaint did not name McCarrick as a defendant, the pleading described, in explicit detail, the three sexual incidents that involved Priest 3 and McCarrick.[1167] Neither the Diocese of Metuchen nor the Archdiocese of Newark forwarded the complaint to the Nunciature or to the Holy See.

In March 2012, in the New Jersey Court case, Priest 3's counsel filed a certification signed by Priest 3 under penalty of law, which detailed the three incidents involving McCarrick.[1168] Priest 3's attorney also filed a 25-page psychological evaluation of Priest 3 that had been prepared by The Advent Program, based upon thirteen clinical assessments of Priest 3 conducted in May 2010, which also repeatedly discussed the 1991 sexual incidents between Priest 3 and McCarrick.[1169] Once again, neither the Diocese of Metuchen nor the Archdiocese of Newark sent the certification or the psychological evaluation to the Nunciature or to the Holy See.

On 6 August 2012, Priest 3 wrote a three-page letter to Nuncio Viganò. In the letter, Priest 3 stated, "Early in my time in North America I was sexually

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[1166] 17 *ACTA* 14376-92.

[1167] 17 *ACTA* 14377-78; *see also* Section IX.C (discussing the incident at the beach house and the two incidents at the Waldorf Astoria Hotel in New York City). Priest 3's legal dispute with the Diocese of Metuchen also extended to other matters unrelated to the prior incidents with McCarrick, which are not germane to this Report.

[1168] 33 *ACTA* 27108-10.

[1169] 33 *ACTA* 27168-92.

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assaulted by the Cardinal Theodore McCarrick (at the time he was an Archbishop). I mention this now, as I believeth [it] is at the root of my recent problems with the Diocese of Metuchen."[1170] Priest 3 stated that he felt that he had been falsely accused of financial mismanagement and that his transfer away from the Portuguese and Brazilian communities, where he had worked for over twenty years, was wrongful. Priest 3 wrote, "the Diocese had only one goal in mind and that was to sweep me under the Church's rug and to make my life so miserable I would not speak out against the sexual misconduct amongst priests and in particular, Cardinal McCarrick and Bishop Bootkoski."[1171] Priest 3 continued:

> What does it really mean to be a priest in America? Evidently to serve God and the Church takes on different meanings. As a liason (sic) between the Vatican and the Churches here in America, you need to be consciously aware of the behavior amongst priests and the impact it has on the people they serve and guide. For a priest to be punished and admonished based on false allegations and speaking the truth about inappropriate behavior of sexual misconduct amongst priests is unacceptable under any standards. Cardinal McCarrick was a sexual predator. As one of his victims, I saw firsthand what it was to be a priest in America.[1172]

Priest 3 stated that his civil case was "still pending but all that I ask is that the Catholic Church operates with transparency and take accountability for the actions of corrupt Cardinals and Bishops. Not for my sake but for the sake of the church and its parishioners."[1173] Priest 3 promised that "no matter what the consequences are, I will go public with this information and demand

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[1170] 20 *ACTA* 16779.

[1171] Priest 3 did not allege personal knowledge of any sexual misconduct by Bishop Bootkoski, who has never been found to have engaged in any improprieties.

[1172] 20 *ACTA* 16780.

[1173] 20 *ACTA* 16780.

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that these corrupt individuals be investigated and when the time comes I will take my case to the Congregation [for the Doctrine of the] Faith."[1174]

Priest 3 also told Nuncio Viganò that "I have many supporters including Richard Sipe and members of the SNAP network and we believe that the church should apply the same standards of decency to its Cardinals and Bishops." Priest 3 ended his letter as follows:

> Any guidance you may be able to provide would be greatly appreciated. If needed I can provide you with copies of my evaluation from the Advent Program, my legal filings and any other documentation I have to support the information I have provided in this letter.[1175]

On 13 August 2012, Nuncio Viganò wrote to Congregation for Bishops Prefect Cardinal Ouellet, attaching Priest 3's letter of 6 August 2012, as well as a copy of Cardinal Re's 14 June 2008 letter directed to Cardinal McCarrick.[1176]

Nuncio Viganò reported to Prefect Ouellet that Priest 3's letter contained allegations regarding both McCarrick and Bishop Bootkoski. With respect to Bootkoski, Viganò stated that "it was the first time that this prelate has been accused of this crime" and that "there is nothing in the secret archive of this [Nunciature] regarding the Bishop in question." Viganò then focused on McCarrick:

[1174] 20 *ACTA* 16781.

[1175] 20 *ACTA* 16781. While Priest 3 described himself as a "victim" of McCarrick in his letter to Viganò, the letter did not mention the three sexual incidents in 1991. Priest 3's specific allegations against McCarrick were set forth in detail in the civil complaint, the certification and the psychological evaluation, which were not enclosed with the letter to Viganò.

[1176] 20 *ACTA* 16776-77.* In his statement in 2018, Viganò did not mention his 2012-2013 exchange of letters with Cardinal Ouellet about McCarrick. Viganò Statement at 1, 4, 17 *ACTA* 15100, 15103.

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The numerous accusations made against Card. McCarrick are well known to [the Congregation for Bishops]. In this regard, my deceased Predecessor [Archbishop Sambi] personally delivered to the Cardinal the enclosed letter N. [redacted] of Cardinal Re, dated 14 June 2008, by which he was invited not to appear in public and to change residence.

Cardinal McCarrick therefore should not have accepted any invitation of a public nature and should have "*conducted a quiet life of prayer and penance for past imprudent actions.*" The Cardinal did not obey this advice. Even as regards his residence, he only recently left the "Redemptoris Mater" Seminary, and today he lives in Hyattsville in a house near the Parish of Saint John-Baptist de la Salle, where some young religious of the Argentine congregation of the 'Incarnate Word' present in the United States are living.[1177]

He often appears in public for social or ecclesial events with a private secretary who also acts as his chauffeur, affiliated with the same congregation of the 'Incarnate Word'. He therefore did not follow what was requested of him by Card. Re to "*take up residence in a home for the elderly, perhaps one directed by religious sisters ...*" or "*ask a monastery to take you in as a guest and participate in the community prayer, community meals ...*"

Moreover, the Cardinal continuously travels abroad, even ordaining priests in dioceses where he has been invited, he participates in conferences, seminars, round tables, etc… He has been present in several high-level meetings including one in Iran to free American hostages, without having received any mandate from the United States Conference of Bishops or from the Holy See. He often travels to the Middle East, reports in

[1177]Although Nuncio Viganò stated that McCarrick had "only recently" left the Redemptoris Mater Seminary, the record shows that McCarrick moved from the seminary to the apartment at the St. Thomas Apostle parish in early 2009. 9 *ACTA* 11544; 20 *ACTA* 16752. He moved to the house near the Parish of Saint John-Baptist de la Salle in 2011.

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> continuously regarding his travels, meetings, etc... but it is not clear to what end and in whose name he does them.[1178] **Accordingly, one can affirm that Cardinal Re's admonition to him is a dead letter**.
>
> There is no doubt that the initiative now taken by [Priest 3] may represent a new grave risk that the Cardinal's actions and behavior will be made public with serious damage to the Church. I therefore request instructions as to how I should act in this regard.

(bold added) (ellipses in original).[1179]

Viganò copied his letter to Archbishop Becciu, the Substitute in the First Section of the Secretariat of State, and to Archbishop Gerhard Ludwig Müller, the new Prefect of the Congregation for the Doctrine of the Faith.[1180]

[1178] As noted above, McCarrick had informed Nuncio Viganò that he was traveling abroad for CRS, including trips to Lebanon, Jordan, Egypt and the Far East. 1 *ACTA* 1027, 1034-35. Moreover, Viganò received the "Green Books" from the USCCB, which described McCarrick's travels on behalf of the Conference and CRS. 40 *ACTA* 33514, 33581-82. Members of the USCCB leadership at the time, who were interviewed for this Report, stated that Viganò knew "for sure" that McCarrick was traveling abroad in that period for the USCCB. *Id.*

[1179] In his statement, Viganò wrote, "It was also clear that, from the time of Pope Francis' election, McCarrick, now free from all constraints, had felt free to travel continuously, to give lectures and interviews." Viganò Statement at 8, 17 *ACTA* 15107. Viganò did not discuss in the statement that he was aware that McCarrick was already engaging in these activities well before Pope Francis' election in 2013, or that Viganò had personally participated in some of them without registering any objection, or that Viganò himself had called Cardinal Re's written indications "a dead letter" in August 2012. 20 *ACTA* 16776-77.

[1180] 20 *ACTA* 16774-83. In his correspondence with the three dicasteries, Viganò did not mention that McCarrick's continued travel and public appearances had been long-standing and had received the approval of Nuncio Sambi, as was clear from the records of the Apostolic Nunciature in Washington. Viganò also did not tell Cardinal Ouellet or any of the other Superiors in the Roman Curia that McCarrick himself had offered "to go

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On 8 September 2012, Nuncio Viganò wrote a second letter to Cardinal Ouellet.[1181] Viganò attached an invitation that appeared in the September 2012 issue of the Archdiocese of Washington's Clergy Newsletter entitled: "Ever consider the priesthood? Join us for a Men's Discernment Dinner with Cardinal McCarrick." Viganò explained that upon seeing the announcement he "immediately contacted Cardinal Donald Wuerl Archbishop of Washington, who assured me he was not aware of the initiative, organized by the Director of Priestly Vocations of the Archdiocese of Washington, for Sunday, September 23, 2012, and that he would invite the Cardinal McCarrick to postpone. Cardinal Wuerl then immediately called me back to thank me and confirm that this meeting would not take place and that he will talk about it with his predecessor." Viganò stated that the "situation, in any case, confirms how much Cardinal McCarrick no longer takes into consideration the provisions given to him in the past by this Congregation" and stated that, in his opinion, it would be "opportune" that "new directives be eventually communicated to this Apostolic Nunciature, in light of the aforesaid facts."[1182]

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into a more retirement mode" in his June 2012 letter to Viganò, or that Viganò did not take the opportunity to encourage McCarrick to do so.

[1181] 20 *ACTA* 16789-90.*

[1182] In an interview, Cardinal Wuerl recalled that Nuncio Viganò had made a "very quick" call to him about the Men's Discernment Dinner in late 2012. According to Cardinal Wuerl, Viganò stated, "'Why is the Archdiocese holding events with McCarrick when he is supposed to be keeping a lower profile?'" Wuerl stated that he responded, "'Well, if you want me to tell him to keep a lower profile, I will.'" Wuerl recalled that this was the only occasion that Viganò spoke to him about McCarrick. Wuerl also stated that Viganò never told him about the recent civil complaint filed by Priest 3, or about any other allegations of sexual impropriety by McCarrick. According to Cardinal Wuerl, Viganò "never informed me of anything like that, or gave me any cause to believe that this call related to allegations of sexual misconduct." 16 *ACTA* 13855-57, 13879.

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On 12 September 2012, Cardinal Ouellet responded to Nuncio Viganò's 13 August letter.[1183] Cardinal Ouellet provided specific instructions to Viganò as to how to proceed:

> I thank you for the documentation courteously transmitted, which I have read with not a little concern.
>
> This Dicastery considers it important, as a first step, that Your Excellency confidentially verify the personality and the reliability of [Priest 3] by inquiring of the Vicar General or Vicar for the Clergy of Metuchen, though without mentioning the accusations against Cardinal McCarrick and Bishop Bootkoski. Your Excellency should then reply to [Priest 3], requesting that he clarify his accusations against the aforementioned ecclesiastics in order to determine their truth or lack thereof.
>
> However, even in the event that [Priest 3's] accusations against Cardinal McCarrick were to turn out to be unfounded, if the facts were made public, they could harm the Cardinal and the Church. Therefore, I ask that Your Excellency have a conversation with the Cardinal, presenting to him this new accusation against him, reiterating to Cardinal McCarrick, for his own good and for the good of the Church, the previous indications of this Dicastery: to lead a more reserved life of prayer (cf. Letter of this Dicastery bearing the same protocol number, dated June 14, 2008) and not to accept public commitments, whether in the United States or abroad, without the prior and explicit permission of the Holy See (cf. Letter from this Dicastery bearing the same protocol number, dated September 8, 2008).

[1183] 19 *ACTA* 16425-26.* Substitute Becciu sent an acknowledgment of the First Section's receipt of Viganò's correspondence on 25 September 2012. 20 *ACTA* 16791.

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> With regard to Cardinal McCarrick's residence, I leave it to Your Excellency to evaluate whether or not the current one in Hyattsville is truly problematic.[1184]

The Vicar General and the Vicar for Clergy who were serving in the Diocese of Metuchen in the relevant period were separately interviewed for this Report. Each was certain that he had never been contacted by Viganò.[1185]

Despite Cardinal Ouellet's instruction that Nuncio Viganò "reply to [Priest 3], requesting that he clarify his accusations against the aforementioned ecclesiastics in order to determine their truth or lack thereof," Viganò never contacted Priest 3. In an interview, Priest 3 stated, "I never received a reply and I was waiting for one."[1186] Priest 3 explained:

> I was always waiting and thinking that [Viganò] was going to contact me. But he never contacted me. I had written the letter so I knew that I had provided him the information. But he never contacted me back. I felt that he should have responded to me because I explained that I had been mistreated.

[1184] Both Pope Emeritus Benedict XVI and Cardinal Ouellet confirmed that Ouellet did not discuss the matter with the Pope, whether before or after sending the letter to Archbishop Viganò. 16 *ACTA* 13453; 40 *ACTA* 33984. According to Ouellet, once he had sent the letter to Viganò in September 2012, he considered the matter "something that had been handled. It was no longer something that was pending. If it had been pending in Viganò's mind, I do not recall him ever having told me so, and my agenda notes do not have any entry on this issue." 16 *ACTA* 13456. Cardinal Ouellet stated, "As the letter says, I gave to Viganò some specific tasks to look at . . . to make some inquiries. But to me it was for him to do." *Id.*

[1185] 14 *ACTA* 13042, 13264. In an interview, Monsignor Edward Puleo, then the Vicar for Clergy in Metuchen, stated, "Viganò never contacted me. About anything." 33 *ACTA* 27043; *see also* 14 *ACTA* 13042 (Vicar General in Metuchen at the time stating, "The Nunciature never contacted me. I'm just a diocesan priest. If I had gotten calls from the Nunciature, I would surely remember that!").

[1186] 33 *ACTA* 27130.

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Priest 3 stated that he was "disappointed" by Viganò's failure to respond, and that he "felt that the Nuncio was not paying attention to something that to me was very important."[1187]

In addition, notwithstanding Priest 3's offer to provide Nuncio Viganò with "my evaluation from the Advent Program, my legal filings and any other documentation I have to support the information I have provided in this letter," Viganò did not request any documents in Priest 3's possession, including the legal filings from the New Jersey court case, nor did he obtain these filings from the court, the Diocese of Metuchen or the Archdiocese of Newark. As a result, the civil complaint – which detailed the three sexual incidents with McCarrick – was not received by the Nunciature or the Holy See until late 2018, when it was requested by Nunciature personnel from the Archdiocese of Newark. Viganò also did not request or receive the "certification" signed by Priest 3 under penalty of law in March 2012, which likewise described the three sexual encounters with McCarrick.[1188] Priest 3's certification is the first known signed statement by a victim accusing McCarrick of sexual misconduct, but because Viganò did not request any documentation offered to him by Priest 3, Holy See officials never saw the certification during this period and, indeed, not until well after McCarrick's dismissal from the clerical state.[1189]

Instead of contacting the Vicar General, the Vicar for Clergy or Priest 3, Nuncio Viganò telephoned Bishop Bootkoski, who informed Viganò that Priest 3 was neither credible nor reliable.[1190] There is no record indicating that Viganò reported Bishop Bootkoski's statement back to Cardinal Ouellet.

[1187] 33 *ACTA* 27131; *see also id.* at 27167.

[1188] *See* 33 *ACTA* 27108-13.

[1189] The certification was first obtained from Priest 3's counsel in 2020, during the course of an interview with Priest 3. The Advent Program evaluation, which corroborated the allegations made by Priest 3 in the lawsuit (33 *ACTA* 27179, 27181-85, 27188, 27190-91), was also only received from Priest 3's attorney in 2020.

[1190] 14 *ACTA* 13051.

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Although Viganò knew of McCarrick's continued activities with the USCCB and CRS – including McCarrick's extensive travel overseas – Viganò never informed either the USCCB or the CRS leadership of the indications reiterated by Cardinal Ouellet in September 2012.[1191] For instance, Archbishop Kurtz, who was Vice President of the USCCB from 2010 to 2013 and President from 2013 to 2016, stated that Viganò never spoke to him about Cardinal McCarrick, and that "there was nothing that came to my attention that prohibited [McCarrick] from traveling or suggested a prohibition and Archbishop Viganò certainly never mentioned anything of that sort to me at all."[1192]

There is also no record of Viganò having reiterated the indications to McCarrick or having investigated the issue of whether McCarrick's residence in Hyattsville was "problematic." Instead, McCarrick recollected that he and Viganò had only one significant conversation in which McCarrick himself broached the topic of whether his travel or other activity was inconsistent with the Holy See's desired approach.

McCarrick recalled in detail a meeting between himself and Nuncio Viganò that took place during the Fall General Assembly of the USCCB in Baltimore, Maryland, in mid-November 2012. McCarrick had not forgotten that Cardinal Wuerl had received a telephone call from Viganò a few months before in which Viganò had expressed concern about the "Men's Discernment Dinner" that the Archdiocese of Washington had scheduled and at which McCarrick was to speak. McCarrick canceled the dinner at Wuerl's request, but was displeased with how Viganò had intervened in the matter and particularly with the fact that he had used Wuerl as a conduit for his message.

[1191] 40 *ACTA* 33508, 33513-16, 33520.

[1192] 40 *ACTA* 33521. Another member of the USCCB leadership stated that he was "absolutely convinced, with no doubt whatsoever that if [any of us] had heard about a restriction we would have acted to either eliminate [McCarrick's] activity or we would have resigned." *Id.* at 33515.

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Accordingly, McCarrick approached Nuncio Viganò at the Baltimore meeting, telling him, "Excellency, there are a couple things I need to talk to you about."[1193] Following lunch, the two met upstairs in Viganò's hotel room, where they spoke for about a half-hour. McCarrick told Viganò that he "was surprised and disappointed that he did not speak directly with me if he had some problem with me or what I was doing" and instead went behind his back to tell Archbishop Wuerl that McCarrick was "doing too much." McCarrick recalled, "I was very direct with him. I told him 'You are spreading things that are not true.'" He complained to Viganò, "'I've had people say bad things about me over the years and they have never proved them, but it has hurt me. And I follow what the Holy Father says and I believe that what I have done with regard to the work of the Church is what the Holy Father wants me to do. I don't believe I have ever done anything that the Holy Father did not want me to do.'" McCarrick stated that he told Viganò that he had always kept Nuncio Sambi fully informed and that he had kept Viganò informed as well. According to McCarrick, he told Viganò, "'If you have a problem with me you should speak directly to me.'"

McCarrick recalled that Viganò's reaction was to "remain silent": "When I said this to him, Viganò said nothing." McCarrick stated that after this discussion Viganò "never said anything more to me. He never said I was doing anything wrong. He never did say anything to me about my 'conduct.'"[1194]

Following the meeting, McCarrick reported the exchange to Cardinal Wuerl, whereupon Wuerl stated that he had explained to Viganò his discomfort with being placed in the middle of such situations. McCarrick specifically recalled Wuerl reporting to him that he told Viganò: "I am not Cardinal McCarrick's Superior. I am his successor."[1195]

[1193] 14 *ACTA* 13197-98; 16 *ACTA* 13826-27.

[1194] 16 *ACTA* 13827.

[1195] 14 *ACTA* 13203. In an interview, Cardinal Wuerl stated that while he could not recall the exact words he used in speaking to McCarrick about the incident, the phrase "'I am his successor not his superior' correctly describes the situation." 16 *ACTA* 13857. Wuerl noted, "Certainly, I was never given any instruction to 'control' [Cardinal McCarrick].

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There is no evidence that Nuncio Viganò reported his meeting with McCarrick to Cardinal Ouellet, Cardinal Bertone or Pope Benedict XVI, and Viganò did not memorialize the meeting in the Nunciature files. Nuncio Viganò also never reported his exchange with Cardinal Wuerl to any Holy See official.

C. McCarrick's Activity During the Transition from Pope Benedict XVI to Pope Francis (February to March 2013)

On 10 February 2013, Pope Benedict XVI issued a *Declaratio* announcing that he would resign his office effective 28 February. With the other cardinals present in Rome, McCarrick saw Benedict XVI at his 13 February General Audience and at his final General Audience on 28 February 2013.

On 14 February 2013, McCarrick sat for an interview at the North American College in Rome with a journalist for the *National Catholic Reporter*, who introduced McCarrick to readers in the following way:

> Despite his age, McCarrick, the former archbishop of Washington, keeps up a hectic travel schedule and has a wide network of friends among senior churchmen on every continent, giving him a firsthand sense of the thinking in various corners of the world. Although he won't vote in this conclave, he took part in the election of Benedict XVI in 2005, giving him a unique perspective on the differences this time around. He'll also participate in the daily General Congregation meetings of cardinals before the conclave begins.[1196]

And I can tell you that if I had ever received an instruction from the Holy See on that issue, or if I had been empowered to take some kind of action, I would have. But that never occurred." *Id.*

[1196] J. Allen, "McCarrick: We're Ready for a Third World Pope," *National Catholic Reporter* (14 Feb. 2013), 26 *ACTA* 19048-51.

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During the interview, McCarrick answered a question about whether a living former pope "might risk dividing the Church" and was invited to draw on his own experience as emeritus in Washington:

> In my case, I did what one should do, which is I disappeared for a couple of years until everybody knew who their archbishop was. Now I can take a Mass from time to time, but I was out of sight for the first two years. I'm sure this man will do even more than that, because he'll get older and weaker.

Asked whether the Church was ready for a "non-Western pope," McCarrick stated that "The Church is already outside the First World [and] I think it would be great for the focus to be on areas like Latin America. If we could have a Latin American [pope], that would be great too." According to McCarrick, it had already appeared "certainly plausible that we could have a non-European" pope during the 2005 pre-conclave Congregation meetings.

In 2013, prior to the Congregations and the Conclave, significant media attention was focused on whether certain cardinals should be excluded from the proceedings due to allegations of involvement in sexual relationships with adults or for having not properly handled matters relating to sexual abuse of minors. Most significantly, Keith Cardinal O'Brien, who was publicly accused of past incidents of sexual misconduct with adults that had been recently reported to the Apostolic Nuncio in the United Kingdom, resigned as Archbishop of Saint Andrews and Edinburgh and did not attend the meetings in Rome.[1197]

The past allegations regarding Cardinal McCarrick received no such publicity. McCarrick participated in the General Congregations in early

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[1197] J. Burns, "Following Resignation, Top British Cardinal Acknowledges Sexual Misconduct," *The New York Times* (3 Mar. 2013), 26 *ACTA* 19052-53. In light of accusations that Cardinal Mahony, Archbishop Emeritus of Los Angeles, had not handled abuse cases properly, considerable public pressure was also placed on him not to attend. *See*, *e.g.*, Editorial Board, "The Sins of Cardinal Mahony," *The Washington Post* (13 Feb. 2013), 26 *ACTA* 19440-41.

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March 2013.[1198] He remained in Rome during the Conclave but was ineligible to vote because he was over 80 years old.[1199]

[1198] During the General Congregations, voting and non-voting cardinals come together to pray and express their thoughts regarding the needs of the Church and the qualities that might be important for the next pope to possess. McCarrick was visible during the General Congregations in 2013, meeting daily with the other cardinals. Neither cardinals nor journalists raised issues about his presence. In an interview, Pope Francis vaguely recalled McCarrick's presence during the Congregations, but did not recollect having any discussions with him.

[1199] Apostolic Constitution *Universi Dominici Gregis* on the Vacancy of the Apostolic See and the Election of The Roman Pontiff (22 Feb. 1996) 88 *AAS* 305-43.

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XXV. KNOWLEDGE OF PRIOR ALLEGATIONS AND MCCARRICK'S ACTIVITY DURING THE PAPACY OF FRANCIS (SPRING 2013 TO SPRING 2017)

This section examines how the Holy See addressed issues relating to Cardinal McCarrick and his activity during the first four years of the Francis pontificate.

A. Knowledge of Prior Allegations and Indications During the Early Papacy of Francis (Spring to Fall 2013)

On 13 March 2013, Jorge Mario Bergoglio, member of the Society of Jesus and Cardinal Archbishop of Buenos Aires, was elected Pope and took the name Francis.

By the time of his election, Pope Francis had already known Cardinal McCarrick for a number of years.[1200] As noted above in Section XVIII, McCarrick traveled to Argentina in December 2004 to visit IVE members. Before the trip, McCarrick wrote Cardinal Bergoglio to ask if he could stop by to pay his respects while passing through Buenos Aires, and McCarrick did so on 17 December 2004.[1201] McCarrick stopped in again to see Bergoglio in August 2011, when McCarrick returned to Argentina to ordain IVE priests.[1202]

From their interactions prior to Bergoglio becoming pope, Francis knew that McCarrick was an indefatigable traveler, engaging in Church work throughout the world, and he also knew that this activity had continued

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[1200] Pope Francis recalled in an interview that he had first heard of Archbishop McCarrick from McCarrick's involvement in South American Church affairs during the 1990s, when he was invited to attend a large dinner of ecclesiastics organized by McCarrick. Bergoglio, who tended to shy away from gatherings of this nature, declined the invitation and did not meet him until sometime later. Pope Francis Interview, 14 *ACTA* 13126; *see also* McCarrick Interview, 14 *ACTA* 13192.

[1201] 24 *ACTA* 18022-24.

[1202] 24 *ACTA* 18142-44; *see also* Section XXIII.

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following McCarrick's resignation as Archbishop of Washington and throughout the papacy of Benedict XVI.

For instance, in a letter to Cardinal Bergoglio in July 2011, McCarrick informed Bergoglio that he would be ordaining some IVE seminarians in Brazil during his upcoming visit to South America.[1203] McCarrick added that he would be in Buenos Aires for just one day, since he had "meetings in Europe" and would be flying to London from Argentina. McCarrick also mentioned that he had been at the 2010 consistory in Rome, which Cardinal Bergoglio did not attend. On 4 June 2012, McCarrick let Bergoglio know about another upcoming trip to Latin America, including Argentina and Paraguay.[1204]

At the time he was elected in March 2013, Pope Francis had never heard rumors related to McCarrick's past conduct and did not know that McCarrick had previously received indications to change residence, minimize travel or reduce his public profile.[1205] In their conversations after the election of Pope Francis, the Pope Emeritus and the new Pope never discussed McCarrick.[1206]

In early May 2013, Cardinal McCarrick ordained an IVE seminarian in Santa Clara, California, without the candidate having received the proper admission to orders and dimissorial letters required by the Code of Canon Law.[1207] To correct the oversight, on 10 May 2013, Cardinal Wuerl wrote to

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[1203] 24 *ACTA* 18142.

[1204] 24 *ACTA* 18150.

[1205] 14 *ACTA* 13124, 13128.

[1206] 40 *ACTA* 33984.

[1207] The matter was unrelated to Cardinal Re's letter from June 2008 or to any questions arising from Cardinal McCarrick's personal conduct. As stated in Sections XXIII and XXIV.B, McCarrick, who was never subjected to any limitation on public ministry until 2018, had been ordaining priests throughout this period. The problem here arose because McCarrick, through an inadvertent error, had ordained an IVE priest on 4 May 2013 in the Diocese of San Jose, California, without the requisite dimissorial letters from Archbishop Wuerl of Washington. *See* Code of Canon Law, c. 1015 § 1 ("Each candidate is to be ordained to the priesthood or to the diaconate by his proper Bishop, or with lawful dimissorial letters granted by that Bishop."). The error occurred because the ordination

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Nuncio Viganò, requesting "that the prohibition to conferring the order of priesthood by a bishop who ordains without legitimate dimissorial letters someone who is not his subject (Canon 1383), be lifted in regard to Cardinal McCarrick." There was some urgency to the request because McCarrick was "scheduled to ordain other members of the Institute of the Incarnate Word to the priesthood on May 31, 2013 . . . in the Archdiocese of Washington."[1208]

Nuncio Viganò promptly transmitted Cardinal Wuerl's request on behalf of McCarrick to Rome and, on 14 May 2013, Viganò responded to Wuerl, stating that the petition to remit the prohibition had been granted.[1209] None of the correspondence referred to any general restriction on McCarrick's ministry, nor raised any question as to whether it would be appropriate for McCarrick to perform the ordinations.

Cardinal Wuerl forwarded Nuncio Viganò's letter to McCarrick on 15 May 2013, informing him that he was "free to ordain to the diaconate and priesthood" the nine additional candidates from the IVE. On 20 May 2013, McCarrick wrote a letter to Viganò, expressing his gratitude "in so promptly transferring the letter of His Eminence, Cardinal Wuerl, to the Holy See asking for the remittance of the prohibition which I had inadvertently incurred through the ordination in California."[1210] McCarrick added that "there was another ordination for that Congregation coming up [at] the end

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had been rescheduled to an earlier date in California as a result of an emergency in the candidate's family, and Archbishop Wuerl had not been made aware of the scheduling change prior to the new ordination date. 20 *ACTA* 16792. By operation of canon law, the mistake resulted in an automatic prohibition on McCarrick conferring orders for one year, as well as a suspension for the priest. *See* Code of Canon Law, c. 1383 ("A Bishop who, contrary to the provision of Can. 1015, ordained someone else's subject without the lawful dimissorial letters, is prohibited from conferring orders for one year. The person who received the order is ipso facto suspended from the order received."). Under the Code of Canon Law, the prohibition could only be lifted by the Pope.

[1208] The ordination of IVE members was scheduled for 31 May 2013 in the Crypt Church of the National Shrine of the Basilica of the Immaculate Conception in the Archdiocese of Washington. 9 *ACTA* 11604.

[1209] 24 *ACTA* 18158.

[1210] 20 *ACTA* 16799.

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of the month and I would not have been able to celebrate it unless my suspension had been remitted." On 23 May 2013, McCarrick wrote to Pope Francis to thank him for having lifted the canonical impediment:

> Through the great kindness of Cardinal Donald Wuerl and the good offices of His Excellency, Archbishop Viganò, our Apostolic Nuncio, I received the very happy news that Your Holiness has relieved me of the canonical restriction on Ordinations which I had inadvertently received when I celebrated the Ordination of a priest without realizing that the dimissorial letters had not been properly given and received.
>
> Needless to say, dear Holy Father, I am most grateful for your kindness in this matter, especially since it allows me to continue plans for another Ordination of priests at the end of the month.[1211]

On 20 May 2013, Bishop Bootkoski wrote to Nuncio Viganò regarding the allegations made by Priest 3 against him and Cardinal McCarrick.[1212] Bootkoski explained that the Diocese of Metuchen, Bishop Bootkoski and Priest 3 had entered into a confidential settlement agreement earlier in the month, without any admission of liability by the parties. Bootkoski's letter to Viganò stated the following:

> We have spoken in the past about [Priest 3], who was found to be distributing written flyers containing false and scandalous charges against me, Cardinal Theodore McCarrick, and another priest of this diocese.
>
> In order to keep Your Excellency updated on this matter, I have enclosed a letter I recently sent to [Priest 3] and his canonical consultant. I also wish to point out that [Priest 3]'s civil action

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[1211] 18 *ACTA* 15845.

[1212] 20 *ACTA* 16798.

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against me and the Diocese, also groundless, was recently dismissed with prejudice by the civil court.[1213]

Bishop Bootkoski's enclosed letter to Priest 3, dated 17 May 2013 and copied to Priest 3's canonical advocate, stated in part:

> Now that the legal matters between us have been settled, I am compelled by my responsibility to exercise concern for all the Christian faithful committed to my care (CIC, c. 383 §1) to address – for your own wellbeing and for the wellbeing of the People of God – certain actions you have taken over the past year that have violated the rights of others and brought grave harm to this local church. As such, I write to you in a spirit of pastoral solicitude and fraternal correction (c. 1341).
>
> You have admitted placing on automobile windshields and in mailboxes printed flyers containing the following false accusations:
>
> - that [redacted] and I have engaged in a "homosexual relationship;"
> - that [redacted] was dismissed from the Archdiocese of Newark for "sexual improprieties;" and
> - that I protected a sexual "predator," namely, Cardinal Theodore McCarrick. . . .
>
> This calumny violated the rights of not only myself, but the rights of Cardinal McCarrick and [redacted] as to our good reputations. The right to a good reputation is guaranteed by the Church's law to all the Christian faithful (c. 220).[1214]

[1213] 20 *ACTA* 16802.

[1214] 20 *ACTA* 16803.

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Bishop Bootkoski went on to specify the remedial measures that Priest 3 was required to undertake, including regular administrative supervision, peer group supervision, therapy, and regular spiritual direction.[1215]

On 13 June 2013, Nuncio Viganò wrote to Cardinal Ouellet, forwarding Bishop Bootkoski's correspondence from the previous month. Viganò's cover letter to Ouellet stated:

> In follow up to my letter of August 13, 2012 and Your Eminence's letter of September 25, 2012 (sic)[[1216]] (N. [redacted]), I write to transmit for your information a copy of a May 20, 2013 letter (*Enclosure I*) by which His Excellency, the Most Reverend Paul G. Bootkoski, Bishop of Metuchen, provided this Apostolic Nunciature with a copy of his May 17, 2013 letter of warming (sic) (*Enclosure II*) addressed to [Priest 3]. Bishop Bootkoski begins by stating, "Now that the legal matters between us have been settled . . . ."
>
> In his brief cover letter, moreover, Bishop Bootkoski explains: "I also wish to point out that [Priest 3]'s civil action against me and the Diocese, also groundless, was recently dismissed with prejudice by the civil court." The term "with prejudice" refers to a final and binding decision by a judge about a legal matter that prevents further pursuit of the same matter in any court.[1217]

This letter, which was not copied either to the Secretariat of State or to the Congregation for the Doctrine of the Faith, constituted Viganò's sole response to Ouellet's letter of 12 September 2012. From September 2012 through the end of 2013, Viganò provided no other correspondence or

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[1215] 20 *ACTA* 16804.

[1216] Viganò presumably intended to refer to Cardinal Ouellet's letter from 12 September 2012, as there is no record of a letter written by Cardinal Ouellet on 25 September 2012. As noted above in Section XXIV.B, Substitute Becciu had written to Viganò on 25 September 2012, which may have led to what appears to be the Nuncio's error. 20 *ACTA* 16791.

[1217] 20 *ACTA* 16801 (ellipsis in original).

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documentation to the Pope or any dicastery of the Roman Curia regarding Priest 3, the prior allegations against McCarrick, the indications communicated by Cardinal Re, McCarrick's view of the indications, McCarrick's residence or any other related matter. During the early papacy of Francis, Viganò did not follow the instructions set forth in Ouellet's 12 September 2012 letter requiring that he gather information from the Vicar General or the Vicar for Clergy of Metuchen about Priest 3; respond to Priest 3's letter; or speak to McCarrick to reaffirm the indications.[1218] Viganò also did not accept Priest 3's offer to send him legal filings from his case against the dioceses, which included Priest 3's sworn statement regarding the sexual incident at the beach house and the two sexual incidents at the Waldorf Astoria Hotel. Because Viganò did not obtain the materials offered by Priest 3, he never placed himself in a position either to evaluate them or to provide them to Cardinal Ouellet or Pope Francis.

Based upon the incomplete information received from Viganò, Cardinal Ouellet, as the head of the dicastery with primary competence over the discipline of bishops, did not deem it necessary to raise with Pope Francis issues related to McCarrick or to provide the Pope with any memorandum or other writing regarding McCarrick.[1219] Cardinal Ouellet considered the 2008 Re letter as "a strong recommendation" issued to McCarrick out of caution in light of old and unproven allegations.[1220] From correspondence received from Viganò in 2012 and 2013, Cardinal Ouellet was aware that McCarrick was not following the prudential indications issued by Ouellet's predecessor,

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[1218] 19 *ACTA* 16425-26; 14 *ACTA* 13042; 33 *ACTA* 27043, 27130.

[1219] 16 *ACTA* 13453. In his October 2018 open letter, Cardinal Ouellet stated, "Since I became Prefect of this Congregation on 30 June 2010, I never brought up the McCarrick case in an audience with Pope Benedict XVI or Pope Francis until these last days, after his removal from the College of Cardinals." Open Letter by Card. Marc Ouellet on Recent Accusations Against the Holy See (7 October 2018), 17 *ACTA* 14814. Pope Francis confirmed in an interview that Cardinal Ouellet never discussed McCarrick with him prior to 2018. 14 *ACTA* 13132. Cardinal Re, the former Prefect of the Congregation for Bishops, also never discussed McCarrick with either Pope Francis or Cardinal Parolin. 16 *ACTA* 13526.

[1220] Cardinal Ouellet Interview, 16 *ACTA* 13448-49, 13453, 13461-62.

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but also believed that there had been no credible report of new or recent misconduct, nor any sign of public scandal, which had been the primary rationale for the indications in the first place.[1221] In Ouellet's estimation, the residence and activities of the long-retired Cardinal did not rise to a level requiring Pope Francis' involvement, just as it had not risen to the level of Pope Benedict XVI's involvement during Ouellet's prior exchange with Viganò in 2012. Given that the indications previously transmitted to McCarrick were not juridically binding, Cardinal Ouellet left the matter in the hands of Nuncio Viganò, much as Cardinal Re had done with Nuncio Sambi after early 2009.[1222]

Cardinal Bertone, who was reappointed as Secretary of State for the six months leading up to Archbishop Parolin assuming the post on 15 October 2013, did not discuss McCarrick either with Pope Francis or with the incoming Secretary of State.[1223]

Archbishop Giovanni Angelo Becciu, who was serving as Substitute in the Secretariat of State since his appointment by Benedict XVI in mid-2011, recalled in an interview that he mentioned to Pope Francis the existence of old allegations related to McCarrick in 2013 and then again at some point between 2014 and 2016. Archbishop Becciu, who had been an official in the Nunciature to the United States in 2000, stated that he told Pope Francis that Nuncio Montalvo had appeared shocked when he learned of the nomination to Washington because Montalvo had excluded McCarrick from the *terna* after receiving letters reporting allegations made by others of McCarrick's

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[1221] As noted above, because Viganò did not obey Ouellet's instruction to follow up directly with Priest 3, Ouellet never received information that there was now a credible new allegation related to sexual incidents involving McCarrick in 1991, namely Priest 3's statement under penalty of law from March 2012.

[1222] Cardinal Ouellet Interview, 16 *ACTA* 13454, 13462. In an interview, Cardinal Ouellet underscored the vast difference between possible past misconduct involving an adult and the alleged abuse of a minor: "Of course, anything involving a minor would be very grave. But we did not have anything like that that I remember at all. If I thought that he had a past that could relate to a minor, of course I would say it [to the Pope]. It would make the level of importance completely different." *Id.* at 13462.

[1223] 16 *ACTA* 13351.

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prior immoral conduct with a seminarian.[1224] Becciu also mentioned to the Holy Father that it was his understanding that McCarrick had later been prohibited from traveling, and that this was in relation to the same allegations that had surfaced prior to the appointment to Washington.[1225]

Pope Francis remembered a brief exchange with Substitute Becciu regarding McCarrick. He recalled Archbishop Becciu asking rhetorically, "But what is McCarrick doing here? He should not be coming around." Pope Francis stated that Becciu did not elaborate on what the prior indications related to, other than to say that it "was something from the distant past" that had been "gossiped about" and that Becciu had heard about while he was in the Nunciature in the United States.[1226] Pope Francis recalled having supposed that any allegations against McCarrick already in existence in 2000 must have been deemed without foundation because "John Paul II was a man so

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[1224] 40 *ACTA* 33985. Becciu had not worked on the *provvista* for Washington but had arrived at the Nunciature prior to the opening of the cipher announcing McCarrick's appointment. In an interview, Cardinal Becciu stated that while Archbishop Montalvo had clearly disagreed with the decision to appoint McCarrick to Washington, Montalvo "did not have details, at least as he communicated to me, as to why the decision was taken against his recommendation. But I can say that he was frustrated by that decision and he communicated his frustration to me." *Id.*

[1225] 40 *ACTA* 33985. Cardinal Becciu added in an interview that he never saw Cardinal Re's 14 June 2008 letter to McCarrick but that he "came to know about it because it was cited in some correspondence that crossed my desk." *Id.* As discussed above in Section XXIV.B, Viganò's letter to Ouellet in August 2012, which was copied to Becciu, stated that McCarrick had received prior "*consiglio*" from the Congregation for Bishops that he should maintain a lower profile for the good of the Church given his "past imprudent actions." 20 *ACTA* 16774, 16777. Cardinal Becciu stated that he "never saw the file in either the Secretariat of State or in the Nunciature" regarding McCarrick, and that he did not know that McCarrick had been traveling extensively since 2008. 40 *ACTA* 33985.

[1226] Pope Francis has long emphasized the peril of relying on rumors and gossip. *See*, *e.g.*, Pope Francis, *Morning Meditation in the Chapel of the Domus Sanctae Marthae: The Threat of Gossip* (2 Sept. 2013) ("We are used to gossip, to spreading rumours, and we often transform our communities as well as our family into 'hell' where this kind of crime that leads to killing one's brother and sister with one's tongue is manifest."), 27 *ACTA* 20318-20; Pope Francis, *Presentation of the Christmas Greetings to the Roman Curia* (21 Dec. 2013) ("For gossip is harmful to people, harmful to our work and our surroundings."), 27 *ACTA* 20315-17.

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morally strict, of such moral rectitude, that he would never have permitted a rotten candidacy to move forward."[1227]

Substitute Becciu understood that the matter fell within the competence of the Congregation for Bishops, just as it had prior to 2013. Becciu did not discuss the issue with Pope Francis again until 2018, when the Holy See received notice from the Archdiocese of New York that McCarrick was accused of sexually abusing a minor.[1228]

For Pope Francis, the month of June 2013 was a time of intense work, focused on the appointment of a new Secretary of State, the formulation of plans for reform of the Roman Curia, regular meetings with the heads of dicasteries, and urgent decisions to be made regarding the IOR.[1229]

On 20 June 2013, Pope Francis received McCarrick briefly at the *Domus Santa Marta*.[1230] McCarrick had requested "five minutes with the Holy Father" through the Pope's particular secretary on 20 May 2013, and Pope Francis agreed to receive him.[1231]

[1227] 14 *ACTA* 13125, 13128. Pope Francis also knew at the time that McCarrick had continued to travel freely during the 2010 to 2011 period, including for the 2010 consistory in Rome. 24 *ACTA* 18139.

[1228] In 2018, after the Archdiocese of New York determined that there was a credible report that McCarrick had abused a minor in the early 1970s (*see* Section XXVI), Archbishop Becciu advised Pope Francis to act quickly and request McCarrick to resign from the College of Cardinals. The Holy Father asked for McCarrick's resignation shortly thereafter.

[1229] The IOR required Pope Francis' immediate and sustained attention during June 2013. The following events related to the IOR occurred during this period: the Pope issued his *Chirograph Establishing a Pontifical Commission for Reference on the Institute for Religious Works (IOR)* (24 June 2013) (27 *ACTA* 20300-01); Pope Francis appointed the five members of the new Pontifical Commission (26 June 2013) (27 *ACTA* 20302); and the IOR's General Director and Deputy Director resigned (1 July 2013) (27 *ACTA* 20294).

[1230] *Domus Santa Marta*, or simply *Santa Marta*, is a residential building on Vatican territory that houses priests who work in the Curia, as well as guests who come to the Vatican for meetings. Pope Francis has chosen to live at *Santa Marta* since his election.

[1231] 18 *ACTA* 15844.

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Following the Holy Father's address to papal representatives gathered in the *Sala Clementina* at the Apostolic Palace on 21 June 2013, Pope Francis individually greeted the over one hundred Nuncios present, including Archbishop Viganò. The existing video evidence contradicts Viganò's claim that the Pope "assailed [him] with a tone of reproach" and "upbraid[ed]" him in an "aggressive way."[1232] While Viganò also recalled that the Pope had emphasized that bishops should be "shepherds" and not overly ideological, Viganò's statement suggests that he interpreted the Pope's message as a criticism directed personally at him.[1233] In reality, in both public and private meetings on that day, Pope Francis repeatedly stressed how important it was that bishops serve as pastors of their flocks, as he had on many other occasions.[1234]

Pope Francis first received Nuncio Viganò at *Santa Marta* on 23 June 2013, and then a second time on 10 October 2013.[1235] In his 22 August 2018 statement, Viganò claimed that Pope Francis asked him about McCarrick

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[1232] Catholic News Service, "Pope Meets Archbishop Viganò" (29 Aug. 2018), available at https://www.youtube.com/watch?v=bywCzrlxsK0; *see also* Viganò Statement at 6-7, 17 *ACTA* 15105-06. In the video, Viganò is seated in the first row, second to right, and greets Pope Francis at minute 1:11.

[1233] *See* Viganò Statement at 6, 17 *ACTA* 15105-06 (stating that Pope Francis told Nuncio Viganò, "'***The Bishops in the United States must not be ideologized! They must be shepherds!***'").

[1234] *See Address of Pope Francis to Participants in the Papal Representatives' Days* (21 June 2013), 27 *ACTA* 20288 ("However, we are Pastors! And we must never forget it! . . . . In the delicate task of carrying out the investigation required prior to making episcopal appointments, be careful that the candidates are pastors close to the people: this is the first criterion. Pastors close to the people. . . . Pastors! We need them!"); Cardinal Re Interview, 16 *ACTA* 13530 ("When the Pope says 'I want bishops who are pastors,' this is something he says repeatedly. He said this to many nuncios.").

[1235] The Pope also met privately with numerous other Nuncios during the days before and after his 21 June 2013 address, since the occasion marked his first opportunity to meet the papal representatives serving in countries around the world. As Pope Francis recalled in an interview, "the Nuncios were asking for appointments one after the other" during this time. 14 *ACTA* 13128. In his address to the nuncios, the Holy Father emphasized the importance of the "personal relationship" between the Pope and the Nuncios, stating that "we must create it on both sides." 27 *ACTA* 20286.

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during the June 2013 meeting, and that Viganò responded, "*Holy Father, I don't know if you know Cardinal McCarrick, but if you ask the Congregation for Bishops there is a dossier this thick about him. He corrupted generations of seminarians and priests and Pope Benedict ordered him to withdraw to a life of prayer and penance.*"[1236] According to Viganò, he informed Pope Francis at their 23 June 2013 meeting that McCarrick had committed "crimes" and that he was a "serial predator."[1237] Viganò claimed that during the October 2013 meeting he told Pope Francis about Archbishop Wuerl and "the invitation by the Archdiocese of Washington to young aspirants to the priesthood to a meeting with McCarrick!"[1238]

Pope Francis was questioned closely regarding the 23 June and 10 October 2013 meetings. Whether due to the extraordinary level of activity during the Summer and Fall of 2013, or due to how the information was communicated, Pope Francis did not recollect what Viganò said about McCarrick during these two meetings.[1239] However, because McCarrick was a cardinal known personally to him, Pope Francis was certain that he would have remembered had Viganò spoken about McCarrick with any "force or clarity."[1240] Pope

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[1236] Viganò Statement at 7, 17 *ACTA* 15106.

[1237] Viganò Statement at 9, 17 *ACTA* 15108 ("[Pope Francis] must honestly state when he first learned about the crimes committed by McCarrick, who abused his authority with seminarians and priests. In any case, the Pope learned about it from me on June 23, 2013 and continued to cover for him.") (emphasis removed); *see also* Viganò Statement at 10, 17 *ACTA* 15109.

[1238] Viganò Statement at 8, 17 *ACTA* 15107.

[1239] Pope Francis recalled having received Viganò on 23 June 2003 but stated that what he remembered from that evening was that "I needed to ask Parolin to be Secretary of State. That was my focus that day and my memory of that day." 14 *ACTA* 13128.

[1240] In contrast, Pope Francis clearly recalled that Monsignor Anthony Figueiredo, a priest he knew from prior to his election, had contacted him in early 2019 to say that a prominent prelate had made what Figueiredo considered a sexual advance – an advance that, Figueiredo told the Pope, he had decisively rebuffed. The Pope thereafter telephoned Monsignor Figueiredo, leaving him a message, and then called again about a week later, to express what Figueiredo remembered as the Pope's "personal sorrow and moral condemnation" for what Figueiredo had described to him in a letter. In an interview, Figueiredo stated, "While he left it to me as a matter of conscience and personal choice as to whether I wished to pursue the question – this was prior to the passage of the motu

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Francis was also certain that Viganò never told him that McCarrick had committed "crimes" against any person, whether adult or minor, or described McCarrick as a "serial predator," or stated that McCarrick had "corrupted generations of seminarians and priests." Prior to the allegation made to the Archdiocese of New York in 2017, the Pope was never informed by anyone that McCarrick had sexually abused or assaulted any person, irrespective of age.[1241]

Examination of Holy See files revealed no record that Nuncio Viganò ever communicated with Pope Francis about McCarrick in writing, whether before, between or after the June and October 2013 meetings. There is also no other summary or memorandum of the one-on-one meetings between Pope Francis and Viganò. Viganò never reported any interactions with the Pope regarding McCarrick to the Secretariat of State, or to the Congregation

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proprio *Vos estis lux mundi* – I felt consoled and supported by the Holy Father, who never discouraged me from pursuing the matter. The way he spoke to me of this problem made me understand his desire to fight sexual abuse and abuse of authority in our Church." 33 *ACTA* 27089.

[1241] 14 *ACTA* 13127, 13133-34, 13136. Viganò's prior statements and conduct cast further doubt on his claims about what he told the Pope during their 23 June 2013 meeting. In both his 2006 and 2008 memoranda, Viganò admitted that the allegations against McCarrick had never been proven. *See* 19 *ACTA* 16224 (in Viganò's 2006 memorandum, "*Si vera et probata sunt exposita* [if what is asserted is true and proven]"); 19 *ACTA* 16272 (in Viganò's 2008 memorandum, "*Si vera et probata sunt exposita*"). Prior to 2017, the only additional allegations concerning McCarrick came from Priest 3 in mid-2012, relating to incidents in 1991. 20 *ACTA* 16779-81. On 13 June 2013, ten days before the 23 June meeting with the Holy Father, Viganò himself had written to Cardinal Ouellet, the Prefect of the Congregation for Bishops, telling him that Priest 3's civil complaint had recently been dismissed with prejudice, and highlighting that "[t]he term 'with prejudice' refers to a final and binding decision by a judge about a legal matter that prevents further pursuit of the same matter in any court." 20 *ACTA* 16801. At the same time, Viganò transmitted to Prefect Ouellet both Bishop Bootkoski's letter to the Nuncio, which described Priest 3's allegations against McCarrick as "false and scandalous," and Bishop Bootkoski's letter to Priest 3, which likewise stated that Priest 3's allegation that McCarrick was a "sexual predator" was "false" and "calumn[ious]." 20 *ACTA* 16802-03. Viganò's latest account would require that he reversed himself ten days later and told Pope Francis the opposite of what he had just communicated to Ouellet, without acquiring any new information in the interim. *Cf*. Viganò Statement at 9-10, 17 *ACTA* 15108-09.

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for Bishops, or to Cardinal Ouellet. He also left no trace of either the June 2013 or the October 2013 meeting with Pope Francis in the files of the Apostolic Nunciature.[1242]

Although there are no written accounts of the June and October 2013 meetings, several witnesses recalled that Viganò expressed satisfaction with the selection of Francis as Pope during this period, particularly since public reports indicated that Pope Francis intended to address the need for economic and administrative reform for the Vatican City State and the Roman Curia. In an interview, one priest who knew Viganò well stated that, following the June 2013 meeting with Pope Francis, Viganò told him that he and the Pope had discussed reforms, including making reference to a memorandum Viganò had previously prepared regarding such issues. According to this witness, Viganò felt that his meeting with Pope Francis had shown that the Pope seemed convinced about the importance of "the anti-corruption effort." The priest stated that "the way Archbishop Viganò spoke so enthusiastically of the Pope it sounded like he considered him an ally, so much so that it left me with the impression that he was going to be called back to Rome to help with the reforms."[1243]

[1242] In the Roman Curia, a short and informal exchange with a superior – especially with the Pope – is insufficient to properly present an issue for further instruction or decision. Viganò's decision not to follow up in writing after his meetings with Pope Francis in 2013, even though Viganò had full access to the McCarrick files held in the Nunciature, stood in contrast to his approach in December 2006 and May 2008, when he wrote memoranda about the allegations against McCarrick that were transmitted to his Superiors through the proper channels. It was also inconsistent with Viganò's practice in 2012, when he wrote two letters about McCarrick to Cardinal Ouellet, including his letter of 13 August 2012, which was copied both to Substitute Becciu and to Cardinal Müller, the Prefect of the Congregation for the Doctrine of the Faith.

[1243] 33 *ACTA* 27320. Another priest, who had worked with Viganò for years, likewise stated that he believed that Viganò had nurtured hopes of being recalled by Pope Francis to lead anti-corruption efforts in the Governatorate of the Vatican City State. The priest stated, "He wanted so much to be part of that. He believed deeply that he had real personal contributions to make. He believed that because of his experience he knew more and could help where others could not." 33 *ACTA* 27090.

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Cardinal Re similarly reported in an interview that "Viganò said to me that his [June] meeting with the Pope went extremely well." Referring to his belief that there were problems to root out in the Curia, Viganò told Re: "'I told him everything and the Pope listened to me with great attention….'"[1244] Cardinal Re also recounted that Nuncio Viganò met with him in the Vatican just prior to Viganò's October 2013 meeting with Pope Francis. Viganò gave Cardinal Re a copy of the 14 June 2008 letter from Re to McCarrick and told Re that he believed that the indications set forth in that letter were no longer being followed. Viganò stated that he intended to raise his concerns about McCarrick with Pope Francis. Cardinal Re, who had left the position of Prefect of the Congregation for Bishops in mid-2010, kept the copy of the letter Viganò provided to him, but he did not take further action because he was retired and the issue properly fell under the authority of his successor.[1245] While it is clear from Cardinal Re's account that Viganò had a copy of Re's letter with him when he came to Rome in October 2013, Viganò did not provide a copy of the letter to the Pope during their meeting. The Pope never saw the 14 June 2008 letter, or any files relating to McCarrick, until after August 2018.[1246]

[1244] 16 *ACTA* 13529; *see also id.* (Cardinal Re stating, "Viganò said to me: 'I saw the Pope, I am very happy, it was a beautiful thing. The Pope listened to me.'").

[1245] During the investigation in 2019, Cardinal Re informed the Secretary of State of this event and provided the copy of the 14 June 2008 letter that he had received from Viganò.

[1246] 14 *ACTA* 14133. In his 22 August 2018 statement, Viganò wrote that he told Pope Francis that "Pope Benedict ordered [McCarrick] to withdraw to a life of prayer and penance." 17 *ACTA* 15106. In an interview, Pope Francis stated that he did not recollect Viganò having mentioned anything about sanctions or restrictions on McCarrick, or any mandate that he retire to a life of prayer and penance. 14 *ACTA* 13132. In addition, as discussed above in Section XXII, Pope Benedict XVI had never "ordered [McCarrick] to withdraw to a life of prayer and penance" – something that would have been in stark contrast to Cardinal McCarrick's active ministry and international work during the period prior to 2013. And Viganò himself had forwarded a petition requesting that Pope Francis remove an unrelated temporary restriction on McCarrick's capacity to ordain priests and deacons in May 2013, only one month before the June 2013 meeting at *Santa Marta*. 20 *ACTA* 16792-94. At the time that Viganò facilitated McCarrick's upcoming ordination of numerous members of the IVE religious order in the Archdiocese of Washington, there is no record that Viganò voiced concerns or objections of any kind.

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There is no evidence that Nuncio Viganò requested a meeting with Congregation for Bishops Prefect Ouellet to discuss McCarrick in 2012 or 2013, including during his trips to Rome in June 2013 and October 2013, even though Cardinal Ouellet was head of the competent dicastery and had previously sent Viganò specific instructions related to McCarrick.[1247]

B. Holy See Decision-Making and McCarrick's Activity During the Papacy of Francis (Spring 2013 to Early 2017)

Consistent with his activities in the past, Cardinal McCarrick remained active during this period, sometimes with a renewed focus and energy, notwithstanding his declining health.[1248]

Cardinal McCarrick continued as a director and officer of the CRS Foundation Board during this period, although he only retained his membership on the CRS Board until 2014. In the USCCB, McCarrick became chairman of the Subcommittee on the Church in Africa in 2013, a position he kept through 2015, and remained on other USCCB committees as well.[1249]

[1247] 16 *ACTA* 13453.

[1248] 16 *ACTA* 13455. News media remarked upon McCarrick's rekindled enthusiasm at the time. For example, a 16 June 2014 *Washington Post* article described McCarrick as "one of a number of senior churchmen who were more or less put out to pasture during the eight-year pontificate of Pope Benedict XVI. But now Francis is pope, and prelates like Cardinal Walter Kasper (another old friend of McCarrick's) and McCarrick himself are back in the mix and busier than ever." D. Gibson, "Globe-Trotting Cardinal Theodore McCarrick is Almost 84, and Working Harder than Ever," *The Washington Post* (6 June 2014), 26 *ACTA* 19071-74. In the article, McCarrick was quoted as saying: "'Pope Benedict is a wonderful man and was a good friend of mine before he became pope . . . . But he was anxious to bring the church back to where he thought it should be, and I guess I wasn't one of those who he thought would help him on that. I would have obviously done what he asked." *Id.* at 19073.

[1249] McCarrick remained a member or consultant of the following USCCB committees between 2013 and 2017: Ecumenical and Interreligious Affairs; International Justice and Peace; Migration; National Collections; and Aid to the Catholic Church in Central and Eastern Europe (Subcommittee). McCarrick also continued to attend the USCCB's semi-

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Between late 2013 and early 2017, Cardinal McCarrick sat for interviews,[1250] authored opinion pieces for newspapers,[1251] made speeches[1252] and issued public statements regarding a range of issues.[1253] McCarrick continued to

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annual meetings, including the mid-November 2013 USCCB meeting in Baltimore, which was also attended by Viganò. 5 *ACTA* 6257-58.

[1250] While in Rome in February 2014, McCarrick was interviewed by the National Catholic Reporter at the Pontifical North American College. J. McElwee, "U.S. Cardinal Calls Francis' Vatican Changes Simple," *National Catholic Reporter* (4 Mar. 2014), 26 *ACTA* 19059-61. On 12 April 2014, McCarrick was interviewed by the Fars News Agency. K. Ziabari, "Cardinal Theodore McCarrick: Attacking Other People's Beliefs Is Not Freedom of Speech," *Fars News Agency* (12 Apr. 2014), 26 *ACTA* 19062-67. McCarrick sat for an interview with the Order of Malta, Federal Association (U.S.), on 7 March 2016. N. Shea, "Genocide of Christians in the Path of ISIL: An Interview with Cardinal Theodore McCarrick," *Order of Malta Moment* (21 July 2016), 26 *ACTA* 19097-19103.

[1251] McCarrick authored an Op-Ed in *The Washington Post* regarding undocumented workers on 1 September 2013. T. McCarrick, "Bring Undocumented Workers Out of the Shadows," *The Washington Post* (1 Sept. 2013), 26 *ACTA* 19054-56. On 16 July 2015, McCarrick authored another opinion piece in *The Washington Post*, this time in support of the Iran nuclear accord. T. McCarrick, "Why We Can Applaud the Iran Deal in Good Faith," *The Washington Post* (16 July 2015), 26 *ACTA* 19080-82.

[1252] On 3 December 2013, McCarrick spoke at the National Mall in Washington, D.C., where he praised protesters who were fasting to draw attention to the urgent need for immigration reform. On 8 February 2016, McCarrick spoke at an evening prayer service in Washington for victims of human trafficking. M. Pattison, "'I've Seen This Too Many Places,' Cardinal Says of Human Trafficking," *Catholic News Service* (11 Feb. 2016), 26 *ACTA* 19090-92.

[1253] *See*, *e.g.*, 39 *ACTA* 33104. McCarrick made a number of public statements in his capacity as head of the USCCB's Subcommittee on the Church in Africa. For example, in July 2013, McCarrick announced that the USCCB was setting aside substantial sums to promote inter-religious dialogue, education and peace building in Africa. *See* "Subcommittee on the Church in Africa Approves 39 Grants, Awards $1 Million," *USCCB* (12 July 2013), 27 *ACTA* 20170-71.

McCarrick's other public statements and activities tended to relate to promoting peace through improvement in relations between different faiths and cultures. For instance, on 10 September 2014, McCarrick participated in a news conference in Washington of clerics and community leaders to condemn Islamic terrorism. P. Constable, "U.S. Muslim Leaders Denounce Islamic State, Pledge to Dissuade Youth from Joining," *The Washington Post* (10 Sept. 2014), 26 *ACTA* 19077-79. On 22 December 2015, McCarrick

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receive awards,[1254] meet with political leaders in the United States[1255] and appear at public events.[1256] He also celebrated Mass publicly,[1257] presiding over weddings,[1258] funerals[1259] and the ordination of deacons and priests.[1260]

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denounced anti-Muslim rhetoric, as part of a group of Catholic, Jewish, Muslim and evangelical leaders in the United States.

In January 2016, McCarrick attended a conference of predominantly Islamic religious leaders and scholars in Morocco, which culminated in the signing of the Marrakesh Declaration. 24 *ACTA* 18245. The declaration contained a core commitment "AFFIRM[ING] that it is unconscionable to employ religion for the purpose of aggressing upon the rights of religious minorities in Muslim countries." Marrakesh Declaration (27 Jan. 2016), 27 *ACTA* 20224-25. As the sole cardinal present, McCarrick was asked to present a copy of the executed declaration to the Holy See.

In mid-May 2016, McCarrick participated in a press conference at the National Press Club in Washington, urging listeners to recall the importance of the Marrakesh Declaration regarding the status of religious minorities. M. Zimmerman, "McCarrick Says Muslim Manifesto on Minority Rights Needs 'Legs,' *Crux* (12 May 2016), 26 *ACTA* 19093-96. In August 2016, McCarrick was signatory to a joint declaration by U.S. and Iranian religious leaders. Joint Declaration of U.S. and Iranian Religious Leaders, *USCCB* (18 Aug. 2016), 27 *ACTA* 20226-27.

[1254] On 27 October 2016, McCarrick received Catholic Extension's Spirit of Francis Award at the Metropolitan Club of New York in Manhattan. *See* "Reach Out to the Poor, Says Cardinal Honored by Catholic Extension," *Catholic News Service* (2 Nov. 2016), 26 *ACTA* 19104-05.

[1255] In January 2014, McCarrick and USCCB staff, along with other Christian, Jewish and Muslim religious leaders, met with United States Secretary of State John Kerry. 39 *ACTA* 33104.

[1256] In October 2013, McCarrick attended the annual Red Mass at the Cathedral in Washington, D.C. 1 *ACTA* 1589. In mid-September 2015, McCarrick attended the Celebration of the Priesthood Dinner in Boston. 27 *ACTA* 20185.

[1257] 18 *ACTA* 15848-50.

[1258] 24 *ACTA* 18160-62; 18 *ACTA* 15864.

[1259] 27 *ACTA* 20174.

[1260] 18 *ACTA* 15861-62.

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McCarrick continued to participate in the consecration of bishops (canon 1014), including at Masses concelebrated with Nuncio Viganò.[1261]

Cardinal McCarrick remained on the board of the Papal Foundation during this period and, as he had since the inception of the Foundation, traveled to Rome at least once a year in that capacity.[1262] McCarrick also continued his custom of giving gifts to Holy See officials at Christmastime.[1263]

From 2013 to 2016, McCarrick resided on the second story of a modest house adjacent to the IVE seminary in Hyattsville, Maryland, as he had since 2011.[1264] In early 2017, after a series of health problems and at the request of Cardinal Wuerl,[1265] McCarrick moved to a retirement home maintained by the Little Sisters of the Poor, a congregation of religious sisters dedicated to caring for the elderly.[1266]

[1261] For example, on 4 August 2014, feast day of St. John Vianney, at a Mass attended by ecumenical and religious leaders, Cardinal Dolan consecrated three new auxiliary bishops for New York, where participant concelebrants included Archbishop Viganò and Cardinal McCarrick. C. Chicoine, "Cardinal Dolan ordains three auxiliary bishops," *Catholic News Service* (6 Aug. 2014), 26 *ACTA* 19075-76.

On 20 July 2015, at a Mass held in Brooklyn, New York, attended by "dozens of church dignitaries from the Roman Catholic and Eastern Rites," including "28 archbishops and bishops from across the U.S. and the world," two priests of the Archdiocese of Brooklyn were appointed Auxiliary Bishops. In addition to principal consecrator Bishop Di Marzio and co-consecrator Cardinal Dolan, Cardinal McCarrick and Archbishop Viganò participated. F. Tate, "Consecration of Two New Auxiliary Bishops Brings in Dignitaries from Around the World," *Brooklyn Daily Eagle* (22 July 2015), 26 *ACTA* 19083-85.

[1262] In his letter to Pope Francis of 19 May 2014, McCarrick thanked the Holy Father "for your kind greeting at the gathering of the Papal Foundation." 24 *ACTA* 18197.

[1263] 24 *ACTA* 18195, 18241-42.

[1264] 14 *ACTA* 13205.

[1265] 24 *ACTA* 18256.

[1266] E. Condon, "Seminarians Were McCarrick Aides Amid Abuse Investigation," *Catholic News Agency* (30 Aug. 2018), 26 *ACTA* 19167-75.

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Cardinal McCarrick maintained an active travel schedule between 2013 and 2017. He traveled to Turkmenistan (May 2013),[1267] Kyrgyzstan (May 2013),[1268] China (June 2013, 2016, 2017 and 2018),[1269] Rome (June 2013, Feb. 2015, Feb. 2016, Aug. 2016 and Feb. 2017),[1270] Bosnia and Herzegovina (Sept. 2013),[1271] Cyprus (Sept. 2013),[1272] Egypt,[1273] Philippines (Nov. 2013),[1274] Germany (Nov. 2013),[1275] Costa Rica (2014),[1276] Gabon (Apr. 2014),[1277] Central African Republic (May 2014),[1278] Israel (May 2014 and Feb. 2017),[1279] Jordan (Sept. 2013 and May 2014),[1280] Iran (Mar. 2014

[1267] 7 *ACTA* 8450. McCarrick traveled with USCCB staff to Kyrgyzstan and Turkmenistan in May 2013 for meetings with leading religious figures and senior officials of both governments. 39 *ACTA* 33072.

[1268] 39 *ACTA* 33072.

[1269] 7 *ACTA* 8452, 8458, 8460-61.

[1270] 7 *ACTA* 8449. In February 2015, McCarrick traveled to Rome to attend the consistory. 24 *ACTA* 18206. In late August 2016, McCarrick was a member of a USCCB delegation from the Committee on International Justice and Peace that met in Rome with five members of an Iranian delegation to foster improved relations between faiths. *See* "Iranian Shia Leaders, U.S. Catholic Bishops Unite to Condemn Terrorism," *Hawzah News Agency-Iran* (1 Sept. 2016), 26 *ACTA* 19318-20.

[1271] 7 *ACTA* 8451.

[1272] In mid-September 2013, McCarrick traveled to Cyprus for CRS. 27 *ACTA* 20172-73.

[1273] 7 *ACTA* 8452.

[1274] McCarrick toured the Philippines in the aftermath of Typhoon Haiyan, which made landfall on 8 November 2013. 7 *ACTA* 8106, 8453.

[1275] On behalf of the USCCB's Subcommittee on Aid to the Church in Central and Eastern Europe, McCarrick attended the 20th anniversary of Renovabis in Berlin in November 2013. 39 *ACTA* 33086.

[1276] 7 *ACTA* 8445.

[1277] 7 *ACTA* 8446.

[1278] 7 *ACTA* 8454.

[1279] In late May 2014, McCarrick traveled to the Gaza Strip, and then joined Pope Francis' trip to Jordan and Jerusalem. 18 *ACTA* 15859, 15861; *see also* 6 *ACTA* 7237-38 (Feb. 2017 trip).

[1280] 7 *ACTA* 8449.

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and Dec. 2014),[1281] Argentina (July 2014 and 2016),[1282] Cuba (Aug. 2014 and Sept. 2015),[1283] Japan (2015 and 2016),[1284] Morocco (Jan. 2016),[1285] Turkey (Jan. 2016),[1286] Kurdistan (2016),[1287] Iraq (Jan. 2016),[1288] United Arab Emirates (2016),[1289] Taiwan (Jan. 2017)[1290] and Spain (Oct. 2017).[1291] As in prior years, McCarrick met with political and religious leaders during his trips abroad, including heads of state and heads of government.[1292]

Between 2013 and 2017, McCarrick wrote seventeen known letters to Pope Francis, ranging from one to three pages in length, which often discussed his

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[1281] 7 *ACTA* 8455, 8459. In March and December 2014, McCarrick met with religious and political leaders in Iran to discuss how to avoid nuclear proliferation. 21 *ACTA* 16913; 7 *ACTA* 7887. The first trip arose from McCarrick's work at the USCCB's Committee on International Peace and Justice. CNS, "U.S. Bishops and Iranian Ayatollahs Discuss Nuclear Arms Concerns," *The Tablet* (15 May 2014), 26 *ACTA* 19068-70; *see also* 39 *ACTA* 33095.

[1282] 7 *ACTA* 8479, 8467.

[1283] 7 *ACTA* 8457. In mid-September 2015, McCarrick traveled to Cuba with Cardinal O'Malley at the time of Pope Francis' visit to that country. 27 *ACTA* 20194. On 20 September 2015, Cardinal Ortega hosted a Mass celebrated by Pope Francis in Havana, which was concelebrated by Cardinal O'Malley and Cardinal McCarrick. D. O'Reilly, "Francis Celebrates Mass in Havana's Revolution Plaza," *The Philadelphia Inquirer* (20 Sept. 2015), 26 *ACTA* 19321-23; 24 *ACTA* 18211.

[1284] 7 *ACTA* 8461; Consultant 1 Interview, 14 *ACTA* 13237.

[1285] In late January 2016, McCarrick traveled to Morocco for a meeting with Muslim scholars regarding the rights of non-Muslims, which resulted in the Marrakesh Declaration. L. Markoe, "Muslim Leaders Plan Summit on Protecting Non-Muslims in Their Midst," *Religious News Service* (21 Jan. 2016), 26 *ACTA* 19086-89.

[1286] 7 *ACTA* 8446.

[1287] McCarrick went to Kurdistan as part of a CRS trip.

[1288] 7 *ACTA* 8443, 8453, 8468.

[1289] 7 *ACTA* 8469.

[1290] 7 *ACTA* 8446.

[1291] 7 *ACTA* 8445.

[1292] 18 *ACTA* 15848-50, 15873-74, 15877-79; 24 *ACTA* 18197-98; Consultant 1 Interview, 14 *ACTA* 13237.

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travel overseas. On 20 May 2013, McCarrick wrote that he had "just come back from visiting two of the central Asian countries on behalf of the United States Conference of Catholic Bishops since they are included in the collection which is taken up to aid the Churches in the former Soviet Union which were so terribly hurt by the years of communism."[1293] McCarrick's letters recounted his trips for CRS to the Balkans,[1294] Cyprus[1295] and Kurdistan,[1296] and his travel to the Philippines "on behalf of Catholic Relief Services and the Bishops of the United States," where he "spent time with the Bishops and the people in the area where the typhoon hit so badly and hoped to help them in trying to encourage them and to pray with them in their trust in the continuing love and help of our Blessed Lord."[1297]

McCarrick also discussed his trips to Africa and the Middle East, where he attended meetings or conferences at the invitation of heads of state or religious leaders.[1298] In September 2013, McCarrick wrote, "I have been traveling again, more than I had intended to do, but answering a number of invitations that seemed to be important and in the hope that with the little wisdom I have gathered over the years, I may make a small contribution to the peace of the world and to the service of the poor."[1299] On 2 June 2014, McCarrick wrote about an upcoming trip to Armenia for a gathering of Orthodox Prelates concerning peace in Syria, as requested by Cardinal

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[1293] 24 *ACTA* 18171.

[1294] 18 *ACTA* 15848. With respect to the Balkans, McCarrick wrote, "I know that area well since, as Your Holiness may remember, I was in charge of the American Conference of Bishops' work for the Church in Eastern and Central Europe for many years." 24 *ACTA* 18192.

[1295] 24 *ACTA* 18193.

[1296] 18 *ACTA* 15877-79. With regard to the CRS trip to Kurdistan, McCarrick wrote, "The people whose houses and lives have been uprooted by the ISIL warriors are trying to put things back together and we are trying to help them as much as we can. There are some wonderful priests and religious living with them and helping them, and for me, that was a wonderful example of what religious life is all about."

[1297] 24 *ACTA* 18193.

[1298] 18 *ACTA* 15848-50; *id.* at 15873-74; *id.* at 15877-79; 24 *ACTA* 18197.

[1299] 18 *ACTA* 15848.

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Tauran, then the President of the Pontifical Council for Interreligious Dialogue.[1300] In a 20 January 2016 letter describing trips abroad for meetings concerning inter-religious dialogue, McCarrick wrote, "In all these journeys, I have tried to be a good listener and always made it clear that I come as a friend and as someone who wants to learn more about their own hopes and concerns for the future. They appreciate that I come solely as a friend and observer, without any official ties of any kind."[1301]

On a few occasions, and as was the case during previous papacies, McCarrick's letters provided Pope Francis with suggestions regarding episcopal appointments. However, there is no evidence that McCarrick played a significant role with respect to episcopal appointments in the United States or elsewhere during this period.[1302]

In his correspondence, McCarrick repeatedly requested brief meetings with Pope Francis during his trips to Rome.[1303] These requests were sometimes granted and sometimes denied, as was the case for other cardinals requesting time with the Pope.[1304] The Holy Father received Cardinal McCarrick in

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[1300] 18 *ACTA* 15859-60; *see also* 1 *ACTA* 1112, 1123-24.

[1301] 18 *ACTA* 15873-74.

[1302] As two examples, while McCarrick's correspondence with Pope Francis contained suggestions as to whom he thought would make a good candidate for the Chicago Archbishopric, the bishop chosen by Francis, Archbishop Blase Cupich, was never mentioned by McCarrick. Similarly, despite public speculation that McCarrick recommended Archbishop Joseph Tobin for the Newark Archbishopric, McCarrick never raised the possibility of Tobin for that position. 24 *ACTA* 18172-73; *id.* at 18198; 18 *ACTA* 15859-60; *cf.* Viganò Statement at 8, 17 *ACTA* 15107. While it is not unusual for cardinals to offer their views as to the qualities of potential candidates for episcopal offices, the examination did not reveal evidence that McCarrick affected decision-making regarding any specific appointment between 2013 and 2018. Archbishop Pierre Interview, 16 *ACTA* 13412; *see also* Open Letter by Card. Marc Ouellet on Recent Accusations Against the Holy See (7 October 2018), 17 *ACTA* 14816.

[1303] 24 *ACTA* 18173; 18 *ACTA* 15848-50, 15852, 15856-57, 15870, 15873-74, 15877-79.

[1304] 24 *ACTA* 18197.

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private audience in June 2013, February 2016 and February 2017.[1305] McCarrick's letters also reflect that he and Pope Francis saw each other during several unplanned greetings, including at the cafeteria and outside of *Santa Marta*, where McCarrick occasionally stayed during trips to Rome.[1306]

As is customary for correspondence from prelates, McCarrick was sometimes thanked for his letters to Pope Francis by Secretary of State

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[1305] 1 *ACTA* 1836; 24 *ACTA* 18248. Cardinal McCarrick's early February request for a meeting with Pope Francis went through Substitute Becciu, who wrote to McCarrick on 10 February 2016: "The Holy Father has received your letter of 20 January last, and he has asked me to respond on his behalf. He is grateful for the information you provided regarding your travels. I am pleased to inform you that His Holiness will be able to meet with you during your visit to Rome. The Prefecture of the Papal Household will contact you regarding details of your Audience with the Holy Father." The same day, Becciu wrote to Archbishop Gänswein requesting that he calendar an appointment for an audience "towards the end of the month" of February, when McCarrick would be in Rome. 18 *ACTA* 15875. Following the audience in late February 2016, McCarrick wrote to Pope Francis to thank him for "letting me talk so long about China and the meetings that I have had with our Muslim brothers and sisters." *Id.* at 15882.

[1306] 18 *ACTA* 15852; *id.* at 15884. On 23 September 2015, McCarrick greeted Pope Francis at the Midday Prayer of the Divine Cathedral of St. Matthew the Apostle in Washington, D.C., and Francis jokingly referred to McCarrick's constant traveling as making him an adjunct member of the foreign service. In a letter to Pope Francis the following week, McCarrick wrote:

> When You greeted me so cheerfully in Washington as an adjunct member of the foreign service, I received that as a challenge to continue as an amateur in the very noble work of the foreign relations of the Holy See. I have maintained on a quiet level our relationship with China and have been developing new relationships with the Arab countries of the Middle East. They had been inviting me to many of their meetings where I can continue to assure them of Your Holiness' interest, concern, and love for our Muslim brothers and sisters. I find them more and more aware of this and grateful for it. They are passing through an enormously difficult time as the relations between the Shia and Sunni become more and more aggravated and as their own fear of ISIL continues to grow.

28 *ACTA* 21087.

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Cardinal Parolin[1307] and Substitute Archbishop Becciu,[1308] and a few times by the Pope.[1309] For instance, on 29 December 2015, Pope Francis sent McCarrick a formal note, prepared on papal stationery for the Pope's signature, with the following text:

> I read with interest the letter which you wrote to me on the eve of my Apostolic Journey to the Central African Republic. I am grateful for the observations which you were able to offer on the basis of your earlier visit to that country and, in a particular way, for the support of your prayers for the spiritual fruitfulness of the Journey.
>
> Assuring you of a special remembrance in my own prayers during these days in which we celebrate the Birth of the Prince of Peace, I willingly send you my blessing.[1310]

McCarrick also wrote to and met with other Holy See officials, including Secretary of State Parolin, with respect to issues involving international relations.[1311] On 24 November 2013, a month after Archbishop Parolin became Secretary of State, McCarrick wrote to Parolin, "I am already an old man of 83, but I am still working and at your service if there is any way in which I can possibly be of help." Cardinal Parolin occasionally received McCarrick over the next several years, including in May 2014,[1312] June 2014[1313] and August 2015,[1314] each time at McCarrick's request. During

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[1307] On 25 April 2016, Cardinal Parolin wrote, "The Holy Father has asked me to thank you for your letter of 8 March last. He is grateful for your observations, and above all, for your prayers for him in his ministry as the Successor of Peter." 17 *ACTA* 14468.

[1308] 18 *ACTA* 15875.

[1309] 18 *ACTA* 15877-79.

[1310] 1 *ACTA* 1139.

[1311] 1 *ACTA* 1152-53, 1155.

[1312] 21 *ACTA* 16900.

[1313] 21 *ACTA* 16901-02.

[1314] 21 *ACTA* 16900-02, 16921-23.

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these meetings, McCarrick gave his views on topics like Cuba, China and the Middle East.[1315]

As he had before the election of Pope Francis, McCarrick continued to correspond with Nuncio Viganò during this period. McCarrick sent correspondence to the Pope and to Holy See officials through the Nuncio,[1316] who told McCarrick that the Nunciature was "at your disposal" for such matters and to "never hesitate in this regard."[1317] After McCarrick wrote to Viganò in February 2014 about a recent meeting regarding immigration reform with Republican Speaker of the House of Representatives John Boehner,[1318] Viganò responded, "I am truly grateful for your efforts in promoting immigration reform as well as for your availability to someone like Speaker Boehner. Likewise, know that it was a pleasure for me to speak with [you] on the telephone earlier this month."[1319] In March 2014, McCarrick wrote about having attended the episcopal ordination of an auxiliary bishop in Florida and referred to his upcoming trips to the Central African Republic and China.[1320] Viganò wrote in response that he was "happy to know that your busy schedule allowed you to be present in Miami for the Ordination."[1321]

[1315] 21 *ACTA* 16901-02, 16925. In a letter sent by e-mail to Cardinal Parolin's assistant on 27 January 2015, Cardinal McCarrick wrote, "I do need to journey to Oman for a discussion on nuclear weapons which is connected to the conversation between Iran and the United States. This will be focused on the Fatwa of the Supreme Leader against the use of such weapons." *Id.* at 16967.

[1316] *See*, *e.g.*, 1 *ACTA* 1091, 1093-94, 1097.

[1317] 1 *ACTA* 1063. In a prior letter, McCarrick wrote that "it is only because of the directions which His Holiness has given me with regard to a number of subjects that I continue to ask your indulgence in sending some correspondence directly to him." *Id.* at 1065-6.

[1318] 1 *ACTA* 1074; R. Costa, "Cardinal McCarrick Meets with Boehner on Immigration," *The Washington Post* (6 Feb. 2014), 26 *ACTA* 19057-58.

[1319] 1 *ACTA* 1072.

[1320] 1 *ACTA* 1081.

[1321] 1 *ACTA* 1077. None of McCarrick's correspondence with any Holy See official during this period, including Pope Francis, Cardinal Parolin and Nuncio Viganò, addressed

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As indicated in his correspondence to Pope Francis, Cardinal Parolin and Nuncio Viganò, McCarrick's activities extended to several areas of the world that had drawn his attention for decades, including Cuba and China. With respect to Cuba, McCarrick acted at the request of the Obama Administration to help foster better relations between Cuba and the United States, while keeping the Holy See informed of his activities.[1322] In a letter to Pope Francis on 19 May 2014, McCarrick stated that he had discussed with Cardinal Parolin contacts with Cuba "which the American administration had proposed to me."[1323] A month later, after a meeting with Cardinal Parolin in Rome, Cardinal McCarrick wrote again to Parolin, stating that he would be meeting with White House officials to "try to encourage them to move forward."[1324]

In the Summer of 2014, Pope Francis wrote letters to President Raúl Castro of the Republic of Cuba and to President Obama of the United States, and "invited them to resolve humanitarian questions of common interest, including the situation of certain prisoners, in order to initiate a new phase in relations between the two Parties."[1325] Pope Francis entrusted the letters to Cardinal Ortega, the Archbishop of Havana, with whom he had long served on the Conference of Latin American Bishops.

In August 2014, given his own long-standing relationship with Cardinal Ortega, Cardinal McCarrick traveled to Cuba on the occasion of the 50th

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either allegations against McCarrick or the indications previously given by the Congregation for Bishops.

[1322] 21 *ACTA* 16900-02.

[1323] 24 *ACTA* 18197.

[1324] 21 *ACTA* 16901-02.

[1325] Communiqué of the Secretariat of State (17 Dec. 2014) 27 *ACTA* 20393. According to a 16 March 2017 interview, Cardinal Ortega explained that "[i]t was a way of putting them in contact. . . . That was the desire of the Holy Father. People must communicate. He was not a mediator between two nations or between two governments, but he wanted to put the two presidents in contact." R. Mac Cormaic, "Cardinal's Secret U.S. Visit Paved Way for Obama-Castro Détente," *The Irish Times* (16 Mar. 2017), 26 *ACTA* at 19106-09.

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anniversary of Ortega's ordination.[1326] Based upon consultations with White House officials, McCarrick carried a note from President Obama requesting that Ortega place in McCarrick's hands Pope Francis' letter to Obama so that McCarrick could deliver it to the President in Washington.[1327] However, Cardinal Ortega, acting under strict papal instructions to personally hand-deliver the letter to Obama, declined to give it to McCarrick, who "left Cuba empty-handed."[1328]

Through his old Washington contacts, Cardinal McCarrick then helped arrange for Cardinal Ortega to travel to the United States to speak at a conference at Georgetown University on 18 August 2014. During the brief trip, McCarrick accompanied Cardinal Ortega to a confidential off-calendar meeting with President Obama at the White House, where Ortega hand-delivered the letter from Pope Francis to the President.[1329] In facilitating the letter exchange and the meeting between President Obama and Cardinal Ortega, McCarrick assisted the White House in furtherance of the ultimate goal of lifting sanctions, which dovetailed with the Catholic Church's longstanding desire to promote dialogue and loosen restrictions on religious

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[1326] 14 *ACTA* 13176.

[1327] LeoGrande & Kornbluh, *Back Channel to Cuba: The Hidden History of Negotiations Between Washington and Havana* (2015) ("*Back Channel to Cuba*"), at 445.

[1328] *Back Channel to Cuba* 445. In an interview, McCarrick explained that Cardinal Ortega stated: "'I cannot give the letter to you.' I didn't understand why he could not give it to me, but of course I said OK. And Ortega said, 'Well, we will have to work something out.' I responded, 'OK, we will work out something.'" 14 *ACTA* 13176. During Ortega's subsequent trip to Washington, McCarrick came to understand that "Ortega had to come to Washington because, in those situations, the message in writing isn't the whole message. Ortega had things that he was going to say [to President Obama] that were not written down." 33 *ACTA* 27161.

[1329] *Back Channel to Cuba* 445; 14 *ACTA* 13177. In a letter to Pope Francis on 21 August 2014, McCarrick wrote, "In Washington President Obama asked that I accompany Cardinal Ortega when he goes to see him." 18 *ACTA* 15864; *see also Back Channel to Cuba* 442-45; 24 *ACTA* 18201; McCarrick Interview, 14 *ACTA* 13175-78.

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freedom. But McCarrick did not act as an emissary of Pope Francis or of the Holy See. That role fell to Cardinal Ortega.[1330]

With respect to China, in late 2012, Cardinal McCarrick and Consultant 1, who had arranged and obtained funding for McCarrick's travels to China from 2001 to 2006, began to plan McCarrick's first return trip to China for the month of June 2013.[1331] Before the trip, McCarrick wrote to the Chinese Ambassador to the United States that he was going to China "without any agenda or program, only to unofficially observe the development of China since my last visit in 2006."[1332] Upon his return, McCarrick provided Pope Francis with a report regarding his travels.[1333]

Cardinal McCarrick thereafter increased his visits to China, expressing the same hopes for *rapprochement* that he had during the papacy of John Paul II. As in the past, his trips to China were on McCarrick's United States passport and were funded by private lay Catholic donors in the United States who supported his efforts to improve relations between the Catholic Church and China.[1334]

During this period, the Pope's main advisor on China was Cardinal Parolin, who worked with Archbishop Claudio Maria Celli and Secretariat of State officials. Both Cardinal Parolin and Archbishop Celli had extensive prior experience with regard to relations between China and the Holy See.[1335] While McCarrick kept Holy See officials, especially Cardinal Parolin and

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[1330] R. Mac Cormaic, "Cardinal's Secret U.S. Visit Paved Way for Obama-Castro Détente," *The Irish Times* (16 Mar. 2017), 26 *ACTA* at 19106; *see also* 17 *ACTA* 15139-41. In an interview, McCarrick stated: "I never saw the contents of either letter. If I had been asked, I would have done more, but I was basically a delivery boy for Obama and a travel agent for my dear friend Ortega." 33 *ACTA* 27159.

[1331] 7 *ACTA* 8807-08.

[1332] 6 *ACTA* 7204.

[1333] 1 *ACTA* 1052, 1054.

[1334] 6 *ACTA* 7217-18.

[1335] McCarrick readily acknowledged during this period that he was "not a China expert" and noted that "[m]y field, if I have any, would be the Middle East." 7 *ACTA* 8330.

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Archbishop Celli, informed of his activities, he stopped short of engaging in diplomatic activity.[1336]

Based upon information provided by Nuncio Viganò and Cardinal Ouellet to Cardinal Parolin in 2014, McCarrick's activities in China led to some concern within the Secretariat of State.

In April 2014, McCarrick traveled to the war-torn Central African Republic, as part of a mission of the United States State Department to send religious leaders "in the hope that they could accomplish something in the way of conflict resolution."[1337] On 5 May 2014, Nuncio Viganò wrote to Cardinal Parolin about McCarrick's trip and the prior indications.[1338] Nuncio Viganò stated:

> You are probably already well acquainted with the journeys which, with a certain frequency, His Eminence Cardinal Theodore E. McCarrick, Archbishop emeritus of Washington, undertakes in various parts of the world, given that, at times, such news circulates in the media. So, lately his trip to the Central African Republic [CAR] has been reported by the *Washington Post* as a "*State Department Mission*" (attached).
>
> For my part, without wishing to enter into the merits of the wisdom of these trips, which undoubtedly had a humanitarian and ecumenical character, and which could also have been authorized by the Secretariat of State, I feel the duty to transmit this news to Your Eminence, in consideration of the fact that the Congregation for Bishops, in the persons of the Most Eminent Card. Giovanni Battista Re, Prefect emeritus, and of the Most Eminent Card. Marc Ouellet, current Prefect, has repeatedly given instructions to the aforementioned Cardinal to refrain from making trips and "*not to make public appareances*"

[1336] 24 *ACTA* 18197, 18199-18200; 21 *ACTA* 16900; 18 *ACTA* 15861-62.

[1337] 1 *ACTA* 1104.

[1338] 20 *ACTA* 16806-09.*

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> (sic) (see Foglio No. [redacted], dated 14 June 2008 by Card. Re to Card. McCarrick). The reasons for this provision are certainly available from this Secretariat of State and the Congregation for Bishops. They could possibly no longer be in effect, in which case I would like to be comforted by new instructions in this regard.

Viganò attached a *Washington Post* article describing an interview with McCarrick at the Redemptoris Mater Seminary in Hyattsville, Maryland, in which McCarrick observed the deleterious effects of Libya's destabilization on the CAR and the onset of Christian-on-Muslim violence in the country.

This letter was not copied to Cardinal Ouellet, the Prefect of the Congregation for Bishops.[1339] In his letter to Cardinal Parolin, Nuncio Viganò did not mention or attach his prior exchange related to McCarrick with Cardinal Ouellet from 2012-2013, even though Cardinal Parolin had not yet been in office at the time of that correspondence. Viganò also did not mention any prior meeting with Pope Francis regarding McCarrick or describe the course of conduct reflected in the Nunciature files regarding McCarrick's continued travel and activities since 2008, both in the United States and abroad. Finally, Viganò still had not taken any further steps to ascertain the truth of the most recent allegation against McCarrick – which had been made by Priest 3 in 2012 – and therefore did not provide the Secretariat of State with Priest 3's sworn certification, which was the first signed statement by an individual who claimed to be the victim of sexual misconduct by McCarrick.[1340]

[1339] Nuncio Viganò had not communicated with Cardinal Ouellet regarding McCarrick since his letter of 13 June 2013, which explained that Priest 3's civil complaint had been "dismissed with prejudice," and which attached Bishop Bootkoski's letter stating that Priest 3 had "falsely" accused McCarrick of sexual misconduct. 20 *ACTA* 16795, 16801.

[1340] In addition, Viganò did not express any concerns at the time to McCarrick, who kept the Nuncio apprised of his travel to Africa. 1 *ACTA* 1100, 1102. After the mission to the Central African Republic, McCarrick prepared a copy of his report related to the trip. The report and cover letter were dated in late April 2014 but were only sent to the Holy See through the Nunciature on 1 June 2014, after getting "lost among the jungle of correspondence" in McCarrick's office. *Id.* at 1100. In early June 2014, Viganò wrote a

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After a short conversation with Cardinal Parolin on 4 July 2014, Cardinal Ouellet sent a letter to the Secretary of State on 14 July 2014, regarding the indications previously given to McCarrick.[1341] Cardinal Ouellet wrote:

> I wish to refer to the matter of His Eminence Cardinal Theodore E. McCarrick, Archbishop emeritus of Washington (USA).
>
> In light of the accusations of immoral behavior raised regarding the Cardinal in 2008, his continuing imprudence and the risk of a new campaign of accusations against him, this Congregation has tried to convince him, for the good of the Church, to accept the following indications:
>
> > a. that he not reside at the Redemptoris Mater Seminary in Washington; it would seem more appropriate that the Cardinal not live alone but in a religious house with other people (chaplain in a home for the elderly, etc.).
> >
> > b. that he lead a more private life, and accordingly not accept invitations either within the United States or abroad, excepting certain special cases, according to the judgment of the Holy See.
>
> These indications were communicated to then Apostolic Nuncio, Archbishop Monsignor Pietro Sambi, as well as to Cardinal McCarrick (see attached letters Prot. No. [redacted] of 14 June 2008).

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note to his aide to prepare a responsive letter to McCarrick of "congratulations for the very risky mission." *Id.* In the subsequent letter to McCarrick on 5 June 2014, Viganò wrote, "Your Eminence, thank you also for apprising me about your recent trip to the Central African Republic and for the excellent report you provided for the U.S. State Department and the Secretariat of State for the Holy See. It is my fervent prayer that your praiseworthy efforts on behalf of peace and stability in the CAR will bear abundant fruit." *Id.* at 1099.

[1341] 19 *ACTA* 16427*; *see also* 16 *ACTA* 13457-58.

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> Furthermore, I have the honor to transmit to your Eminence a copy of the letter dated June 16, 2008 sent by my predecessor to the then Cardinal Secretary of State regarding the relationship of the cardinal with the Roman Curia.

The information received from Archbishop Viganò and Cardinal Ouellet appears to have led to some disagreement within the Secretariat of State regarding whether McCarrick should be permitted to pursue his initiative in China. On 13 July 2014, before Cardinal Ouellet's letter was received by Cardinal Parolin, Archbishop Mamberti, the Secretary of the Section for Relations with States, wrote a handwritten note stating that he was "personally completely against favoring any initiative of Card. McCarrick" in China, primarily "for the reasons that Viganò has recently spoken about with the Secretary of State (and with me)." On 20 July 2014, Cardinal Parolin, in his own handwritten note on an internal memorandum related to China, stated: "In a forthcoming meeting in Rome I will speak with Cardinal McCarrick about the problems raised by [Bishop] Viganò, about whom I was also able to speak with Cardinal Ouellet. The latter gave me the letter I enclose as a copy." With respect to the alternative channel in China through McCarrick's contacts, Cardinal Parolin adhered to the diplomatic precept that it is best to promote dialogue and "never close a door." On that basis, Parolin permitted McCarrick's own China initiatives, which were without mandate from the Holy See.[1342] Cardinal Parolin did not take any further

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[1342] Allowing McCarrick to pursue his China initiatives did not require any modification of the indications previously conveyed by the Congregation for Bishops, since the indications had always allowed McCarrick to undertake activities with the Holy See's permission. *See* 20 *ACTA* 16711 (14 June 2008 letter from Cardinal Re to Nuncio Sambi, stating that McCarrick could not travel "except in some special cases, according to the judgment of the Holy See"); 19 *ACTA* 16425 (12 September 2012 letter from Cardinal Ouellet to Nuncio Viganò, stating that McCarrick could not travel without "the prior and explicit permission of the Holy See"). The record reflects that, from the Fall of 2013 through the Spring of 2017, neither Pope Francis nor Cardinal Parolin ever instructed the Prefect of the Congregation for Bishops to lift or modify any indications related to McCarrick. The record also shows that Cardinal Ouellet, the Prefect of the Congregation for Bishops, did not himself alter any prior indications.

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action based upon Cardinal Ouellet's letter, which he did not provide to or discuss with Pope Francis.

During his July 2014 trip to China, McCarrick wrote via electronic mail to Cardinal Parolin's assistant, and asked whether it would be appropriate to attend a meeting with a certain Chinese official. On the Secretary of State's behalf, the assistant responded on 22 July 2014 that "if you have already given your assent to attend the meeting, you may go for the appointment but you will please underline very clearly that you go there on a personal level, without any mandate from the Holy See. Afterwards you may kindly report to the Holy See." McCarrick replied that he had decided not to attend the meeting, but that he would have Consultant 1 "make it clear that I have no Official mandate from the Holy See, but only my personal hopes for reconcilation (sic), fostered by conversations with several Chinese officials."[1343]

On 16 March 2015, Archbishop Becciu responded to Archbishop Viganò's May 2014 letter "concerning the travels undertaken by Cardinal Theodore E. McCarrick, Archbishop Emeritus of Washington." The Substitute wrote, "In thanking you for the information and the observations which you provided, I would assure you that they have been carefully noted."[1344] After receiving

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[1343] 24 *ACTA* 18199-18200. In an interview, Archbishop Celli stated that McCarrick used to pass through Rome on his way to China and would inform the Holy See after his trips. However, as Archbishop Celli underscored, "the Holy See never entrusted Cardinal McCarrick with an official representation of the Holy See." 16 *ACTA* 13417. McCarrick was also "never inside the negotiations undertaken between the Holy See and China." *Id.*

In a separate interview, McCarrick stated that he "was never a diplomat" and that what he "tried to do was get people together to talk and help people understand each other." 33 *ACTA* 27020.

[1344] 20 *ACTA* 16810. This formulaic response is commonly used in the Roman Curia to confirm receipt of correspondence, particularly when the dicastery receiving a letter in copy does not have competence over the matter.

In his statement of 22 August 2018, Viganò wrote, "*Ça va sans dire* that my letter [to Cardinal Parolin] never received any reply!" Viganò Statement at 4, 17 *ACTA* 15103. Given Archbishop Becciu's response in 2015, Viganò's assertion is incorrect.

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Archbishop Becciu's letter, Nuncio Viganò did not pursue the matter further, either with the Secretariat of State or with the Congregation for Bishops.[1345]

On 12 April 2016, Pope Francis accepted Archbishop Viganò's resignation and named Archbishop Christophe Pierre to succeed him as Nuncio in Washington. Viganò and McCarrick continued to exchange letters until Viganò's departure from Washington, mostly with regard to correspondence ultimately destined for the Holy Father or the Holy See.[1346] In one letter toward the end of his term as Nuncio, Archbishop Viganò thanked McCarrick "for your commendable ministry to the Church Universal and your reaching out most recently to China and the Muslim world, efforts that will no doubt bear much fruit."[1347] In June 2016, Archbishop Pierre arrived in Washington as the new Nuncio.[1348]

[1345] After observing McCarrick as a concelebrant at Cardinal Egan's funeral in March 2015, Father Boniface Ramsey wrote a letter on 17 June 2015 to Cardinal O'Malley, President of the Pontifical Commission for the Protection of Minors. 16 *ACTA* 13393-94. The letter, which was not forwarded to the Holy See at the time and which is now in the public domain, stated that "[t]he matter does not have to do with the abuse of minors, but it does have to do with a form of sexual abuse/harassment/intimidation or maybe simply high-jinks as practiced by Theodore Cardinal McCarrick with his seminarians and perhaps other young men when he was the Archbishop of Newark." Cardinal O'Malley's secretary, Father Robert Kirkham, replied to Ramsey to inform him that the allegations fell outside of the Pontifical Commission's jurisdiction because they did not involve minors. In an interview, Cardinal O'Malley stated that he was not made aware of Father Ramsey's letter in 2015, and that he had no knowledge prior to 2018 of any allegations or rumors of sexual misconduct by Cardinal McCarrick, or of any limitations on McCarrick's activities. 14 *ACTA* 13245.

[1346] 1 *ACTA* 1132-33, 1135, 1137, 1140-41, 1149.

[1347] 1 *ACTA* 1148.

[1348] At the time, Nuncio Pierre received no instructions or other information from the Holy See regarding Cardinal McCarrick. Pierre was unaware of allegations against McCarrick, whom he had briefly met once in 1997. Pierre's predecessor did not provide him with any information related to McCarrick, whether orally or in writing. In an interview, Pierre stated, "Had my predecessor provided concerning information related to Cardinal McCarrick, I would have looked into it. But he did not." 33 *ACTA* 27092.

The first time that Cardinal McCarrick came to the Nunciature to present himself to the new Nuncio, McCarrick regaled Pierre with stories of his travels and work for the Church,

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While McCarrick and Consultant 1 were optimistic after the trip to China in the summer of 2014,[1349] and the Secretariat of State appeared willing to explore whether the alternative channel had value,[1350] the effort appears to have hit a series of obstacles in China later in the year.[1351] McCarrick's Chinese contacts then re-emerged in late 2015[1352] and early 2016,[1353] leading to McCarrick making another trip to Beijing in February 2016.[1354] During his trip, McCarrick met with the head of a Chinese non-government organization (NGO) focused on the environment, and the two discussed Pope Francis' recent environmental encyclical *Laudato si'*[1355] and "the work of some of the Jesuit scholars and artists of the seventeenth century."[1356] Cardinal Parolin received McCarrick in Rome not long after the trip and

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and made passing reference to having been the victim of calumnies from the past "which he attributed to Church politics." McCarrick periodically visited the Nunciature on other occasions and left the Nuncio with the impression of an elderly man "who wished to demonstrate that he was still 'relevant.'" Nuncio Pierre stated, "I always treated him with respect and listened to him; he was obviously a person who had been very active in the past, but he was never mentioned to me, even in passing, by my Superiors. And I never had any reason to mention him to them." Pierre also noted, "While it is not uncommon for cardinals to express informally their views, even unsolicited, about episcopal appointments, Cardinal McCarrick never spoke to me personally of any Episcopal appointments or tried to exert any influence in that regard. I do not know if he expressed his views to others, but he did not to me." 33 *ACTA* 27092-93.

The first time Pierre learned that there was any allegation against McCarrick that he had abused a minor was in 2017, when Cardinal Dolan informed him about Minor 1's accusation. 16 *ACTA* 13411-12.

[1349] 7 *ACTA* 8330.

[1350] 7 *ACTA* 8310-11, 8316, 8319, 8323.

[1351] 7 *ACTA* 8286, 8303, 8305.

[1352] 24 *ACTA* 18239. On 30 September 2015, McCarrick wrote to Pope Francis, stating, "With God's help, before He calls me Home, I will help to bring You China and the great dream of Mateo Ricci will begin to be realized once again." 28 *ACTA* 21088.

[1353] 7 *ACTA* 8265.

[1354] 6 *ACTA* 7230.

[1355] 18 *ACTA* 15882.

[1356] 24 *ACTA* 18246.

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McCarrick recounted his travels and his continuing hopes for improved relations with China.[1357]

In a letter to Pope Francis on 8 March 2016, McCarrick wrote about his activities in China and with regard to inter-religious dialogue. At the end of the letter, he wrote, "Holy Father, thank you for letting me pursue these small works of mine. I hope that I can be useful to You and to the Church and am, of course, always willing to let everything pass if in any way You would prefer that I go into a deeper retirement or into a house of prayer."[1358] On the same date, McCarrick wrote to Cardinal Parolin, expressing his gratitude for their recent meeting and stating "that I value your instructions on the issue of China and your interest in the work of the new Arab channels." After discussing a potential step to be taken with respect to China, McCarrick stated that he would "probably be back in Rome with a group of American Bishops who are going to be meeting with some Muslim Shiite leaders." McCarrick added:

> The Shiites have kindly indicated that they would like me to be present at these meetings. I am not sure [if] that is because they think I am wise or because they think that I just love to go to meetings. I fear it might be the second rather than the first and so I always want to make it clear that, at any point in time, Your Eminence feels that I should retire to a holy place and pray for the salvation of my soul instead of wandering around the world I will, of course, be faithful to your instructions.

Cardinal Parolin recalled receiving this letter from McCarrick and being struck by McCarrick's "unusual" suggestion that he would "retire to a holy place and pray for the salvation of my soul" if Parolin were to so instruct him. After the letter from McCarrick, Cardinal Parolin stated that he mentioned in a brief conversation with Pope Francis that McCarrick was "gossiped about" regarding past imprudent acts with adults and that the Congregation for Bishops had previously indicated to McCarrick that he

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[1357] 18 *ACTA* 15882.

[1358] 17 *ACTA* 14467.

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should lead a more reserved life and not travel so much. Cardinal Parolin recalled that he "did not present it as a matter of grave concern, or as something very serious," but that he asked if anything should be done, noting, "'He keeps writing. He continues to travel. He continues to meet people.'"[1359] Cardinal Parolin recollected that, during this exchange, Pope Francis commented that "maybe McCarrick could still do something useful."[1360]

Cardinal Parolin, who had not seen the Secretariat of State's archived file, did not have in hand additional information to provide to Pope Francis regarding the past allegations against McCarrick.[1361] Cardinal Parolin recalled that Pope Francis was aware that both Pope John Paul II and Pope Benedict XVI had known of the old allegations against McCarrick, and that McCarrick had nevertheless remained active during the two prior papacies. Both Pope Francis and Cardinal Parolin also understood that the Congregation for Bishops remained the competent dicastery to handle the matter, as it had since 2006. The issue did not come up again between Pope Francis and Cardinal Parolin until the Fall of 2017.

With regard to China, Cardinal McCarrick's contacts led to subsequent visits to the Vatican by Chinese nationals to discuss environmental and cultural issues.[1362] On 3 June 2016, McCarrick wrote to Pope Francis, stating that people he had visited in China had written about coming to the Vatican to meet with Cardinal Turkson on "ecology with the hope of discussing other

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[1359] 14 *ACTA* 13260.

[1360] 14 *ACTA* 13253. Pope Francis did not specifically remember the conversation but deferred to Cardinal Parolin's recollection in this respect. *Id.* at 13132.

[1361] Cardinal Parolin did not review the McCarrick files held by the Secretariat of State, the Nunciature, or the Congregation for Bishops, until late 2017. Cardinal Parolin also reported that, as Undersecretary of State for Relations with States from 30 November 2002 to August 2009, he did not have access to records related to misconduct by McCarrick, which were held in the First Section of the Secretariat of State. 14 *ACTA* 13250.

[1362] 1 *ACTA* 1152-53, 1156-57.

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Vatican-China relations while they are here!"[1363] A delegation from the China Biodiversity Conservation and Green Development Foundation (CBCGDF), a non-governmental organization, traveled to Rome to attend the Joint Seminar of the Pontifical Council for Justice and Peace and the Pontifical Academy of Sciences on 28 September 2016, which was also attended by Cardinal Turkson and McCarrick.[1364] At the conclusion of the seminar, Pope Francis greeted and thanked the participants and posed for pictures with the attendees.[1365]

Another meeting, again with a delegation from CBCGDF, took place on 24 November 2016 at the Offices of the Secretariat of State. At the meeting, Cardinal Parolin stated that the Holy See was already in dialogue with authorities in Beijing regarding the presence of Catholics and the Church in China, but that collaboration on various humanitarian issues would also "serve the advancement of peace and development in the world."[1366] While the two sides discussed environmental and cultural issues, including the contributions of the Society of Jesus to life in China during the 17th and 18th centuries, the secondary contacts initiated by Cardinal McCarrick appear to have played no role in leading to the eventual formal agreement between China and the Holy See related to bishops in September 2018.

[1363] 18 *ACTA* 15884. At the time, Cardinal Turkson was President of the Pontifical Council for Justice and Peace.

[1364] 17 *ACTA* 15127-32.

[1365] 17 *ACTA* 15130, 15135-37.

[1366] 7 *ACTA* 8258.

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XXVI. ACCUSATION IN THE ARCHDIOCESE OF NEW YORK AND MCCARRICK'S RESIGNATION FROM THE COLLEGE OF CARDINALS (MID-2017 TO MID-2018)

On 8 June 2017, the Archdiocese of New York received a claim through its voluntary Independent Reconciliation and Compensation Program (IRCP) alleging that McCarrick unlawfully touched Minor 1 during the early 1970s, when the claimant was 16 and 17 years old.[1367] This constituted the first accusation against McCarrick of sexual abuse of a minor involving a named victim.

The Archdiocese reported the allegation by Minor 1 to local law enforcement.[1368] After consultation with the bishops where McCarrick had served as Ordinary, and given the jurisdiction reserved to the Holy Father under the canon law, Cardinal Dolan wrote to Secretary of State Cardinal Parolin on 7 September 2017 for instructions as to how to proceed.[1369]

On 18 October 2017, the Holy Father, acting through the Cardinal Secretary of State, instructed Cardinal Dolan to conduct "the preliminary investigation called for by canons 1717ff. of the Code of Canon Law and art. 16 of the Motu Proprio *Sacramentorum Sanctitatis Tutela*" and provided "that the allegation made by [Minor 1] . . . be examined by the Review Board of the Archdiocese of New York in accordance with its own norms and those of the United States Conference of Catholic Bishops."[1370] On 28 October 2017, Cardinal Parolin communicated the Holy Father's decision to Cardinal Dolan, directing that, "[a]t the conclusion of this initial phase, you are to

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[1367] 23 *ACTA* 17114-16.

[1368] 23 *ACTA* 17112. Civil law enforcement declined to investigate because the criminal statute of limitations had expired. *Id.* at 17112, 17117.

[1369] 23 *ACTA* 17117, 17121-22; *see also* Code of Canon Law, c. 1405 §§ 1-2. In his letter to Cardinal Parolin, Cardinal Dolan noted that McCarrick did "not want the matter reserved to the Holy See" and that McCarrick believed that "he deserves *no* special treatment, and that this allegation needs to be treated like we would for any other priest." 23 *ACTA* 17122.

[1370] 20 *ACTA* 16830.

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send the acts of the investigation, together with your personal *votum*, to the Congregation for the Doctrine of the Faith, which will submit them to the Holy Father for further action."[1371]

The Archbishop of New York thereafter ordered that "a preliminary investigation be opened to gain a clear and specific understanding of the facts and circumstances of the alleged acts." The investigation was carried out from late December 2017 through mid-April 2018 with the assistance of lay investigators.[1372]

In accordance with the USCCB's *Charter for the Protection of Children and Young People*, the investigative information was turned over to the Archdiocese of New York's Review Board, which included jurists, psychologists, attorneys, physicians, parents, a priest and a woman religious.[1373] The Board examined the case and conducted further interviews with both the accuser and Cardinal McCarrick and, based on the accumulated evidence, unanimously found the allegations against McCarrick credible and substantiated.[1374] Cardinal Dolan communicated the Board's decision to Cardinal Parolin on 23 April 2018. On 8 May 2018, Cardinal Dolan informed Cardinal Parolin of his own *votum* "that, given the gravity of the allegations against Cardinal McCarrick, he be permanently removed from public ministry and placed on a life of 'prayer and penance.'"[1375] Consistent with the Archdiocese's policies, Cardinal Dolan also recommended that the case be made public since it involved the sexual abuse of a minor.

Archbishop Becciu, who remained the Substitute until late June 2018, informed Pope Francis that the allegation against McCarrick involving Minor 1 had been deemed credible. In an interview, Becciu stated that the

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[1371] 20 *ACTA* 16830.

[1372] 23 *ACTA* 17139-56, 17158-59.

[1373] 20 *ACTA* 16832.

[1374] 20 *ACTA* 16832-33. One board member abstained because of his friendship with Cardinal McCarrick. *Id.* at 16833.

[1375] 23 *ACTA* 17177.

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Holy Father was "shocked" to learn that McCarrick had been found to have abused a minor.[1376]

On 22 May 2018, Cardinal Parolin wrote to Nuncio Pierre, requesting him to transmit a letter to McCarrick. The enclosed letter to McCarrick stated that "since the matter has now been referred to the Congregation for the Doctrine of the Faith, I ask you, in the name of the Holy Father, to refrain from any public ministry or appearances until a final decision is made." Cardinal Parolin wrote, "I know that this decision will prove painful to you, but in the present circumstances, it is necessary for the good of the Church and of all parties concerned. For this reason, I ask that you adhere to it strictly."[1377]

The decision was made public on 20 June 2018. Pope Francis accepted McCarrick's resignation from the College of Cardinals on 28 July 2018.[1378]

[1376] 14 *ACTA* 13034.

[1377] 3 *ACTA* 4326.

[1378] 27 *ACTA* 20277-78. At the time, the Archdiocese of New York published a statement by McCarrick in which he maintained his innocence but accepted the Holy See's decision that he no longer exercise any public ministry. *Id.* at 20284-85.

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XXVII. NEW ACCUSATIONS, CDF ADMINISTRATIVE PROCEEDING, AND MCCARRICK'S DISMISSAL FROM THE CLERICAL STATE (MID-2018 TO EARLY 2019)

During the months following June 2018, other individuals came forward to provide information regarding McCarrick's conduct to law enforcement, media outlets and Church officials.

In light of the facts gathered during the Holy See's preliminary investigation and the study of the documentation gathered from Holy See files, Pope Francis authorized the Congregation for the Doctrine of the Faith to conduct an administrative penal proceeding in the McCarrick case on 14 December 2018.[1379] The CDF empowered Father Richard Welch, C.Ss.R., J.C.D., the Judicial Vicar of the Archdiocese of New York, to gather evidence in conformity with the requirements of canon law. Welch received live testimony from eight witnesses and sworn declarations from four additional witnesses. Some witnesses submitted supporting proofs, including statements, correspondence, and photographs.[1380] McCarrick's canonical counsel was afforded the opportunity to ask questions of the witnesses. After the witnesses gave their accounts, McCarrick was heard on 3 January 2019 and his counsel filed a detailed defense memorandum on the following day. The acts of the proceeding were thereafter transmitted to the CDF. In conformity with local law, the evidence gathered was also provided by the Archdiocese of New York to the competent civil authorities.[1381]

On 11 January 2019, and based upon the information gathered during the administrative proceeding, the *Congresso* of the Congregation for the Doctrine of the Faith issued a decree finding McCarrick guilty of solicitation during the Sacrament of Confession and sins against the Sixth Commandment with minors and adults, with the aggravating factor of the abuse of power. The *Congresso* imposed on him the penalty of dismissal

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[1379] *Sacramentorum sanctitatis tutela*, Art. 1, § 2.

[1380] Other persons, including Priest 1 and Minor 1, declined to provide either testimony or a written statement.

[1381] 23 *ACTA* 17501.

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from the clerical state, after which McCarrick filed a recourse. On 13 February 2019, the Ordinary Session (Feria IV) of the Congregation for the Doctrine of the Faith considered the recourse presented by McCarrick. The Ordinary Session confirmed the decree of the *Congresso*, and the Holy Father thereafter recognized the definitive nature of the decision.

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XXVIII. INFORMATION RECEIVED FROM MINORS, MEMBERS OF CERTAIN NEW YORK FAMILIES AND FORMER SEMINARIANS AND PRIESTS (2019 TO 2020)

Over the course of the examination, the Secretariat of State obtained detailed information from minor victims,[1382] members of certain New York families who McCarrick drew close to,[1383] and former seminarians and priests.[1384] The confidential accounts, which include the names and personal information of victims and their families, are preserved in the *Acta* and have been made available to Pope Francis. All information related to McCarrick's misconduct that came to be known prior to 2017 by the Holy See, or by members of the ecclesiastical hierarchy in the United States who provided information to the Holy See, is set forth in the preceding sections of this Report.[1385]

Much of the information gathered first came to the attention of the Holy See after 2017, owing to Minor 1's decision to report his experiences to ecclesiastical authorities. As the announcement was made that McCarrick had been credibly accused, and as news spread, a second minor victim accused McCarrick of sexual abuse. Other individuals then came forward to report McCarrick's misconduct, after which the Holy See undertook an active search for additional victims and witnesses.

[1382] 16 *ACTA* 13964-72, 40 *ACTA* 33620-32.

[1383] 16 *ACTA* 13627-33, 13642-64, 13681-13747, 13774-13820, 13832-49, 13892-13958.

[1384] 14 *ACTA* 13264-68; 33 *ACTA* 27130-59, 27290-97; 40 *ACTA* 33806-38, 33839-74. A number of priests who worked closely with McCarrick over the years, including former priest secretaries, stated in interviews that they never experienced or observed any improper physical conduct by McCarrick. 14 *ACTA* 13091, 13112-13, 13138-39, 13300, 13304, 13311, 13314-15; 16 *ACTA* 13473; 40 *ACTA* 33683-84.

[1385] 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. 17 *ACTA* 15265. The victim's account of his interaction with Pope John Paul II remains uncorroborated.

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Many of the victims stated that they had previously felt powerless to report McCarrick's misconduct because they feared that they would be disbelieved by their parents or by ecclesiastical superiors, or because they were convinced that they would be retaliated against if they came forward. Several victims stated that keeping their stories secret for decades had been a terrible burden that exacted a heavy emotional toll. Still others were angered that McCarrick's misconduct was being investigated so long after the events, and they felt revictimized by the widespread publicity and, sometimes, by the inquiries that formed the basis for this Report.

The experiences related by those interviewed, which were often very painful and private, are not provided to the public as part of this Report. Nevertheless, while respecting the privacy of victims and other witnesses, the accounts of seventeen individuals, each a postpubescent boy or young man at the time, contained certain commonalities that emerged with respect to McCarrick's conduct:

- Witnesses explained how McCarrick abused his authority to gain and maintain access to them. A number of individuals reported feeling powerless to object to or resist physical or sexual advances given McCarrick's position of authority.[1386]

- Witnesses reported that McCarrick forged relationships with some families, entering their lives as "Uncle Ted," spending time with them on holidays, celebrating Mass in their homes, and befriending their male children as each reached the age of 12 or 13.[1387] McCarrick used some elements of this approach with seminarians and young priests,

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[1386] 16 *ACTA* 13644, 13646-47, 13660, 13663, 13682, 13690-92, 13697, 13713, 13716, 13761-62, 13779-81; 33 *ACTA* 27137; 40 *ACTA* 33625-27, 33810-16, 33844-46, 33848-50.

[1387] 16 *ACTA* 13628, 13644-49, 13655, 13660-61, 13682-83, 13713, 13719, 13790, 13835. Family members differed substantially in terms of their experiences interacting with McCarrick. Some individual family members, including those who shared a bed with McCarrick as minors or young men on repeated occasions, stated that no inappropriate behavior occurred with them and did not identify themselves as victims.

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whom he often referred to as his "nephews" (and whom he instructed during trips to refer to him as "Uncle").[1388]

- Witnesses stated that McCarrick frequently invited them on trips, including to foreign countries, and introduced them to famous or important people. Some noted that these events served to impress upon them and their parents how important McCarrick was. The trips and special events also created in individuals a sense of "gratitude" towards McCarrick, which made it more difficult for them to understand the nature of their relationship with him.[1389]

- Witnesses reported that McCarrick isolated them, particularly from parental or other forms of supervision.[1390] He took an extraordinary number of trips with minors and young adults.[1391] McCarrick tended to travel repeatedly to the same locales, including the fishing camp in Eldred, New York,[1392] the New Jersey beach house at Sea Girt,[1393] and the small apartment in the Foundling Hospital in Manhattan, New York.[1394] McCarrick also arranged overnight visits in hotels and motels or at the Bishop's Residence in Metuchen or Newark.

- A few witnesses described McCarrick as having furnished them alcohol when they were underage, including during overnight trips.[1395] Some specifically identified the use of alcohol as a strategy to reduce inhibitions.

[1388] 40 *ACTA* 33810-11.

[1389] 16 *ACTA* 13686-92, 13718-19, 13730, 13782, 13928; 33 *ACTA* 27296.

[1390] 40 *ACTA* 33623-25, 33816-17.

[1391] 16 *ACTA* 13631, 13650, 13660, 13730, 13779; 40 *ACTA* 33811.

[1392] 16 *ACTA* 13650, 13729, 13781, 13840, 13934; 40 *ACTA* 33811.

[1393] 33 *ACTA* 27142; 40 *ACTA* 33811.

[1394] 16 *ACTA* 13687, 13837; 33 *ACTA* 27296; 40 *ACTA* 33812.

[1395] 16 *ACTA* 13658, 13728, 13744.

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- Witnesses reported that, during overnight travel or visits to the Bishop's Residence, McCarrick regularly made sleeping arrangements to ensure the sharing of beds.[1396]

- Witnesses stated that McCarrick shared a bed with them clad in his underwear and encouraged them to do the same.[1397]

- Witnesses reported that, at bedtime, McCarrick would often initiate physical contact with them, such as back rubs or embraces.[1398] A number of witnesses stated that McCarrick's conduct never escalated beyond that stage with them.[1399]

- Other witnesses reported that, whether in or out of bed, McCarrick would sometimes initiate non-consensual or unwanted sexual contact with them, including sexualized touching, rubbing, masturbation and, in a few instances, penetration or attempted penetration.[1400]

In terms of understanding McCarrick's misconduct and identifying the nature of the information that the Holy See received prior to 2017, the individuals' accounts proved extraordinarily helpful to the examination and form a critical part of the permanent historical record preserved in the *Acta*.

[1396] 16 *ACTA* 13631, 13662.

[1397] 16 *ACTA* 13662, 13695, 13719, 13732, 13780; 40 *ACTA* 33848-49.

[1398] 16 *ACTA* 13696, 13728, 13732, 13784-85, 13792, 13843, 13936, 13943-45, 13953-54; 40 *ACTA* 33811, 33845-46, 33848-49.

[1399] 14 *ACTA* 13074-75, 13843, 13897, 13936; 33 *ACTA* 27294-95; 40 *ACTA* 33714-15.

[1400] 16 *ACTA* 13696-97, 13719, 13732, 13761, 13785-87, 13968-69; 33 *ACTA* 27142; 40 *ACTA* 33623-25, 33811-13, 33818, 33849-50.

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XXIX. INFORMATION RECEIVED FROM CATHOLIC ENTITIES (2018 TO 2020)

During the examination, the Secretariat of State requested and received information from several Catholic entities, including the USCCB, the Archdiocese of New York, the Archdiocese of Newark, Seton Hall University, the Diocese of Metuchen, and the Archdiocese of Washington.

A. United States Conference of Catholic Bishops

The USCCB informed the Holy See that, in 2018 and 2019, the Conference conducted an internal investigation regarding whether it had received reports of any sexual abuse or sexual harassment by McCarrick prior to mid-2018. According to the USCCB, the investigation included: (a) review of documents, especially in those departments where McCarrick was active; (b) written inquiries to current and past Presidents, General Secretaries, and Senior Staff of the Conference; and (c) interviews of former USCCB officials and staff. The USCCB stated that other than the single allegation in the context of an employment dispute mentioned above in Section X.A, the USCCB's internal investigation did not reveal any allegations of misconduct by McCarrick.[1401]

The USCCB provided the Holy See with the results of its internal investigation and imposed no restrictions on interviews of Conference personnel. As part of its own examination, the Holy See conducted interviews of a number of persons from the USCCB, including three past USCCB presidents, the current USCCB president, present and former USCCB General Counsel, several former USCCB employees, and various members of USCCB committees who worked with McCarrick.

B. Archdiocese of New York

In late 2018, Cardinal Dolan engaged a law firm to investigate whether the Archdiocese of New York had been aware of any allegations of sexual abuse

[1401] The USCCB's investigation did not uncover the three anonymous letters copied to the Office of General Counsel in 1993.

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committed by former Cardinal Theodore McCarrick prior to Summer of 2018, with the exception of information received in 2017 through the Archdiocese of New York's Independent Reconciliation and Compensation Program. The law firm that conducted this work for the Archdiocese of New York was separately interviewed for this Report and stated that it was granted full access to archived documents and records maintained by the Archdiocese and conducted a comprehensive search of potentially relevant materials, including the Archbishops' correspondence, the Vicar Generals' correspondence, seminary records, personnel files, parish files, and internal e-mails. In addition, the law firm interviewed individuals likely to have additional relevant information.

The Holy See also reviewed the law firm's report, which identified no evidence that anyone in the leadership of the Archdiocese was aware of allegations that former Cardinal McCarrick sexually abused minors.[1402] The investigation determined that Cardinal Egan, the former Archbishop of New York, had been aware of lawsuits filed in 2005 and 2007 by a priest of the Archdiocese of Newark, alleging that McCarrick had "slept with several Newark Archdiocesan seminarians when he was Archbishop of Newark."[1403] The investigation did not find evidence sufficient to conclude that anyone else in the leadership of the Archdiocese was aware of these allegations, or had any direct knowledge of abuse or misconduct by McCarrick, either with seminarians or minors.[1404]

[1402] Cardinal O'Connor's letter of 28 October 1999 to Nuncio Montalvo, including the anonymous letters attached thereto, were not located in the records of the Archdiocese of New York.

[1403] The lawsuits, which are mentioned above in Section XIX.D in connection with the article by Matt Abbott in 2005, also included allegations of sexual misconduct against approximately 50 other clergy members.

[1404] In early 2019, the Archdiocese of New York received second-hand information indicating that McCarrick traveled to Ireland in the 1970s with Catholic high school boys from New York. According to the information received, McCarrick called the boys his "nephews" and slept in the same room as them at a wealthy businessman's estate in Ireland. 23 *ACTA* 17495-96. The Archdiocese of New York provided this information to federal law enforcement authorities in the United States in February 2019.

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As part of its own investigation, the Holy See requested several categories of documents from the Archdiocese of New York related to McCarrick, including letters, e-mails, and other correspondence. At the direction of Cardinal Dolan, the Archdiocese cooperated with the Holy See's requests for information. The Archdiocese also imposed no restrictions on interviews of diocesan personnel in connection with the Holy See's examination. As part of that examination, the Holy See conducted interviews of a number of persons from the Archdiocese, including the current Archbishop, the Judicial Vicar, several priest secretaries of Cardinal O'Connor and three priests incardinated in the Archdiocese of New York.

C. Archdiocese of Newark

As part of its overall response to the grand jury investigation conducted by the Attorney General of the State of New Jersey, the Archdiocese of Newark engaged a law firm to assist it in complying with several subpoenas, including a subpoena requesting information relating to any identifiable criminal activity from 1940 to the present. As part of that examination of records responsive to the subpoena, the Archdiocese indicated that it searched for records relating to allegations of sexual misconduct by McCarrick. In light of the ongoing grand jury investigation, the Archdiocese stated that it has prioritized its cooperation with civil authorities and that it has not compiled its own report.

The Archdiocese cooperated with the Holy See's examination by providing requested documents, including e-mails, letters, and reports. The Archdiocese imposed no restrictions on interviews of diocesan personnel. As part of its examination, the Holy See conducted interviews of a number of persons from the Archdiocese, including the current Archbishop, archdiocesan counsel, several of McCarrick's former priest secretaries and one lay secretary. Archbishop Myers, who died on 24 September 2020, was not interviewed due to his deteriorating health.

D. Seton Hall University

In 2018-2019, the Seton Hall University Board of Regents commissioned a review of McCarrick's conduct, mainly in relation to the seminaries located

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on the campus of Seton Hall University (SHU). This examination, undertaken by a law firm and covering the period from 1986 through 2019, focused on possible violations of "Title IX" and included review of relevant files as well as interviews of numerous witnesses.[1405] According to the 27 August 2019 "Review Update" statement released by Seton Hall University, the investigation "found that McCarrick created a culture of fear and intimidation that supported his personal objectives. McCarrick used his position of power as then-Archbishop of Newark to sexually harass seminarians. No minors or other University students were determined to have been affected by McCarrick."[1406]

The commissioned SHU report, which remains confidential but was made available to the Holy See, identified "inappropriate" conduct by McCarrick when he was Archbishop of Newark, including the sharing of beds with seminarians at the beach house. But the report found no evidence that McCarrick made sexual advances while in bed with seminarians, or engaged in any sexual contact with anyone on the campus of Seton Hall University.[1407] The investigation identified an incident relating to one former seminarian who stated that, while lying on the beach at the New Jersey shore sometime during the 1980s, McCarrick placed his hand under the seminarian's bathing suit in the buttocks area for a few minutes while several other seminarians were also present.[1408] The SHU investigation determined that while the sharing of beds with seminarians had been known among seminary staff and administrators, no complaint of sexual assault or harassment was ever received by anyone at Seton Hall and no action was

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[1405] Title IX is a federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Under Title IX, discrimination can include sexual harassment and sexual assault.

[1406] 27 *ACTA* 20279.

[1407] 29 *ACTA* 22003.

[1408] 29 *ACTA* 22003-04. At the time of the SHU investigation, this former seminarian had already gone public with his account.

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taken to curb the practice at the time, in part because it was understood to be non-sexual and consensual.[1409]

In connection with the Holy See's own examination, the Acting General Counsel for SHU was interviewed regarding both the SHU investigative methodology and the results of the SHU investigation.

E. Diocese of Metuchen

As part of its overall response to the grand jury investigation conducted by the Attorney General of the State of New Jersey, the Diocese of Metuchen engaged a law firm to review whether the files and records of the Diocese contained any information concerning possible allegations of sexual misconduct by McCarrick. The review revealed that, prior to the Summer of 2018, the Diocese had received reports regarding the allegations made by Priest 1, Priest 2, Priest 3 and Priest 4. The Diocese of Metuchen did not receive any prior allegations or reports relating to any sexual misconduct with minors until a report was made in December of 2019.

The Diocese of Metuchen cooperated with the Holy See's examination, both with respect to providing relevant documents and placing no restrictions on interviews of diocesan personnel. As part of its own examination, the Holy See conducted interviews of a number of persons from the Diocese, including the current Bishop, the former Bishop, the past Vicar General and Vicar for Clergy, General Counsel, outside counsel and several former priests and seminarians.

F. Archdiocese of Washington

In late 2018, Cardinal Wuerl retained a law firm to investigate whether there existed any prior knowledge or reports of misconduct by McCarrick. The investigation covered the period from McCarrick's arrival in Washington through the summer of 2018. The investigation included review of McCarrick's Clergy File and Personnel File; review of letter and e-mail

[1409] The investigation also found no reports of misconduct with respect to the period after 2006, when McCarrick maintained an on-campus residence apartment.

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correspondence to and from McCarrick; and interviews of some former and current officials of the Archdiocese of Washington. The investigation concluded that, prior to the Summer of 2018, the Archdiocese was not made aware of any sexual misconduct by McCarrick.

After review of the investigation, the Holy See requested various documents from the Archdiocese of Washington related to McCarrick, including letters, e-mails, calendars and other relevant documents. The Archdiocese cooperated with the Holy See's requests. The Archdiocese also imposed no restrictions on interviews of diocesan personnel. The Holy See conducted interviews of a number of persons from the Archdiocese as part of its own examination, including Cardinal Wuerl, a former Vicar General, numerous priests, former seminarians, and one of McCarrick's lay secretaries.

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XXX. CONCLUSION

The foregoing account has detailed the Holy See's knowledge and decision-making regarding McCarrick from his first episcopal appointment through 2017. The Report concludes the Secretariat of State's factual examination ordered by Pope Francis in late 2018. As the Holy Father has stated:

> "If one member suffers, all suffer together with it" (1 Cor 12:26). These words of Saint Paul forcefully echo in my heart as I acknowledge once more the suffering endured by many minors due to sexual abuse, the abuse of power and the abuse of conscience perpetrated by a significant number of clerics and consecrated persons. Crimes that inflict deep wounds of pain and powerlessness, primarily among the victims, but also in their family members and in the larger community of believers and nonbelievers alike. Looking back to the past, no effort to beg pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the future, no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated. The pain of the victims and their families is also our pain, and so it is urgent that we once more reaffirm our commitment to ensure the protection of minors and of vulnerable adults.[1410]

[1410] *Letter of the Holy Father Francis to the People of God* (20 Aug. 2018).

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