



August 15, 2018

Rod J. Rosenstein, Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Demand for Investigation and Prosecution of High-level Officials in the Catholic Church for Widespread and Systemic Rape and Other Forms of Sexual Violence

Dear Deputy Attorney General Rosenstein:

Yesterday, the Pennsylvania Supreme Court released a grand jury report which sets out in clear, unmistakable terms and in horrifying detail widespread sexual violence by priests involving more than 1,000 victims and a coherent, cohesive, pattern and practice of cover-up by high-level officials in the Catholic Church in Pennsylvania and the Vatican.¹ The Pennsylvania report is very thorough, and the latest in a tragically long line of such reports from around the country, and indeed, the world.

It is long past time for the U.S. Department of Justice to initiate a full-scale, nationwide investigation into the systemic rape and sexual violence, and cover-ups in the Catholic Church, and, where appropriate, bring criminal and/or civil proceedings against the hierarchy that enabled the violations.

Survivors have been calling for such an investigation at least since 2003, in the wake of the explosive revelations in the Boston archdiocese which exposed widespread sexual violence by priests and a systematic cover-up that reached to the highest levels of the Church hierarchy not only in the archdiocese but at the Vatican. In 2003, the Survivors Network of those Abused by Priests (SNAP) sent a memorandum “[o]n behalf of the children, men and women who have been *and will be* sexually victimized by Catholic clergy in the United States” to then-Attorney General John Ashcroft calling for investigation “into the administrative and institutional practices of senior management within the Catholic Church.”²

At that time, as noted in the memorandum, “over the last two decades a multitude of cases [had] arisen in the United States concerning sexual abuse perpetrated by permanent employees of the

¹ 40th Statewide Investigating Grand Jury, Report 1: Interim, Redacted, Released August 14, 2018, available at <http://media-downloads.pacourts.us/InterimRedactedReportandResponses.pdf?cb=5510158>.

² See Peter Isely, Position Paper: Sexual Abuse and the Catholic Church: The Need for Federal Intervention, Survivors Network of those Abused by Priests, November 2003, at pp. 4-5, annexed hereto as Exhibit 1, Appendix B. (emphasis added).

Catholic Church” and there was a growing body of evidence that “senior management within the church unilaterally undermined the laws of the United States and have not been held accountable for these practices.”³ The memorandum provided insight into the structure and hierarchy of church entities – and how they operated to shield offenders, and facilitate more violations.

When SNAP called upon the Department of Justice in 2003 to initiate an investigation into the systemic sexual violence and cover-ups, it noted that a federal-level investigation was necessary because no one county or state-level jurisdiction could address the problem at its core because the “fragmentation of information” concerning reported offenders “spread across a multitude of Dioceses and Religious Orders in confidential personnel files... has enabled the Catholic Church to avoid criminal investigation and prosecution.”⁴

There was no response from the Justice Department to SNAP and no investigation.

Subsequent to that communiqué, more accounts of widespread sexual violence by clergy came to light in the United States and around the world, as did a greater understanding of the profound harm done to victims/survivors, including through the minimization of the harm and the lack of accountability.⁵ In 2014, SNAP, along with the Center for Constitutional Rights (CCR), submitted a report to the United Nations Committee Against Torture in which the organizations denounced the failure of the United States government to address this widespread and systematic sexual violence by clergy and cover-up by Church officials around the country.⁶

The SNAP/CCR 2014 report to the UN Committee Against Torture highlighted more recent revelations within the United States demonstrating more cases of sexual violence and evidence of continued and ongoing cover-ups by Church officials, including in: the archdiocese of

³ *Id.* at 3.

⁴ Letter from Survivors Network of those Abused by Priests to Department of Justice, November 2003, annexed hereto at Exhibit 1, Appendix B.

⁵ The Survivors Network of those Abused by Priests and the Center for Constitutional Rights documented the widespread and systematic violations, the practices and policies of the Church hierarchy that enabled the harm, the physical and mental impact on victims and survivors, and the legal qualifications of the conduct in a series of submissions to international bodies. *See, e.g.*, Preliminary Communication pursuant to Article 15 to the Prosecutor of the International Criminal Court, May 19, 2011 available at [https://ccrjustice.org/sites/default/files/assets/Survivors%20Network%20Art%20%2015%20Communication%20to%20ICC%20OTP%20\(3\).pdf](https://ccrjustice.org/sites/default/files/assets/Survivors%20Network%20Art%20%2015%20Communication%20to%20ICC%20OTP%20(3).pdf); Victims’ Communication Pursuant to Article 15 of the Rome Statute Requesting Investigation and Prosecution of High-Level Vatican Officials for Rape and Others Forms of Sexual Violence as Crimes Against Humanity and Torture as a Crime Against Humanity, September 2011, available at <http://s3.documentcloud.org/documents/243877/victims-communication.pdf>; Fighting for the Future, submitted to the Committee on the Rights of the Child upon review of the Holy See, February 2013, available at <https://ccrjustice.org/sites/default/files/assets/SNAP%20Shadow%20Report%20to%20UN%20CRC.pdf>; .Shadow Report, prepared for 52nd Session of the Committee Against Torture in Connection with its Review of the Holy See, April 2014, available at https://ccrjustice.org/sites/default/files/attach/2014/12/CCR_SNAP_Shadow_Report_apr2014.pdf. For more information, see generally: <https://ccrjustice.org/home/what-we-do/our-cases/snap-v-pope-et-al>.

⁶ Survivors Network of those Abused by Priests and the Center for Constitutional Rights, THE FAILURES OF THE UNITED STATES TO PROTECT AGAINST AND PROVIDE REDRESS FOR THE NATIONWIDE AND SYSTEMIC SEXUAL VIOLENCE AND COVER-UP BY CATHOLIC CLERGY: SHADOW REPORT TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE IN CONNECTION WITH ITS REVIEW OF THE UNITED STATES OF AMERICA, November 2014. Annexed hereto as Exhibit 1.

Milwaukee, Wisconsin (2013); the archdiocese of Los Angeles (2013); the archdiocese of Minneapolis (2013); the archdiocese of Philadelphia (2011). The report also pointed to earlier local investigations documenting the same kinds of violations and patterns and practices of cover-ups, including in Westchester County, New York (2002), Suffolk County, New York (2003), Diocese of Albany, New York (2012), Diocese of Manchester, New Hampshire (2003), archdiocese of Boston (2003), Philadelphia (2003 and 2005), and Arizona (2003).⁷

The 2014 report pointed out that as early as 2003 it was already reported that:

- that the crisis led to “nearly every diocese” in the United States, based on a survey conducted by the New York Times;
- that the Vatican’s own officials were advised by experts that the number of victims in the United States alone is estimated to be at least 100,000;
- at least two-thirds of bishops were involved in concealment.⁸

The United Nations Committee on the Rights of the Child and Committee Against Torture have also taken up these concerns and expressed alarm at the global scale of the sexual violence and the Church policies and practices that have concealed and enabled the violence.⁹ Of particular note, the Committee Against Torture recognized that sexual violence by clergy can qualify as the crime of torture.¹⁰ Both committees have issued clear and strong recommendations to the Vatican aimed at ending the violence and system of cover-ups.¹¹ It should be noted that the Vatican has not complied with requests from both committees to provide additional information and with interim reporting requirements.

With regard to the United States, the Committee on the Rights of the Child expressed concern about the government’s failure to properly investigate and prosecute cases pursuant to its obligations under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, noting that:

The Committee is deeply concerned at information of sexual abuse committed by clerics and leading members of certain faith-based organizations and religious institutions on a massive and long-term scale amounting to sexual slavery or servitude of children and about the lack of measures taken by the State party to properly investigate cases and prosecute those accused who are members of those organizations and institutions.¹²

⁷ *Id.* at Exhibit 1, Appendix A.

⁸ *Id.* at 2.

⁹ *See* United Nations, Concluding Observations of the Committee on the Rights of the Child on the Second Period Report of the Holy See, CRC/C/VAT/CO/2 (31 Jan. 2014) (“CRC 2014 Concluding Observations”), paras. 29, 43; United Nations, Concluding Observations of the Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the Initial Report of the Holy See, CAT/C/VAT/CO/1 (17 June 2014) (“CAT Concluding Observations”), paras. 9-18.

¹⁰ CAT Concluding Observations, paras. 12-14.

¹¹ CRC 2014 Concluding Observations, para. 44; CAT Concluding Observations, paras. 9-18.

¹² Concluding Observations on the Second Periodic Report of the United States of America submitted under Article 12 of the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography, CRC/C/OPSC/USA/CO/2 (2 July 2013) at para. 35.

The Committee urged the United States to:

...take all necessary measures to investigate all cases of sexual abuse of children whether single or on a massive and long-term scale, committed by clerics, to issue clear instructions to all relevant authorities to actively prosecute those cases and to engage in a dialogue with faith-based organizations, religious institutions and their leaders, in order to enlist their active and open collaboration to prevent, investigate and prosecute cases.¹³

The cases of sexual violence and evidence of Church cover-up have only continued to mount and survivors predicted they would in 2003. The Department of Justice must step up and conduct a thorough, full-scale investigation in this system-wide network of sexual violence and cover-up.

Accordingly, SNAP and CCR reiterate the call made to the Justice Department to investigate possible violations of federal law including but not limited to: Obstruction of Criminal Investigations, 18 U.S.C. § 1510; Obstruction of State and Local Law Enforcement, 18 U.S.C. § 1511; Tampering with a Witness, Victim, or Informant, 18 U.S.C. § 1512; Aiding and Abetting (Another Crime), 18 U.S.C. § 2; the Racketeer Influenced Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 *et seq.*, Kidnapping, 18 U.S.C. § 1201; Sex Trafficking of Children, 18 U.S.C. § 1591; Sexual Abuse and Exploitation of Children, 18 U.S.C. §§ 2241-44, 2251, 2251A, 2252; and Transportation for Illegal Sexual Activity, 18 U.S.C. §§ 2421-23.

Moreover, the Justice Department's Human Rights and Special Prosecutions Bureau is also urged to initiate an investigation into the acts or omissions of the Church hierarchy outside of the United States under 18 U.S.C. §§ 2340-2340A for torture and/or conspiracy to torture, for which there is no statute of limitations.

Sincerely,

Tim Lennon
President
Survivors Network of those Abused by Priests

Katherine Gallagher
Pamela C. Spees
Senior Staff Attorneys
Center for Constitutional Rights

cc: Brian A. Benckowski, Assistant Attorney General, Criminal Division
Teresa McHenry, Chief, Human Rights and Special Prosecutions Section
John M. Gore, Acting Assistant Attorney General, Civil Rights Division
Tracy Toulou, Director, Office of Tribal Justice
Josh Shapiro, Attorney General, State of Pennsylvania

¹³ *Id.* at para. 36.