



ELEPHANTS IN THE LIVING ROOM

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FR. KEN KAUCHEK & MR. JOE MAHER EDUCATIONAL FORUM

OUR LADY OF FATIMA
OAK PARK, MI
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INTRODUCTION

BISHOP TOM GUMBLETON

Get a reaction from Fr. Ken Kauchek of the Archdiocese of Detroit and who has been deeply involved in many of these situations. So Fr. Ken.

ARCHDIOCESE OF DETROIT POLICIES REGARDING PRIESTS

FR. KEN KAUCHEK

That was a very wonderful presentation by Michael. Great job! I'm only going to spend a few minutes; probably the easiest way to handle what I was suppose to talk about. When I get into the questions and answers; if you have questions about specific processes or procedures within our archdiocese over some of the things I might have been involved in I certainly would be able to answer those more specifically that particular way.

Our procedure basically follows this outline which I think all of you have received at some particular point *The Policies and Procedures Regarding Sexual Abuse of Minors in the Archdiocese of Detroit*. I think it was approved and received and accepted and promulgated by Cardinal Maida I think about 2003-2004 right around there. Basically the process is supposed to work the way in which Michael explained it with the bishop supporting his priests. And that the priest is innocent until the allegation has been proven to be true. And the way in which it does work is, as I think most of you are aware, is almost exactly the opposite. When the allegation is phoned in or a letter is sent to them there is a group in our archdiocese who have to meet with them within a period of 24 hours informing the individual that this allegation has been received and within this 24 hour period make some kind of recommendation back to the Cardinal about what to do. During that period of time, for the most part in recent history, I think perhaps we have put somewhat of a stop to it now, those priests who have been accused are never given the right to canonical council. Sometimes there is a specific amount of pressure that is placed upon them. I've been involved in this archdiocese and in other diocese throughout the country representing other priests where they have been told that it would be better to have the support of your bishop if you would admit that this happened and then the bishop can take care of you. That everything is going to be okay. And what the bishop means by taking care of you is not what the code means by taking caring of you and normally is for the priest, I would imagine being taking care of, is. During that period of time, once the allegation is deemed to be credible and there's a massive amount of discussion as Mike is fully aware of and alluded to it, what determines a credible allegation? What credible means in the law. How do you define it? Dulles talks about the fact that until you can get to that point of knowing what credibility is, specifically if it is an allocation that surfaces as Mike gave in some of his examples of some time of 25 to 30 years after the incident happened and then it surfaces. It is manifestly groundless and there's nothing there. But because of the issue of zero tolerance, which is of course as Mike has adequately and aptly pointed out, manifestly in violation of the law. The definition that the Dallas Charter uses is really an oral definition which is highly ambiguous and has an awful lot of loopholes in it so it's not certainly a definition on sexual abuse. The priest at that particular point then, there's a degree that's issued, a precept against him where all of these things are said. You can't wear clerical garb. You can't present yourself as a priest. You can't celebrate sacraments openly and you can't have anyone in attendance at your private Mass. So no one is allowed to attend, no one is allowed to serve and no one is allowed to be there. In some diocese we have had priests that I have represented outside of Detroit, who in conformity with that were living at a convent and would have Mass in the convent chapel. These happened primarily in places where the sisters were cloistered. And the sisters then would attend behind the cloister. (Laughter) And word got out and the bishop forbade the priests in 3

different dioceses to celebrate Mass. And then the sisters raised holy hell with the bishop because he wasn't going to send anybody else in and then he relented. So it has nothing to do with the law. It's depends on who has the more power. (Laughter) We all love those nuns. They really beat the hell out of those bishops. During that whole period of time, we have a review board out of that small group. This then goes on to the review board. This is again another thing that happened here in the archdiocese of Detroit which I think is now corrected, but I wouldn't stake my life on it that the accused has a right to go to the review board. And many times thinking that they're going to be able to just present their side of the story and say "that well, I didn't do it. I'm innocent. It never happened". They're never told that they should bring counsel with them. And so when the review board begins to interrogate them, just as if the review board was a judge in a court and interrogating someone, demanding answers and some of these sessions are taped. There are minutes being written of them. The review board itself has general counsel there representing the review board, which in our diocese is ????. But the accused may be sitting there with no one representing him. We have, I believe, put a stop to that. It was a common practice that had been going on until very, very recently. Following that you can go through that whole period of time in which you are not allowed to present yourself as a priest, function as a priest etc. etc. etc. In others words you are abandoned primarily. It wasn't until very, very recently that in our archdiocese that Cardinal Maida had determined that your name was removed from every mailing list that was downtown. You weren't sent a Christmas card greeting from him anymore. (Much Laughter) Your name as not removed from the CSA list. (Very Loud Laughter) And this has actually been proven. Priests were not allowed to attend clerical gatherings. I know we have a couple of those big clerical gatherings that happen out at St. Peters, one at Hugo's, there was pressure put on those fellows in the very beginning not to invite those who had been removed. Also, they were not invited to the convocations. Again, there were some ??? We put some pressure on them stating that they are not guilty until there has been a definitive judgment and criminal contentious judicial trial or that Rome has issued a sentence against them finding them to be guilty, they are innocent. And they have all the rights under the code to be present at these. Maida has relented and no longer does that. In fact he always will say that he's open to speaking with those who have been accused and who are on administrative leave as is promulgated but he never ... one of the difficulties which again I believe is in violation of the law, because he's the bishop, he doesn't make any action to draw those individuals to himself. He waits until they request to see him.

During that period of time, which as you know can go on indefinitely they are often so excluded from the ministerial life of the church and the active life of the church that they begin to lose a sense of hope and begin to be pretty despondent. There was a desire, early on that we not go through trials. So we've demanded that we do have trials. That they be held right here in the archdiocese as has happened because it's the best way in which to determine whether or not this allegation is substantially correct and therefore can be proven in a court of law to be true. Most of the cases right now, when they finally come to conclusion, some of them through executive, summary disposition; some of the priests have been retired and some have received medical leave and some have been excluded from the ministry. We've had to fight over the issue of sustenance. There was a period of time in which the archdiocese was going to define sustenance in a very minimalistic way that sustenance, meant that you had to have food and you had to have a place. And that there were insider jokes going on in the downtown offices that basically if you're not providing any services to the diocese why should the diocese provide a service to you. I have heard that stated many times over by different officials in our chancery system. Of course, those statements are made because the presumption already is that the individual therefore is guilty; which is in total violation of the law and in total violation of the relationship between the bishop and the priest that Mike has talked about. Some of that has been curtailed, no longer taught that way anymore.

When it comes now to this next issue which is, if a decision has been given by Rome that a priest is to be permanently removed from the ministry you enter into that next period of discussion. And the diocese has finally opened its eyes and recognized that sometimes they were inviting the priest to come alone without his ????. That too has stopped because the priest is given this degree and for the most part they really don't understand what it means and the official will walk them through it and then basically end up saying no and six months from the date of this degree your hospitalization stops. And six months from the date of this degree you will no longer be receiving any sustenance. We will give you a lump sum. We're going to give it to you in one fat, big check and you're going to have to pay all these taxes right up front and then its goodbye. Sign here. So we have worked to modify all of that, that the priest is still a priest, though he may

be permanently suspended. He still has rights under the law. The bishop still has obligations to him. So we have been able to move those settlements around that are much more beneficial to a priest.

And then they come now to this last issue, which is an issue of monitoring that is going on. The diocese has hired a woman I'm sure you know of her, her name is Ina Grant who has worked in probation for about 20 some years. This form was sent out to the priest and not to their ???? so basically the priests from the archdiocese of Detroit starting calling me who I represent saying "I just got this thing in the mail. This is absolutely horrible. Why didn't you tell me this was coming?" So then I had to call down there and go down there and say "You know this is not the appropriate way to handle this. If you want to talk to them you need to talk to me". So that has since changed. Before if you've seen it or not seen it, it's pretty invasive in my opinion, basically asking, you know, we're coming to visit you and we're going to come into your house, and we're going to look around, we're going to check things out and I'm coming and I want to know "Where's your computer?" as Mike is pointing out because there is still this absolute convinced reality that these individuals are still acting out and it's very, very extremely invasive. They want to know the name of your spiritual director. The name of your psychiatrist, psychotherapist, counselor; reports that are given they'd like to see them. Who you're going on vacation with; where you're going and so on. So, what we have been talking about here in the archdiocese, and I was very, very gratified in the last session that I had with the Cardinal's delegate ???? was that one of my priests said to him "What if I don't want to fill this out?" which is what we were encouraging, and happened. And the response back was "You don't want to fill it out, it's okay". So we have, I think, made some definitive movement again forward that you can't continue this kind of monitoring after a decree has been imposed upon you that invades your not only your canonical rights but also drastically invades the very civil rights that we enjoy as a citizen of this country. So there has been progress on that. How far the progress will go, I don't know. I think they're going to push the limits as far as they can. And following the code and the law regarding civil rights that do exist we will continue to push back. (Applause)

COMMENTS

FR. PAUL CHATEAU

Word has gone around among the brethren that you have been doing some great work even if unheralded and behind the scenes. (Applause) Now we're going to hear from Mr. Joe Maher. He'll tell you what he represents and what he does.

EXPERIENCES OF PRIESTS WHO HAVE BEEN CHARGED

MR. JOE MAHER

Hello, my name is Joe Maher. I'm a member of the archdiocese of Detroit. I'll give you a little bit of history and then I'll respond to a few things the good father canon lawyers have to say. I guess my role here is to say "I affirm that what they say is 100% true and that when the priests are cut off we're the ones they come to".

In April 2002 a priest in our local parish was accused of raping a 48 year old choir member. My wife and I had helped this priest who's from Africa in the past monetarily and with other support, and he was considered a visiting priest in the archdiocese of Detroit. So when this allegation happened and he was arrested and put into jail the archdiocese decided that since he was a visiting priest they had nothing to do with him. Washed their hands of it and then proceeded to tell the pastor that the priest could no longer come back to the rectory. Now this priest made international news because he was kind of like a Martin Luther King Jr. in their country of Togo. There was a Lutheran church from Amnesty International that brought him out of that country and brought him to the United States. At that time for about four years, the Lutheran church took care of him until finally our pastor admitted him someplace and found out he was a priest and said "it's a scandal that a priest shouldn't be taken care of, so Fr. Barone of Assumption Grotto brought him to the rectory. Well, to make a long story short, we got involved and then there were four of us, Fr. Barone, myself, a gentleman by the name of Keith ???? and another gentleman by the name of Paul Baron who within about an hour pulled together and helped them get him out of jail. And he was a diabetic so by the time we got him out, if we hadn't got him out 24 hours after he had been in jail he would probably have been dead the next morning because they refused to give him any medication. This was the Wayne County jail. This made international news as I said over the BBC and then it became national news. We put together a defense team, and the defense team asked since I had media experience, it pays to work in Beverly Hills, California, that I would be one of the spokesmen. And so I did. And priests and

friends of priests from all over the world started calling me. And probably around the middle of May or so we had about a dozen priests. And I thought twelve priests want our help, what are we going to do for them? I want you to know that that's been ongoing since 2002 and we now have over 2000 priests that we're helping all over the world and primarily in the United States of America. We get two or three new priests a week still from the United States that need help. In my estimation and it is only my estimation, and I was just at the bishops conference a couple of weeks ago, and a couple of bishops said "I think you are absolutely right Joe, there's been over 5000 priests who have been removed". And there's a priest removed in a diocese in this country every week let me tell you. I can also tell you that if there is an allegation against a priest whether it's a phone call or whether, as one of the priests mention a letter, and it could be a nebulous allegation, and in some cases they don't even know who made the phone call, the priest is removed and he is given a couple of hours in some cases, up to 24 hours in other cases to leave his rectory. Now Fr. Sullivan had alluded to the fact about remuneration. It is very important for us to understand as lay people. Because when a priest lives in a rectory he has his food and clothing provided for, laundry money he doesn't have to worry about that because the laundry is being taken care of for him. He has a vehicle, he has insurance, he has health insurance. He has what is called stipends, as we all know funeral, wedding, baptism, somebody gives him money. I know very few priests that I have contacted that ever kept that money because there's a unique position that the pastor's in. When you're in trouble who do you go to, your pastor. So every pastor knows somebody that needs some help. And so when they lose this and they have their salary, which in many cases is cut off, sometimes within a few weeks after the allegation is made, thankfully that hasn't happened too often; then the priest, if they have no place to go they're basically destitute.

Give you a couple of examples. Two weeks ago I got an email from a priest who walked into a public library, got on the internet, found out about us, emailed me and said "I've been living on the street for a year as a homeless person". Six months ago we moved a priest from; I can't remember the state, one of the northern, west of the Mississippi, states from a homeless shelter to a monastery. He'd been in a homeless shelter for two years and nobody knew anything about it. So it's not a crises, it's an epidemic. And it's not a crisis of sexual abuse; it's an epidemic with us not loving our priests enough. And hence, if our own priests can't be redeemed what does that say about us lay people?

I want to say a few things about the charter because I do meet with the bishops; I've met with the Holy See. Obviously Cardinal Ratzinger is head of the See and I'm kind of known as the pope's thorn in the side because I'm obviously writing letters even when he was at the CDF and wasn't pope. I can do that because I'm a lay person and ?????????????? To understand this charter, that happened in June of 2002 and Father was right on the money with everything he said. The charter is a legal document and wasn't even written by the bishops. It was written by the council for the U.S.C.C.B. in response to the media. So the charter is essentially a legal document. And they're following a legal document. Now in June, at the summer meeting in Los Angeles a couple of bishops met with me and asked me "If you had something to say to us bishops what would it be?". And I started to laugh and said "I don't know if I can say that without having to go to confession". (Laughter) And they didn't laugh. (Louder Laughter) ????? I said "There are really two things. One is to tell bishops, priests have to be kinder to priests." I have never, I mean I'm a married man and those of you that are married and have children, I've never witnessed a more unkind fraternity than the priesthood. And that's all I'll say about that. "Second, the bishops have to spend a lot of time with their priests. And their priority has to be their priests." That's the only way they're going to know what's going on. You know, just as a side comment and somebody said you obey, you pray and you pay. We were standing in the lobby at one of the other bishop's conferences and one of the bishops came up and said "Well, what do you think, that bishop over there, he's a great bishop, man, can he raise money". (Laughter)

You see the charter was designed to minimize risk. That's what it is designed to do. The lawyers, and when the bishops complain I say "Don't complain about your legal counsel, they're doing exactly what they're paid to do. They're doing a great job. They're minimizing risk." And that's what the archdioceses are doing. Now of course our name in Latin was ?????????????????? – we'll work for the good of the priests, the priest to pastor, the priest to canon lawyer, priest to bishop, priest to pope, priests to cardinal. So I'm not here to dump on the bishops they, as the old saying goes, don't worry about your integrity you'll

do a good job of running it yourself. So the bishops, you know well say hey, they're doing what they're going to do and the backlash that they get may be well be deserved.

The second thing that I said to them after, that priests be kinder and bishops to support their priests, was stop removing priests when they're accused. Imagine if, when a priest is accused and he's removed from his rectory and parish, what's the very first thing you think of? Oh my God, what did Father do? Maybe Father didn't do anything. You know, maybe he did do something. Now I'm a father and I have a teenage daughter, God help me, please pray. (Laughter) And I have children. But the real people that you need to talk to are the grandparents. And you ask a grandparent "If your child or your grandchildren got in trouble, would you kick them out of the house, lock and bolt the doors, make sure that you put a sign outside that says "Don't come near my house and you find somebody else to be the intermediary between you and your grandchildren and your child"". Give it a rest. One bishop said "Well, Joe, what you're saying, I mean I understand what you're saying, but what you want us to do?" I said, "Be a father, be a grandfather". If you think you're priest has a problem and you want to pull him out of the rectory, bring him to your house. Put your arms around him, hug him, tell him you love him, tell him "Father, sit down, let's talk". You'll live here for a while till we can straighten things out. Okay, that's the way Christ does it. That's the way we have to do it. It's not easy. I mean, you're looking at the guy who gets death threats. He gets human feces thrown on this car, his lawn burned and he has to move his whole family out to the middle of the country to find a 500 foot driveway with a locked, gated fence. Why? Because on the mantle is a man with the dubious reputation of being all over CNN and everything with my arm around a pedophile. By the way, it's true. And I've also knelt in the jail cell of a priest and received their blessing. That's true. The head representatives of the Holy See came over and had dinner with me two years ago and they said "Joe, we've heard about you." So, hope there wasn't any other names mentioned. They said "We have a priest that we would like you to consider helping." I said "Sure, no problem, we'll love him. Bring him over whoever he is." And he said "Okay". So will you help any priest? I said "Any priest? We won't turn any priest away". Are you sure? Absolutely sure. Midway through dinner he said "Joe you know we have a priest". I said "I know I heard you". He said "Well, you know I mean this guy's really not done very good things." I said "So that's fine, we'll love him. We'll take care of him. You know, bring him over". The third time I felt like St. Peter. Joe, we have a priest. I know that's all you see, I imagine you've got thousands of them. Will you help him? I said "Absolutely". And this priest began to cry and he said "Nobody will help him in the church". I said "We will. We're part of the church". And that's the point too. We're part of the church. We are. As I told one bishop, "Bishop, look what you're saying to me, you're saying, how can you do this?". It's not extraordinary. This is what's expected of us. This is what Christ taught us. There's no thing worrying about what I am doing or what you're doing other than the fact that you're the ordained. You absolve my sins, you feed me Christ and your responsibility is to love me and love your priests. Now when an active priest has problems, where does he go today? And this is talking about the relationship with the priest and the bishop. Well he calls me. Now that's beautiful. We get a chance to love this priest. It's horrible because we have no authority with this priest. So, we have to work that out with the priests and bishops. But I can tell you that the number one question that I get from active priests are how do I protect myself from an allegation. I said "Well it's simple Father. The answer is simple. You don't leave the rectory. You cut a little hole in the bottom of the door and make sure somebody uses a two by four to slip your food through the opening and have no human contact whatsoever. That'll solve your problem".

And another priest when I was attending Sunday Mass with and after Mass he said, "What'd you think of my homily?" I said "I thought it was horrible". Because during his homily he said "Now, if you see me walking around the playground with my hands behind my back and not hugging your children anymore then you'll know why because of this problem". I said "Father that was not a very good thing to say". Six weeks later he was accused and removed. Why? Because people said "What has he done?". Father Jim and I were just talking earlier about Fr. Mike Lords, whose one of our advisors, and we've encouraged him to write. And he said "Every priest should look at their personnel file". I said "I don't agree with that anymore". You look at your priest personnel file and downtown says "Why do you need to look at your priest personnel file?". Okay. Cardinal Dulles who wrote that article, actually he's our theological advisor, he and Father Richard ???? we helped him with that article. We asked him and he was gracious and did. Cardinal Dulles was only one of the sole voices standing up saying "My brothers, we're nuts. You know, we can't do this". There was a meeting after our comments in June, this annual conference where bishops meet where they had several bishops that got together with the attorneys. And unfortunately Cardinal ????

who is the head of the CDF in the Holy See in Rome made a comment on Vatican radio about three months ago and he said "The charter's working great. Everything is going as it's planned. Things are well in the United States". Of course, I wrote him a letter. I never got an answer from him. Well, at this meeting there were several of the bishops and several of the attorneys. And of course several of the attorneys were arguing, as they should and as they do, I won't say they should because I would probably disagree with them, that look when a priest is accused he has to be removed. We have to minimize the risk and protect the lives. There is a lot more at stake here than just this priest's life. He's right of course. There are many souls, including your own. Well one of the bishops stood up, who said "Look, I have a moral obligation to these priests." Later I told him "Bishop, you have a moral obligation to me. And when you remove a priest, you're removing me. I'm a layperson. I'm part of this church".

Now I want to make another comment on that whole idea of credibility, you know because we hear a lot about that. Well, you have to understand, in order to minimize risk ... I was a ????? CEO and I did very well at a very young age and I worked in Hollywood so I know this jargon about you know, liability issues and all these other things. But credibility comes from the psychological ?????. Credible only means, in the context of the church, and this is important to understand, that it came from the source - meaning that this accusation came from somebody who I heard firsthand made the accusation. That's all it means. It doesn't mean it's true, it doesn't mean it's false, it doesn't mean ... it just means this person said this to me so that's the definition of a credible accusation. That's all it means. If you take it in that context, then you understand that everything in this whole entire situation is driven by a liability.

Last comment, I'm sitting with an archbishop in his residence, which I'm often invited to come talk to them. And we're having drinks at night with him. And say after three days with him. Of course you know you have a few drinks, you lighten up, and then I go after him. (Laughter) I'm Irish, I can't help it. That's what my dad taught me. So we're sitting there and he finally says "Joe, I hear everything you say about loving and taking care of and you're right. Of course, absolutely you're right. Cardinal Dulles is right. What do we do about the liability? How do we get past the liability?". I said to him, "Archbishop we're all liability". (Applause)

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Bev Parker
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