



ELEPHANTS IN THE LIVING ROOM

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EDUCATIONAL FORUM ON THE RIGHTS OF PRIESTS

OUR LADY OF FATIMA

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INTRODUCTION

BISHOP TOM GUMBLETON

I've only known Mike Sullivan for the past couple of months through telephone calls and emails, but I'm very happy to, in your name, welcome him into our midst this afternoon. Michael was born in western Minnesota in 1949 and grew up in that area as part of a Catholic family of eight children; got his primary education there and his university education later on in Minnesota. But then as an adult he first was engaged and working as a disc jockey. (Laughter) – I don't know what that brings to our program this afternoon, but it's probably a good thing – and he also managed a restaurant for a few years, and then entered the seminary.

He was ordained in 1981 as a priest of the diocese of Crookston, Minnesota, a diocese where we have a connection – if you remember Ken Povish, who is from Lansing and from our area, was the bishop in Crookston – and after about ten years Mike was sent away to Catholic University of America to study Canon Law, received his degree in 1992, I think it was, and then became Judicial Vicar for the diocese of Crookston, and continued that position until just a very short time ago. During that time he also pastored parishes, I don't know if it was more than one, but he was a pastor for twenty-two years as a priest in Crookston.

A few years ago, he helped to organize a group who called themselves, it's an organization, named *Justice for Priests and Deacons*. Now it was organized about twelve years ago, and became legally incorporated about six years ago, and he's been a member of its board ever since this organization began. With that background, I'm sure he's very qualified to speak to us this afternoon on the topic of *Justice and the Rights of Priests*. And so I ask you to welcome Fr. Mike Sullivan. (Applause)

THE RIGHTS OF PRIESTS

FR. MICHAEL SULLIVAN

Thank you everyone. It's a delight to be here. Thank you for welcoming me to this august body. I've heard about the *Elephants in the Living Room* for quite some time and so it's exciting to be able to come here and find out more information about you. I stayed last night with Gerry (Fr. Gerry Bechard), who just informed me this morning that he was part of the organization that got this started and going umpteen years ago. I wish that every diocese in the United States would have something like this, because we all have elephants that we're not talking about; and this is simply one of those many, many issues.

When I was first ordained, one of the things that attracted me to issues of justice was the fact that I have, as the bishop said, seven siblings. My five older siblings have all been married and divorced at least once. (Laughter) One has been divorced, we're not quite sure if it's three times or eight times. She tells us she got married to somebody, but then later on when she says they got divorced, she says we were never really married. (Much laughter) So we're not quite sure how that works. But, as always, I'm concerned with how do I help my siblings and my nieces and nephews stay active in the Catholic faith, because out of these eight children, myself and one other sibling are the only two who remain in the Catholic Church, the rest of all of them are gone. Hmmm! So I have a niece who is Jewish, and a cousin who is Mormon, and a brother who is Missouri Lutheran Synod. We have a very interesting gathering ... (Much Laughter)

My wonderful mother, of recent memory, used to always say to us, "Mike, you're the priest; you lead us in prayer;" and she'd promptly launch into it, "In the Name of the Father," and then, "Bless us O Lord." So I finally I had tell Mom, "Mom," I said, "Mom, if I'm going to lead, why don't you let me lead; if you want to, go ahead." "Okay, you lead. In the name of The Father..." "No, no, Mom, I'm going to do this." And

actually, what ended up happening is my relatives who come, all say this is wonderful, because you don't invoke Mary; besides the Jewish people are not real fond of that. I don't do the sign of the cross, which the Southern Baptists or the Missouri Lutheran Synod are not real fond of. And I don't mention the Trinity – Father, Son and Holy Spirit – which my Jewish relatives are happy about. And so we actually give God praise and thanks at Thanksgiving time, which works out wonderfully.

That's the reason I got involved in issues of social justice though, and it's also one of the reasons that I got involved in the Marriage Tribunal. So, when the bishop offered me the opportunity to do that a number of years ago, in fact in 1983, I began to be active already as an advocate for them and writing *Defender of the Bond* decisions; and then, when the Judicial Vicar was retiring, they asked if anybody would like to have the job. So, I volunteered; and since nobody else in our small diocese wanted it, I got it. So, as the bishop was saying, "Did I have another parish?" Actually, I had three other parishes. They were all about thirty miles away from the diocesan office. The first year I put on 33,000 miles doing ministry to my parishes, to the hospitals and to the chancery office. I decided I could do some of this via email, except you can't go to the hospital and some of those other things.

I had a wonderful sister who worked at the other parish, a religious sister, during the floods of 1997 in Grand Forks, North Dakota. I was on the Minnesota side of that, in Oslo, Minnesota. Sister Yvonne was there; she was the only person leading a religious community in that town, so she did services for the Catholics, and also for the Lutherans a little bit later in the day. For thirty days nobody got in there. When we got in there finally, they said to us, "Father, I liked her Mass so much better, it was shorter." (Laughter) And several times I would end up at the wrong parish at the wrong time, and have to call up Lucile and say, "Start Mass without me; I'll be there when I get there when I get there." And it always ended up I always got there in time for the gospel. So, I remember one time, there was an elderly couple, who were visiting, in the front row. And they began to stand and sing *Alleluia*, and I walked down and I said, "May the Lord be with you," and I thought these older folks were going to get whiplash. And afterward they said, "We could have sworn this started with a woman up front. (Laughter) How did this man suddenly appear?" Well, because somebody had to be there to do it. So, Lucille did a wonderful job; and I'm very, very use to that sense that said some women do a much better job than priests are capable of. And many women are much more capable than those priests are capable.

So, I'm so impressed to see so many women who are here. I was kind of caught off guard. I didn't know what kind of a crowd to expect, given the issue that we are talking about. And so I'm delighted to see so many of you here. I'm not sure what the reason might be –and I don't care – because, I think, the more educated we are, simply the better off the whole Church happens to be. We're never too educated.

There are some things I'd like to talk about for you and give you a kind of brief outline as far as how I'm going to go through these:

- The first thing I want to talk about a little bit is the foundations underneath which the Codes of Canon Law were revised. And the reason for that is that that was the principles that they tried to embody from the Second Vatican Council when they put together the new Code of Canon Law in 1983. So, I intend to briefly cover those ten in a very, very short process.
- Then, I want to give you a bit of a perspective about the relationship that was envisioned by priests and bishops, which is called *Incardination of the Diocese*.
- Third, I want to talk to you about the foundational rights that the Church has recognized and promoted, not only in the Code of Canon Law, which is their primary place now, but also in the United Nations, and virtually every other nation that's trying to establish a certain foundation for the rights of its peoples.
- Fourth, while there are rights that belong to the laity, there are also rights that belong exclusively to the ordained; so I want to cover those briefly.
- I want to give you some examples of how these rights have been violated by bishops, and how they have attempted to deal with the ordained who are accused of sins against the sixth commandment.
- Sixth, how this loss of good relationship might affect the Church, and I believe has already affected the Church, in the diocese as well as the people of God – and thus the fundamental need to restore the right relationship between the Church and the people.

The Foundations Underneath Which the Codes of Canon Law Were Revised

Here is a book that came out a number of years ago called, *The Code in the Hands of the Laity*, by Fr. Laurence Spiteri of the Los Angeles Archdiocese. He begins the book by writing in the third paragraph, “The Code of Canon Law, officially revised in 1983. It’s one of the ways in which the legal or conical relationship between the different members of the people of God is presented. Therefore the Code must be rooted in Church doctrine and theology.” Laurence then goes on to elaborate on how the new Code of Canon Law brings with it a new way of thinking, being that reflection of Vatican II. It’s principles of interpretation show how one should apply the law to ministry in the Church. Canon Law is done in a pastoral way because it supports the needs of the Church’s way to relate to contemporary life in meeting the needs of the people of God.

The revision of that Code began with, as I said, with the ten principles. Now those ten principles were organized quite shortly after the Second Vatican Council; and they continue to be the guiding point about how things should look, as they wrote these and put them in some kind of a semblance of order. Seven of these ten deal specifically with this issue, I think, of sexual abuse and how they’re treated in the Church. Some of those fundamental issues are the right, for example, for a defense. And everybody has a right to know who their accusers are and what the accusation is, and how to go about looking for a way to defend themselves on this. There’s a sense of transparency that these principles call for, so that what is done by the Church is clearly visible for the laity of the Church; and its by the people who are involved in the process, so that they come to understand what’s going on, and have a sense that there is justice that’s being promulgated here, or being resolved and solved. Justice is one of the other key principles. What are they going to be like? How do we know that this dealing is simply just and not an arbitrary decision? And so this whole process of these ten is really meant to form this foundation in basis.

Given that structure then, the Church moves to write the new Code of Canon Law. So, if we look at what has taken place, I think first of all, before you jump to the Code – what the bishops and the promulgation of degree in Dallas in 2002 on the general norms – there is an attempt here to short-circuit Canon Law. There’s also an attempt to short circuit the foundation of the principles that are taking place here. And I would tend to think – the bishop (Bishop Gumbleton) might know this much better than I – that there’s a huge amount of pressure from the press to do something, say something, accomplish something. And in fact, I’m told that before the meeting gathered in June, that there was a format that was sent out – very selective of what was finally ratified – that said, “This is what the group has come up with, and says we ought to do, and says we ought to ratify this. We must ratify something. If we don’t ratify anything, we’ll be virtually lynched by the media. We can’t afford to make too many changes. We can’t afford to have too much discussion about these wildly divergent different possibilities. This is the one we’re suggesting; and therefore, this is the one that ought to be passed.” And when they went to the gathering, Archbishop Flynn from St. Paul, in fact, is the one who said – who led this organization, he led this presentation – he said, “This is what we need to pass;” and it passed with only very few people opposing it or making moderations about it.

I’m not sure then that the bishops grasped this new way of thinking; and since then, I am convinced that most of them don’t grasp that new way of thinking in trying to apply Canon Law to the pastoral resolutions, to the situations, to the difficult circumstances that they find themselves in. In addition to that, canon lawyers are now almost exclusively hired by the diocese; and so they’re my source of income. They determine where I go and what I do. So, I am in a sense beholden to the bishop for my job and my occupation; and I might, behind closed doors, question his decision; but certainly publicly, it’s difficult to say I object to what my boss has just said, or my boss has done. And as a result, I think many canon lawyers find themselves in conflicted situations, being unable to actually offer good solid advice to bishops, who in some cases, seem to have their mind made up before they hear the facts, and to the folks who are accused, including the victims as well. The canon lawyers simply are not able to operate in a mind set or a frame where they can actually do good work.

The Relationship That Was Envisioned by Priests and Bishops Called Incardination

I’d like to share with you a little bit then, about that relationship with bishops and priests, because when I was writing my thesis for this Canon Law Degree in 1991 and 1992, the topic was *The Effects of Suspension upon Selected Rights and Obligations of a Diocesan Priest*. Little did I know that in eight

years, in advance of this explosion, that I would be kind of already dovetailing into what has been going on?

In the new Code of Canon Law every priest must be incardinated into a diocese or apply to a religious order. There's no freelancing anymore at all. No bishop is to ordain anybody until he sees that there is a need for the ministry of this specific person, this specific priest. And so there is a bond that's established and formed between the two – bishop and priest. And it's a permanent attachment, permanent! Changing from one diocese to another must follow a particular procedure, particular structures of law, and I know: since just a year ago, I switched from the Diocese of Crookston to the Archdiocese of St. Paul in Minneapolis.

Excardination happens about only two ways: death and the loss of the clerical state. Otherwise, this bond remains. So, a number of years ago, bishops decided and said to priests, "Okay, you don't want to function; you're free to go out and live, and go and do something else;" and thought that they were free. And they're not. That's why now a number of bishops are going back and trying to clean up old cases from 20-30 years ago because they found out that they're still canonically connected to the priest; and therefore they are worried that they may still civilly be connected to the priest. The idea of incardination is that there is mutual collaboration.

Foundational Rights That the Church has Recognized and Promoted in the Code of Canon Law

This collaboration is described in *Presbyterium Ordinis* that all priests must share with the bishop in one identical priesthood and ministry of Christ. Consequently, in the very unity of their consecration, the bishop requires their hierarchal union with the order of bishops. Bishops therefore, because of the gift of the Holy Spirit that has been given to the priests at their ordination, will regard them as their indispensable helpers and advisers in the ministry, and in the task of teaching, sanctifying and shepherding the people of God. On account of this common sharing of the same priesthood and ministry then, bishops are to regard their priests as brothers and friends, and are to take the greatest interest they are capable of in their welfare upon temporal and spiritual matters. This document from the Second Vatican Council receives recognition from Canon 384 with special solicitude, the diocesan bishop is to attend to presbyters and listen to them as assistants and councilors. He is to protect their rights and take care that they correctly fulfill the obligations proper to their state, and that the means and institutions which they need to foster, spiritual and intellectual life are available to them. He is also to take care that provision is made for their decent support and social assistance according to the norm of law.

This canon, linking bishop to priest, was worded even stronger in previous proposals. The wording originally used the same description that they use for husband and wife to describe the relationship between bishop and priests. Despite repeated attempts to use that same unique language, the wording was eventually changed by Pope John Paul II, because of the unique nature of marriage, not because of the relationship between priest and bishop. If this unique bond is going to exist, continue and thrive in the Church, I believe it must be based, as in any marriage, upon honesty, openness, love and support. When bishops tell their priests to obey, pray and pay – sounds like the one we used to use for the laity – the basis for the relationship is now fundamentally, radically changed. The changes that have resulted from the Dallas norms bring about profound changes in the American Church, and I believe that there are changes that very few bishops have even been known to contemplate.

Perhaps a number of you have read the book by Cardinal Bernardin, *The Gift of Peace*. In it, there are extensive sections in there, the first three chapters, I think it is, starting on page 19, early in the book, talks about the facing of false charges. As many of you recall in his work there as Cardinal of Chicago, there was an accusation that came forward through the media that, in fact, he had abused a seminarian prior to this, when he was a bishop in the area where the seminary was located at. The gentlemen who did the accusation is named Stephen Cook. In the book he talks about how this implication of this accusation affected him. And he points out in the book: he says, "All I have to offer is my years of service, my reputation; if these are destroyed, how can I go on serving the people of my diocese?" Isn't that poignant that as the bishop he would notice that and say, "How can I function as a bishop when this threat exists?" And I can't help but wonder that if he had been alive in 2002, and had been at Dallas when this proposal had come up, that somebody on the inside, who had been through a false accusation, might have the

opportunity to actually speak, to provide some wisdom and insight as to what was going on – what the ramifications, what the results might be – because I find in the Dallas norms and the implementation of them that there's very little there about the real process of protecting the rights and duties of the priest.

Rights That Belong Exclusively to the Ordained

Using that as a bridge then, I'd like to admit to some of the rights that we find for the laity and for the priests out there too. And again I want to cover these in a very broad sense, so we don't spend a lot of time upon them. In Canon 208 to 223: these are essentially the Bill of Rights for the laity of the Church. They deal with a wide variety of issues and a wide variety of things. They talk about regarding everyone with equal dignity; the right that the laity have to speak up, voice what their needs and concerns are to the local pastors; to ask and to plead for the education that they have a right to; the right to choose which occupation, which vocation in life, they would like to have; and to utilize the goods of the Church, spiritual and, I believe, also temporal to assist them in their own needs to survive and exist within the route they find themselves in. There is the right to organize, to promote apostolic action, which is precisely where we find the Voice of the Faithful and SNAP have followed that right in Canon Law to organize, to speak up and provide pressure, that I certainly think the *Elephants* is one of those other organizations that, should you so choose to do so, could in fact qualify within that same category, to organize and voice that objection; or voice your needs to the people above you in the Church structure. (Laughter)

Many times I think there something disconnected. Otherwise, though, what's so terribly, terribly important in there – and that Bernardin refers to is Canon 220, which talks about the right to a good reputation – that, “No one has the right to ruin the reputation, or to illegitimately harm the reputation of any person, or to injure the right of any person to protect his or her own privacy.” The second half of that says that, “The faithful can legitimately vindicate and defend the rights which they possess in the competent, ecclesiastical form” – the right to be judged according to law applied with equity; the right not to be punished except according to law. Now, in all of these things, there's the idea that every one of us has this right. Simply by ordination, we don't abandon that right at all. That's why we are all called the people of God; and there's no differentiation; there's no separation. There are simply tasks that are different responsibilities that are different. But it's all of us together, which form the makeup of the people of God, the Church of God. That's why it's so terribly important, I think, that everyone contributes, everyone participates. But at the same token, everyone also has the rights. They have to be scrupulously defended and protected, because once we find that we can attack that person, because they are different from us or I don't like them, we have to realize that it's very, very easy for me to be the next person.

Those who were divorced, for example – for a long, long time, and I have run into priests from my diocese when I was first Judicial Vicar, who thought that it was better to get rid of all the divorced people from the Catholic Church. (Laughter) Well, that is one simple solution. (Laughter) On the other hand, if we do that, there won't be a priest shortage. (Much Laughter) We'll have less than half the people in our Church, if we're still there. And my experience in the Tribunal is, in fact, that most folks would come asking for an annulment or a process to have their first marriage declared invalid, want to be adapted and involved in the Church. They want to be a part. So these are the very folks who have a great love and a desire to be a part of the Catholic Church. How many of those other ones just simply walked away and we never see. But these are the folks who want to go through the process. How much better off we'll be in helping us recognize and achieve what it is we're looking forward to. So I think it's very important that these rights that we have are going to be eroded and protected.

In Minneapolis-St. Paul – right now, in fact at the end of this week – they have a show there called *Body World*. Maybe you've heard about it. What it is, is that they have taken about one hundred different bodies, and they have peeled off the skin, and peeled off the fat, and shown us then what the bone structure looks like, how that blood flows through us through the arteries, the capillaries and veins, and the small parts that are out there; and they've also done the same with the nerve endings. It's a fascinating experience. What they've done is kind of sliced the body. And so, in some cases, it is very, very thin, about an inch thick or half-inch thick; and they've plasticized it so you can see how the bones and the blood and everything else fits together, and stacked it together, so you can kind of look through it. Sometimes they've cut it at an angle. Sometimes they've cut it this way from front to back. And then they have left the

organs in there to see how all this functions and works. It takes about an hour and a half to walk through it; and it's not a huge display but it's just so fascinating.

I don't know about you, but I couldn't stand biology; formaldehyde almost always made me throw up, so they didn't want me in class. But being able to walk through this and see this is like wow! This is so cool. So this is how big the heart is. And you know people always talking about the lungs way down here in the bottom half of your ... No! No! No! They're way up here on top of the rib cage part; this is all filled with other stuff down here. No, really it's cool. And so as I was walking through this, I listen to all the folks; it's fascinating who you hear. Some of the other priests I've talked to before going said, "Father, it's very sexual." (Laughter) I don't know, we came into the world that way, and there are only two models, male and female. I didn't think it was a big deal. You know, it's certainly not a sexual activity you're seeing; so it looks like the human body. So, I'm walking through; and I didn't find it terribly sexual. But the parents who were there with their kids, and the other adults talking to one another, kept saying over and over again, "Oh, how marvelous the human body is; how much more marvelous the Creator is." I think what this does is try to put flesh and bones and the concept of biology; so it really fleshes it out and make it much more whole than simply a structure that you might have for Halloween, where you have the bones hanging up from the tree top, for example.

And I think the Code of Canon Law attempts to do the same thing. It tries to take the very blank look that we have of law, which is terribly offensive to most folks – injustice of another legal system – what these rights are. It tries to put a little flesh onto it, a little muscle into it, a little blood and nerve endings into it, to make it very real for us. So, I think in that context, you should look at those things that that's a huge, huge element that we want to keep in mind. The idea behind law, in the Canon Law of the Catholic Church, is that we want this to be very, very human.

Bob Kennedy, one of my professors in Canon Law, who is another good Irishman, pointed out, he said, "You know; there's a difference. Canon Law seeks justice. American Civil Law seeks the law." And as I've talked to lawyers, in my various parishes where I've been at, it's fascinating; they will look to get somebody off simply because something was done wrong. Somehow the police, the authorities, didn't dot the right "i" or cross the "t". Or with the O. J. Simpson's case, he's not going to be on CCN or Fox Network, I guess. One of the things that always struck me is that, they were looking for any technical legality which got them off. If you can get them off, terrific. And that's the idea: how can I get my client off.

Canon Law seeks justice. And in so doing, I think, it really demands that we look for that: what is justice; what is fair for how we treat people? How do pastors treat people in their parishes? How do bishops treat the priests? How does Rome treat the priests and the bishop? And I think perhaps although we might talk about it nicely we have to find a better way of trying to apply it. With the rights of the clergy, as I said that the bond of incardination brings up certain exchange of rights between bishop and priest, a Church document says that the priest is to make the bishop known in a local parish. How can that be done unless there is a very close bond in what's taking place between the two of them, unless the bishop actually knows his priest. Why would I send you to this locality if I didn't know my congregation, and I didn't know you? If I didn't know your strengths and weaknesses, how would I know that there's a good fit here? What would take place? And I think too many bishops have become insulated. They simply don't know what goes on in their local parish; so they'll make promulgations and rules which are very, very nice, but have very little affect in the real world.

In our parish, for example, we do washing of the cups after Mass back in the working sacristy. And the bishop asked a question about that; he said, "Well, aren't you going to change it? According to Rome you should be washing ... if you're going to wash the ... only the priest can wash the dishes at Mass." (Laughter) I said, "You're absolutely right bishop, you're absolutely right; and that's why I follow the letter of the law exactly. I don't wash them at Mass, I wash them after Mass." So we know how to cut this a little bit differently. I think that sometimes that's an important element; what are they promulgating; what are they doing; and what is this about? Because sometimes we just fail to recognize that.

In the Canons 273 to 290, we list the obligations and the rights of the clergy, the clerics. A number of these rights, I think, spill over into obligations as well. But we also find the bishop someplace. The priest is to

pursue holiness. In this light, he is to continue to seek education, to continue to go on retreats; he's to continue to seek knowledge of the other sciences that are there. How can he do that without an adequate income? If you have suspended a priest or lifted him, said you can't function anymore; AND we're not going to pay you a just wage or a just salary, how can I do what Canon Law requires me to do? "How can I afford to go on a retreat, bishop, if you have cut my salary in half? You've given me no income. How can I do what Canon Law requires me to do?"

Canon law requires me to wear my clerical suite, my clerical collar. To be identified, the last time I was picked up at the airport, it was raining. Great! I couldn't wear black. It was very easy to find me; I was the only one in the Minneapolis-St. Paul airport and the Chicago airport, and for that matter in the Detroit airport, who wore a collar. First, when I'd been there for a long time, I didn't see any other collars: I began thinking, "Wow! Most priests are probably not too happy about wearing collars anymore; but I'm suppose to do that." I have to laugh, because we get catalogs all the time – and those of you who are still priests know that – the clergy shirt hasn't exactly changed in style in the last couple hundred years. Clergy shirts are \$35. to \$60. But, what is this about? I can go get a dress shirt like this and a tie for \$30. You know it's cheaper than the rest of this stuff. Why is this stuff of worth? It almost like it's getting more and more expensive to wear this stuff.

The priest is supposed to have a sufficient vacation time, up to 28 days a year, is supposed to be able to go off for continuing education or a sabbatical. I'm thinking there are so many times and obligations that the diocese lay upon us that this can make it impossible. When I went on sabbatical, in fact, when I went to cite the Canon Law, the bishop required that I find my own replacement. "Where is that in the book, bishop, I missed that. No! No! Your job is to find the replacement; mine is to be able to go for education; mine is to be able to go on vacation; and mine is to be able to do this. Your job is to find this replacement." I find they don't very often do this. I think perhaps some of the difficulty is that a number of the bishops have had limited experience in parish ministry, because they became academics very quickly, chancery staff, and very quickly a number of them also came from religious orders. Now those are all blessings for us. I appreciate folks who like to do that but without a pastoral sense about what we're doing, I think it's very, very difficult to apply things in a pastoral way, or approach things from a pastoral perspective.

I believe that all these canons about the rights and obligations of a priest are to help the priest in his ministry, as being a bishop in his locality. By our very lives, we're to give example that the kingdom of God is here, but not yet. We're to live in the world, but not be a part of it. We're able to understand the signs of the times, but also pierce the veil of the times with the message of God's redeeming love. Rome has consistently spoken that when a priest is no longer active, he still remains a priest nonetheless. He needs means of remuneration, a salary, to fulfill his obligations.

In most cases, if a priest is lifted, I would argue that he has a right to an increase in salary if he's removed from his ministry. I make about \$25,000. a year salary coming in; but, I also get room and board. If you reduce me to \$15,000. a year, I can't afford to live in my town. Renting a townhouse in Maple Grove, Minnesota costs you about \$1,150. a month, plus utilities. That's a two bedroom townhouse. They don't have any apartment buildings, because it's an upwardly mobile community. They don't want apartment complexes. So, for me to live in my town would require just \$1,500. a month to do that without having a car, without driving anyplace, without actually being able to go out and do any of the things that I'm required to do, like continuing education or subscribe to magazines, or get the local newspaper, or visit my family and friends, or be charitable. I couldn't even afford to give my percentage back to the Church in salary. I would maintain that instead of my \$25,000., in fact realistically, what the bishop ought to do is pay me \$40,000. a year. And if more bishops actually took seriously this part about being just, I think that they would press for a resolution to these situations much more quickly, because it costs money to do it properly.

Difficulties with the Dallas Norms

Before I get into some examples of about some of this stuff, let me point out some difficulties with the Dallas norms and their implementation. Perhaps you picked up an article as you came in of Avery Dulles from the 2004 *America* magazine? I find, if you ever get a chance, get *America*. At least at this point in time, virtually every week, there is either an article or a letter to the editor talking about the Dallas norms

and about justice, and what's taking place in the circumstances. It's been ongoing for a long, long period of time. The Canon Law Society of Canada, the Canon Law Society of Great Britain and Ireland, the Canon Law Society of Australia and New Zealand yearly, in fact quarterly, if their publishing their materials, will talk about the injustices that are taking place in this field, and the absolute travesty to the Code of Canon Law that has been happening in the way the bishops and the diocese are handling the circumstance. In fact, I brought along the most recent one from Canada. The pope's Rota address for 2006 just came out the early part of this spring in the newsletter of Canon Law Society, and he's talking to the Rota, as he always does about marriage tribunals. He says, "The canonical proceedings for the nullity of marriage are essentially a means of ascertaining the truth about the conjugal bond;" and then the next paragraph, "moreover the institution of a trial in general is not in itself a means of satisfying any kind of interest, but rather the qualified instrument to comply with the duty of justice to give each person what he or she deserves." He's speaking about marriage. He's also speaking, I believe, about priests or accused.

In this article of Avery Dulles – and it's already 2 years old – he points out that in November of 2000, American bishops published *Responsibility and Rehabilitation: A Critique of the American Criminal Justice System*. It upheld the dignity of the accused, rejected simple slogans, such as "three strikes and you're out," and stated that "one size fits all" solutions are often inadequate. "We must renew our efforts to ensure that the punishment fits the crime. Therefore, we do not support mandatory sentencing that replaces judge's assessments with rigid formulations."

In June of 2002, that was quickly replaced, abandoned and forgotten and rejected by the Dallas norms. In those norms the bishops have abandoned the presumption of innocence. Now, virtually everyone accused is removed from office, never, almost never, allowed back into any kind of ministry or service – not until the priest is able to prove his innocence, not that the accuser has proven the guilt, but that the priest has proven his innocence. Proving the negative is extremely difficult.

In the Dallas norms there is no definition of sexual abuse. Without this definition the diocesan bishop is left to define it himself, with the result there is a variation between diocese and with the NCC. There's no concept of proportionality. A single inappropriate word may bring about the same consequences as a serial rapist or serial pedophile. The norms are used retroactively, an act that is prohibited in civil and in canon law. In fact, Canon Number 9 says that the laws regard the future, not the past, unless they expressly provide for the past. The norms ignore the statute of limitations or prescriptions in the code. California had attempted to pass this law and did. The Supreme Court threw out the law, because it goes against the civil legal system of the United States.

Oversight with therapy is now a thing of the past. If I choose to go to a therapy treatment for alcoholism, and admit that I have looked at a single pornographic webpage, I will have the potential of being removed from the priesthood forever. Jay Leno has frequently shown that the porn sites are, by far, the most frequently visited place on the webpage. If porn sites were removed, there would only be two places on the web left. One would be protesting the WebPages themselves, the fact that they be removed, and the other one is the Law of Anti-pornography. According to the American Psychiatric Association, nearly 75% of all males over the age of 18 have visited the porn page – 75%.

All confidentiality given to the bishops is now gone. With this being true, why would a priest with any problem at all ever go to his bishop and ask for help? It's better to be arrested for public intoxication, as one of the priests was in St. Paul-Minneapolis about three months ago. Go to the civil courts. Be remanded to a psychiatric facility for assessment, because those psychiatric records are released only to the court. If I release it to my bishop, there's a real danger that he will again release it to the general public. Cardinal Dulles also points out that settlements by dioceses are frequently agreed to with no need to prove the charge. Cardinal Dulles also addresses the lack of remuneration, lack of access to a trial, virtual laicization, where a priest never functions again – even if there is no trial or no process; a push for voluntary laicization, or a host of other complaints. I suggest you reread the article. But I find it very condemnatory by the American bishops.

Examples of How These Rights Have Been Violated

Let me give you some examples of how some of these rights have been violated. I know a priest from about 20 years ago, in the early 80's, who imported some child pornography. He was arrested at the time the very material was delivered. They caught it at the post office. The police made a contact. They followed the postman as he delivered it, and when the priest checked and said, "Yes, this was my box," the police came around the corner and promptly arrested him. He never got in the box. But, according to child pornography, it's against the law. He was arrested, went to jail. Civil courts in the early 1980's sent him off for treatment, as did the diocese. My understanding is he went to Sweetland, Maryland for "treatment" in the early 80's – about 25 years ago. They discovered what had happened is, he had been abused as a child; and in fact, under times of stress, he reverted to old childlike ways. Once they dealt with the trauma of having been abused, and dealt with his ability to cope with stress, he has rejected this (behavior) and has become a vocal speaker about the rights of priests.

He came back to the diocese and, after some years of supervision, began to function again as a parish priest, with notice in that parish he had been charged with this, and had gone for treatment. So folks were aware of watching this. He got re-assigned, and he was in the new parish a couple of years before he upset one of the people in the parish. They went back and checked, and found that there was this charge against him. And because of the Dallas norms, they re-surfaced it once again. He was immediately lifted from his ministry, sent off to Sweetland for further treatment, which of course they could find nothing, because they'd already dealt with this twenty years before – twenty five years before – but while he was in Sweetland, the process for laicization began; and he was greeted upon his release with a letter from Rome saying, "Because of your request, you have been laicized."

Hmmm! huge problems here with this canonically. First of all is that the time prescription has long passed – its ten years. It used to be from the age of sixteen, and has been raised to eighteen, from when the crime has occurred. In 1981 to 2003, we're talking twenty plus years. He's already been punished for it, twenty years ago; and now we got punishment that's happening yet again, including laicization. There was never any problem at all in terms of ever, ever soliciting, or writing, or saying anything off-color to anybody, child or adult, boy or girl, male or female. There is never any record of ever having had any kind of a sexual relationship or attitude toward anyone. But someone didn't like what he'd done twenty years before. And he was accused once again. Second of all, when they petitioned Rome they didn't let him know. He wasn't involved in any defense in what was going on. And so, a lot of material was sent over without any information in the records about it – without providing any defense in what was taking place. So clearly, from this perspective, Rome got a one-sided picture of what was happening and the reason that he must be removed from active ministry and laicized. He'd received a second psychological evaluation. Rome has consistently said, "No one can be forced to take a psychological test without their express permission. They cannot be forced into it." It was. Information cannot be released to anyone unless the express permission is granted. Most dioceses, however, will say, "I am going to send you off there for a psychological examination; because I'm paying for it, you must release the records to me." And if I want to have a hope of going, that's what I'm going to have to do. But it doesn't very often work that way.

We have another case where this priest had actually committed pedophilia with at least two boys. He was removed from active ministry and never allowed to present himself again as a priest. He didn't. In 2004 he received a letter from his diocese saying that there was a charge against him: "How did he plead?" He consulted with the *Justice for Priests and Deacons*, the organization I work with; and they asked me to take on this case. So I wrote a letter to the diocese saying, "Would you be a little more specific? What is the charge? Who is it that made the charge? When did the charge happen?" The diocese response was, "He knows what the charge is and he pleaded guilty to it years ago." "No, bishop, you said there is a new charge. Until there are specifics, we're not going to plead on the new charge." At the same time, I wrote a letter to the Congregation for the Doctrine of the Faith saying, "Be aware this is what's happening with my priest." At which point, when the bishops sent over to Rome saying they want this man removed, the Congregation for the Faith already had my letter stating: "Oops! Wait a minute, he doesn't know what the charge is. It's an old charge, if what you're saying is true. It's 20-25 years ago. He's retired. He's never been active in the priesthood in the last thirty years, never presented himself as a priest, and he has a debilitating illness. He's also well above the age of retirement. Leave him alone." And the diocese

backed off. Now there are just huge amounts of stuff that goes on. And I can't begin to express to you quickly enough how it happens.

A transitional deacon was falsely accused of going to commit a perjury to the bishop. It dragged for two years, three years, finally, they said, "We want you to petition for laicization." He said, "I want to be ordained. I've already been ordained a deacon. I want to be ordained a priest." "No, we're not going to ordain you." "Well, would you release me?" "No!" "Well, will you send me to another diocese where they can ordain me?" "Not unless they accept you with these conditions and caveats." He said, "But I've not been proved guilty. In fact, all the information shows I'm wronged. I'm free. I'm innocent."

And when I contacted the bishop, the bishop agreed that the woman had told our group one thing and told him something entirely different, on two different occasions. She had falsely accused a Lutheran minister in the same territory. The civil courts declared her guilty of ruining his reputation. I said, "We have this long track record, bishop, of those being absolutely false." "Nope, I'm not paying for anything." So he didn't pay room and board; he didn't pay for education, didn't pay ministry, just left him completely penniless for like four years, until just recently, when this transitional deacon now has a graduate degree in some other specialized field, got hired out, actually on the east coast in this job as a professor. The local bishop had the audacity to say to him, "Underneath the promise of obedience, I forbid you to leave the diocese." (Laughter) At which point he wrote and said, "Bishop, as soon as you pay him the \$180,000. you owe him for back salary, we will consent." Nothing! No comments ever again from the bishop. You know, I'm just stunned, because, I mean, obviously every priest has a right to a good reputation. He has a right to have a just trial, and know what's going on, and what takes place.

How This Loss of Relationship Has Affected the Church

Recently, *The Los Angeles Times* consulted me about a case that was being heard in Pennsylvania by Bishop Cardinal Egan, out of New York, trying to do a trial outside of New York City so that nobody would know what's taking place. God knows how *The Los Angeles Times* found out about it. But the whole point of this was to say that, we wanted to keep it quiet, we wanted to keep it secret. And I said to the reporter, "I hope now that there are now hundreds and hundreds of trials that take place in the United States." "Really, why?" I said, "Because I'm convinced that this is the only way that there's going to be transparency in the Church." Priests no longer believe that the bishop is treating their accused priests justly. Priests who are being accused are firmly convinced that they're not being treated justly. Families and friends of the accused are convinced that their brother is not being treated justly. The local parish, where the priest suddenly disappears, is convinced that he's not being treated justly. And until there's a trial, which actually allows some kind of visibility, we're going to be convinced that there is no justice; and it's not Catholic, because I know my brothers. Many, many times – we went to the seminary together; we did great things together; you know, we played together; we ate together; we drank together; we told stories together; we went on vacations together. I know this brother priest; he would never do anything like this. All of a sudden he's gone. And so I know that the bishops are not being fair and accurate and just up front.

I think that's begun to show in a variety of places. In the latest exit polls after the election, something like 65% of the American Catholics said that the Catholic Church had 0% influence upon their decision about who to vote for, and the issues they voted for. Many of the proposals that the bishops were promoting in their states were defeated soundly. Only about 5% said that the bishops' influence upon them was considerable. And the rest of them said it was minor – didn't know that the bishops had a position at all. (Laughter)

I think it showed up in other ways. The archdiocese of St. Paul-Minneapolis, for example, is \$4,000,000. short on its budget this year, because they didn't reach the archdiocesan annual appeal last year. Twenty-five percent of the parishes in the archdiocese are no longer paying the assessment – goodness knows why – but they're not paying the assessment. The capital campaign, which was \$115,000,000., ended up being \$20,000,000. short. It's happening over and over across the United States. Three or four dioceses now have filed for bankruptcy. Many, many archdioceses are having to slash their archdiocesan staff. Many, many parishes are saying, "I'm not going to give any money." In fact, I've had people in my own parish saying, "Father, can I pay the fuel oil bill rather than giving you the money, because I know if I give you \$100. the diocese is going to tax it; they assess it."

Charities last year are up. Catholic charities and the other organizations are up, considerably. Catholic appeals for the diocesan offices are down. I think people are voting with their dollars – choosing not to pay the bishops, not to pay the diocese, choosing not to pay to the local parishes. And until this somehow shifts and changes, priests begin to trust their bishop once again, people begin to trust their bishop once again, that this is not going to change. I hope that there's lots of trust, because it's my contention that when that happens finally, people begin to see into the heart of what's taking place in the hierarchy of the Church in the United States. Then, and only then, might we be able to have justice. (Applause)

INTRODUCTION

FR. ED SCHEUERMAN

Now we're going to listen to and get a reaction from Fr. Ken Kauchek of the Archdiocese of Detroit, who has been deeply involved in many of these situations. So, Fr. Ken.

ARCHDIOCESE'S 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 have been involved in this archdiocese, and in other dioceses 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 does credible mean 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 allegation 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; 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 moral 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 dioceses 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 three 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. (Laughter)

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." But 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 Mr. Thomas Deussen (Bodan, Longley & Dahling). 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 was 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 canonists. 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 demand 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 have 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 minimalist 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? (Moans) 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 did talk 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 canonist. That too has stopped, because the priest is given this decree, 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, "Now, six months from the date of this decree your hospitalization stops. And six months from the date of this decree, 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 it's 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 canonists; 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, Rick Bass, 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)

INTRODUCTION

FR. ED SCHEUERMAN

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 had 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, an Amnesty International, which 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 met 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 Pete Ferrar 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 twenty-four 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, that 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, but 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, I can 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 twenty-four 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 are known as stipends – as we all know, at funerals, weddings, baptisms, 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.

I'll 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 relentlessly writing letters, even when he was at the CDF and now was pope. I can do

that because I'm a lay person and what can they say to us? To understand this Charter that happened in June of 2002 – and Father was right on the money with everything he said – but the Charter is a legal document and wasn't even written by the bishops. It was written by the council for the USCCB 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 and dioceses are doing. Now of course our name in Latin was *Opus Bonum Sacerdotes*– 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 his 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 'til 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 his 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." (Laughter) So, I 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 thanks 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 is: “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, who’s one of our advisors; and we’ve encouraged him to write. And he said, “Every priest should look at his 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 Neuhaus – 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 Levada, 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 corporate turnaround 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 community. 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 first-hand 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’s just that 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 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. 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." Thank you. (Applause)

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