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Background Information for Pastors Regarding Upcoming Legal Document Release

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Introduction

The Archdiocese of Chicago has been involved in a series of mediations stemming from claims involving sexual misconduct by priests. As part of this process a deposition given by Bishop Goedert in November 2007 is likely to be released within the next month. As the mediations go forward, additional information probably will be released as well.

This document will focus on Bishop Goedert's deposition and the questions that may arise from its publication. We are providing this information to assist pastors in understanding the issues and responding to inquiries in their communities. As time goes on, we expect to follow-up with more information on other important issues.

Legal Background

We believe that negotiation and mediation are the most compassionate and efficient ways to resolve claims involving clerical misconduct. While litigation in court is always a possibility, negotiation and mediation are preferable because they can promote reconciliation and healing. Litigation is too time consuming, polarizing and expensive.

Most of the claims now in mediation involve offenses that occurred before 1992. A current mediation agreement provides for the release of certain documents. The deposition of Cardinal George was released on August 12, 2008. The deposition of Bishop Goedert was given in November 2007 and its release is anticipated in late July.

Bishop Goedert's Deposition

The deposition includes testimony by Bishop Goedert in response to questions presented by the claimants' attorney. It focuses on cases and practices when he was Vicar for Priests (1987-1991) under Cardinal Bernardin. The exhibits selected by claimants' attorneys include letters and memos from Cardinal Bernardin and Bishop Goedert, as well as letters and handwritten notes from parishioners and accused priests.

The deposition and exhibits contain some evidence that supports allegations that the Archdiocese did not adequately investigate allegations or inform parishioners

about abuse. It is important to understand that a deposition is a one-sided event, where only one party's evidence is explained.

Portions of Bishop Goedert's deposition are blacked out, or "redacted," for a variety of reasons. Names of abuse victims, their families and other third parties are redacted to protect their privacy. Illinois law prohibits publication of information about "mental health" services, so references to mental health evaluation or treatment cannot be disclosed. Traditional legal privileges between attorney and client and between priest and penitent apply to some portions of the documents and also are redacted. All of the decisions about what to redact were discussed and reviewed jointly by the Archdiocese and the claimants' attorneys. A retired judge reviewed these redactions and issued an explanatory statement that is attached to the beginning of the deposition. A copy of the master's opinion and the deposition will be available on the Archdiocese's Website when the documents are released.

Historical Perspective

The Archdiocese's approach to sexual abuse cases has changed over the years with three different, sometimes overlapping phases. These approaches must always be viewed in the context of State of Illinois mandated reporting laws. The Archdiocese of Chicago has always complied with mandated reporting laws relating to the sexual abuse of minors. Since 2002 the Archdiocese has reported all allegations of sexual abuse of minors to the authorities.

- Prior to 1960s: Spiritual
 - ◆ Misconduct viewed primarily as moral failure
 - ◆ Solution was repentance, absolution, penance and commitment to reform

- 1960s to early 1990s: Therapeutic
 - ◆ Misconduct viewed as mental health issue that required treatment
 - ◆ Solution was psychological assessment, rehabilitation, follow all the professional recommendations with the possibility to return to ministry

- Early 1990s to Present: Legal
 - ◆ Misconduct viewed as a legal/criminal issue
 - ◆ Solution is criminal penalties and legal settlements for victims
 - ◆ Permanent withdrawal from ministry

Bishop Goedert's Tenure as Vicar for Priests

During Bishop Goedert's tenure, Archdiocesan leaders followed accepted Church policies and mental health practices of that time. They relied on opinions of respected forensic psychiatrists that offenders could be rehabilitated and safely returned to ministry with monitoring. They treated conversations between the Vicar for Priests and accused priests as pastoral and confidential.

Our approach today is different. There is prompt notification of authorities and immediate removal of a priest after an allegation is substantiated. There is no promise of confidentiality between a priest and the Vicar for Priests regarding sexual abuse of minors. In accordance with the Dallas Charter and Essential Norms, removal from ministry in substantiated cases is permanent.

Bishop Goedert – A Pioneer

Bishop Goedert pioneered many improvements in the way allegations were handled. He strengthened reporting to DCFS. He pursued evaluations from respected forensic psychiatrists and created systems to provide a proactive outreach to victims. He advocated for written policies and procedures for handling allegations. Additionally, he created a decision making process that involved a greater diversity of people. Unfortunately, these actions are not adequately reflected in the deposition or exhibits that were selected by the claimants' attorney.

Stronger Policies and Practices

The Archdiocese has continually strengthened its policies during past years.

- Under Cardinal Bernardin
 - Independent Review Board to handle cases
 - Full-time administrator to review allegations
 - Established Office of Assistance Ministry, the first of its kind
 - Prompt reporting to civil authorities
 - Established policies and procedures for addressing misconduct

- Under Cardinal George
 - "Zero tolerance" protocols of the Dallas Charter and the Essential Norms (2002-2003)
 - Office of Protection of Children and Youth
 - More proactive measures after McCormack (2007)
 - In all cases where the accuser is a minor child, priests are asked to step aside as soon as an allegation is made until a review is complete. This is also required where the accuser is no longer a minor child, but the safety of children may be threatened.
 - Widespread training of priests, lay employees and volunteers
 - Safe environment training in schools
 - Appointment of the Chancellor to manage the Archdiocese's efforts with respect to sex abuse of minors by clergy

Publication of Bishop Goedert's Deposition

We are attempting to plan for the release with the cooperation of the claimants' attorneys. The release date is expected to be July 21. The Archdiocese will notify the people mentioned in deposition/exhibits. A statement, the deposition, and the exhibits will be posted on the Archdiocese Web site. The next two pages include important information and a copy of the Archdiocese statement to help pastors in responding to inquiries in their communities.

Important Information

- Protection of children is of the utmost importance
- Sexual abuse of children is a deeply disturbing problem in our society
- We have a long standing commitment of reaching out to victims to help them resolve their claims in a compassionate, fair way so they can heal
- We have never turned away anyone with a substantiated allegation regardless of how long ago the abuse occurred
- Archdiocesan practices in the 1970s and 1980s reflected accepted mental health expertise of that time
- We made mistakes in the past and have learned from them
- We changed our approach beginning in 1992 because we learned that these practices were not enough
- Bishop Goedert was a pioneer in changing Archdiocese policies regarding clerical misconduct
- We continually strengthen our policies and strive to improve our approach
 - ◆ Cardinal Bernardin established written policies and created the Review Board, full-time administrator in 1992
 - ◆ Cardinal George improved outreach and processes with "zero tolerance" protocols in 2002
 - ◆ Ongoing efforts to strengthen and improve policies
- A deposition is a one-sided legal procedure that does not present a full view of what happened

Potential Questions

Q. Why is the Archdiocese releasing this deposition now?

A. One of the terms of the mediation agreement for certain of the clerical misconduct claims is that information will be released to the public as the process continues. This release is part of that process and we anticipate that other information will become public in the future.

Q. What specifically does the Archdiocese do differently now in handling child sex abuse allegations?

A. Since 1992, our approach has been vastly different from the 1970s and 1980s. In all cases where the accuser is a minor child, priests are asked to step aside as soon as an allegation is made until a review is complete. This is also required where the accuser is no longer a minor child, but the safety of children may be threatened. We offer no promise of confidentiality between a priest and the Vicar for Priests regarding sex abuse issues. We inform his parish and also promptly notify and cooperate with the civil authorities. While we recognize that our process isn't perfect, we have continually tried to improve and strengthen our policies and practices in handling these allegations over the past two decades.

Q. Did the Archdiocese have a practice of moving priest offenders from one parish to another?

A. No. It was never our practice to move priest offenders from parish to parish. However, priests were sometimes returned to parish ministry after treatment. Archdiocesan leaders at that time relied on opinions of respected psychiatrists that offenders could be rehabilitated and returned to ministry with proper monitoring. We have vastly different policies today because we now know that those who abuse minors are likely to offend again.

Q. Did Archdiocesan leaders mislead parishioners about priests who abused?

A. Some mistakes were made in the past and we've learned from them. Today, our policy is to require a priest to step aside from ministry as soon as an allegation is made in all cases where the accuser is a minor child until a review is complete. This is also required where the accuser is no longer a minor child, but the safety of children may be threatened. Once a determination is found to be credible the parish is informed. In earlier times, Archdiocesan leaders relied on respected psychiatric opinions that offenders could be rehabilitated and returned to restricted ministry. They also adhered to the accepted practice that conversations between a priest and the Vicar for Priests were pastoral in nature and therefore confidential. These two beliefs guided their actions. We treat this issue in a vastly different manner today.

Potential Questions

Q. What are you doing now to ensure that these men do not offend again?

A. There are no priests in active ministry who have a credible accusation of sexual abuse of a minor against them. Offenders have either resigned, been laicized and are no longer a part of the Archdiocese of Chicago. Some are deceased while others are being monitored in our facilities. We are continually working to improve and strengthen our approach to monitoring to ensure the safety of children.

Q. Has the role of the Vicar for Priests changed?

A. The Vicar for Priests has many duties, though his primary role is to act as an advocate and pastor for priests, including those who are in difficulty. In the instance when a priest is accused of sexual abuse of a minor, the Vicar is also responsible for working to protect children and the good of the church. During the time Bishop Goedert was Vicar for Priests, it was accepted practice that the conversations between a priest and the Vicar for Priests were confidential, even on matters involving sexual abuse. This is no longer the practice today.

Q. Why are certain portions of the deposition blacked out?

A. Portions of the Bishop Goedert's deposition are blacked out, or "redacted," for a variety of reasons. Names of abuse victims, their families and other third parties are redacted to protect their privacy. Illinois law prohibits publication of information about "mental health" services, so references to mental health evaluation or treatment are redacted. Traditional legal privileges between attorney and client and between priest and penitent apply to some portions of the documents and also are redacted. All of the decisions about what to redact were discussed and reviewed jointly by the Archdiocese and the claimants' attorneys. A retired judge reviewed the redactions and issued an explanatory note that is attached to the deposition.

Q. Where can I find a copy of the list of priests who abused?

A. A list of Archdiocesan priests with substantiated allegations of sexual misconduct with minors can be found on the Archdiocese web site at <http://www.archdiocese-chgo.org/misconduct.htm>

Statement About Bishop Goedert

Most Reverend Raymond E. Goedert, DD, Retired Auxiliary Bishop of Chicago, gave a deposition on November 13, 2007 as part of an ongoing mediation process designed to achieve compassionate and fair resolution in cases brought by survivors of sexual abuse by priests. A key element of the mediation process is the public disclosure of certain documents and files.

Bishop Goedert served as Vicar for Priests for the Archdiocese of Chicago from July of 1987 to September of 1991 under Joseph Cardinal Bernardin. Among his responsibilities as Vicar for Priests was to act as a pastor and advocate for priests that were accused of sexually abusing minors.

During his tenure, Bishop Goedert introduced many improvements to the Archdiocesan policies regarding clerical misconduct, including:

- Strengthened reporting to Department of Children and Family Services (DCFS)
- Arranged evaluations by respected forensic psychiatrists
- Instituted proactive outreach to victims
- Advocated for written policies and procedures for handling allegations
- Brought a broader range people into the decision making process

In his deposition, Bishop Goedert describes protocols and practices in dealing with sexual misconduct by priests that were accepted Archdiocesan policy and mental health treatments at that time. We now know that these practices were not enough. As a result, in 1992, the late Joseph Cardinal Bernardin, reformed Archdiocese policies. Since 1997, under Francis Cardinal George, O.M.I., the process for dealing with abuse allegations and abuse survivors has changed, been expanded and further improved.

It has long been the practice of the Archdiocese to reach out to victims to try to resolve their claims without requiring them to go through lengthy court proceedings. The Archdiocese believes that mediation of claims is the best, most compassionate way to resolve these cases, as it spares the victims and their families the burdens and stresses of an extended legal process.