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Most Reverend Rembert G. Weakland, O. S. B
Archbishop of Milwaukee
Archdiocese of Milwaukee
3501 S. Lake Drive
Milwaukee, WI 53207

RE: *Preliminary Report and Recommendations of Special Commission to Study
Allegations of Sexual Abuse by Priests in the Milwaukee Archdiocese*

Dear Archbishop Weakland:

You have requested that we submit to you a preliminary report and recommendations on three matters:

1. Our observations of the current policies followed by the Archdiocese of Milwaukee in cases in which allegations have been made of sexual abuse by diocesan priests, and any recommendations we might have for improving those procedures.
2. Our recommendations for the placement of six priests, now in active ministry, against whom credible allegations of sexual abuse of children have been made, and whether information regarding those six cases should be made public, and, if so, what information should be released to the public.
3. Whether the Archdiocese should adopt a "Zero Tolerance" policy whereby priests credibly accused of sexual abuse of children are permanently removed from the active ministry.

While we are pleased to give you our preliminary recommendations and observations in these matters, we must emphasize that these are preliminary observations. We hope to have a complete report to you or your successor, by the end of summer. With one exception, these recommendations represent the unanimous view of the Special Commission. One member of the Special Commission is not prepared at this time to agree to recommendation 12.

CURRENT PROCEDURES IN THE ARCHDIOCESE FOR ADDRESSING ALLEGATIONS OF SEXUAL ABUSE OF CHILDREN BY PRIESTS.

We believe that the Archdiocese of Milwaukee currently has in place excellent procedures for handling cases in which allegations of sexual abuse of children by priests have been made. These procedures, which have been followed for approximately ten years, include prompt notification of civil authorities of any such allegation. While we think these procedures are excellent, we respectfully make the following recommendations for improving the processes.

1. The procedures of the Archdiocese should be made more accessible to the public.

The current policies of the Archdiocese, while excellent, are contained in several different documents. Often these documents include substantial discussion for the theological and legal bases for such policies. We recommend that the policy be reduced to no more than two pages, and preferably one, and that such policy be made generally available to persons throughout the Archdioceses, so that the procedure is well known and clear to everyone. The policy should be included on the Archdiocesan web page. The procedures should be reviewed on a regular basis.

2. Immediate reporting to civil authorities.

A hallmark of any procedure to address allegations of sexual abuse of children by priests should be that the Archdiocese report all allegations to the civil authorities, without any preliminary screening, investigation, or legal judgment relating to those cases. The victims of such abuse should also be encouraged to report such incidents to civil authorities. We emphasize that this is currently the policy of the Archdiocese. Nevertheless, the procedure should be explicitly stated. Additionally, the Archdiocese should work with the district attorneys and law enforcement agencies in each county within the Archdiocese to ensure that such cases are promptly reported and investigated.

3. Involvement of victim assistance organizations.

We believe that the Archdiocese should contract with one or more victim assistance organizations, not otherwise affiliated with the Archdiocese, to provide assistance to victims of childhood sexual abuse by priests. Such an agency would be available to accept complaints regarding priests when the victim feels uncomfortable making such reports directly to the Archdiocese or civil authorities. The agency would also be available to work with any victims of alleged sexual abuse to ensure that the victims receive adequate counseling and support throughout the processes. Such services should be supplemental and alternative to the services currently offered by the Archdiocese itself.

4. Assuring that Priests within the Archdiocese report information to the Archdiocese.

In several of the cases we reviewed, other priests within the Archdiocese had knowledge of allegations of sexual abuse of children long before it was actually reported to the Archbishop. While some view “The Church” as one entity, the fact is that not all information has been promptly reported to your office. We recommend that when another priest or deacon has information suggesting that a priest has been inappropriately involved with children, the alleged perpetrator should be informed of such information and urged to provide any relevant information to the Archdiocese immediately. If the alleged perpetrator does not self-report to the Archdiocese, the priest or deacon having such information shall immediately report such information to your designee.

5. Concern about priests' legal rights.

The files we have reviewed affirms that the Archdiocese has shown enormous compassion and understanding for the psychological and religious trauma that allegations of sexual abuse cause both the victims of that abuse and the priest who is the alleged perpetrator. However, the Archdiocese must also recognize that the priests who are alleged to have committed these acts have important legal rights which sometimes may be in conflict with the legal interest of the Archdiocese. Sexual assault of children is a serious crime carrying significant periods of confinement. Even if no criminal action is taken, allegations of sexual abuse have grave consequences for priests. For those reasons, the Archdiocese should ensure that all priests against whom such allegations are made receive independent legal information and advice and take no action to discourage a priest from obtaining independent legal representation.

6. Adjudicating cases not resolved by civil authorities.

In most cases we reviewed, the matter was referred to the appropriate district attorney or law enforcement agency for investigation or prosecution. In most cases the matter was not pursued either because the statute of limitations had expired or because the case presented other legal difficulties, including the lack of adequate proof. For that reason, in none of the six cases we reviewed has there been a final determination of the truth of the allegations. In at least one case, the priest vehemently denied most, if not all, of the allegations. We believe that it is necessary and appropriate for the Archdiocese to develop an internal adjudicatory process for determining the facts in cases which are not pursued to a final determination of guilt or lack of guilt by civil authorities. In such cases, independent and impartial adjudicators should be retained to assist the Archdiocese in such factual findings. Such internal adjudications should occur only after the criminal investigation or prosecution has ended.

In cases in which a guilty plea or adjudication of guilt has been made by a civil court, that should be dispositive of the factual matter for the Archdiocese. In cases in which prosecution is declined for any reason, or in the cases that are dismissed without a determination of guilt, the Archdiocese should invoke its internal process. While normally an acquittal after a trial will be dispositive of the matter, in unusual cases the Archdiocese should conduct an internal adjudication even after an acquittal, particularly if it appears that *reliable* evidence was excluded from the criminal case.

Such a process would be closed with utmost concern shown for the rights of the victims and the priest. While it is not anticipated that the internal Archdiocese adjudication procedure will have the same evidentiary restrictions or the same burden of proof as a criminal trial in circuit court, the internal procedure must comply with fundamental fairness, which includes the right of a priest to be represented by independent legal counsel and the right to question all persons having evidence relating to the matter. We hope to provide additional recommendations regarding this procedure in our final report.

7. All cases involving allegations of sexual misconduct by priests should have ultimate factual determinations made of whether those allegations are true.

In none of the cases we reviewed was there a formal determination that the allegations of sexual abuse were true and, if true, exactly what occurred and when. We think it is advisable that in every case in which allegations of sexual abuse are made, that there be a determination of what occurred. A detailed inculpatory statement or stipulation by a priest, voluntarily given, would constitute an admission of the

facts set forth in such statement without additional adjudication. However, such statement should include specific facts relating to the sexual misconduct.

8. Assuring files contain all relevant factual information.

The Archdiocese has voluminous files on the six cases that we reviewed. Nevertheless, in several cases the specific factual allegations remain unclear. It would be helpful, we believe, if more care were taken to ensure that a comprehensive factual account of what occurred is included. Of course, if our preceding recommendations are adopted, the adjudication process within the Archdiocese might well provide the type of factual databases we believe are absent in some of the files.

9. The Archdiocese should act proactively in identifying and addressing priests' psychological problems.

In each of the cases we reviewed, the priests were struggling with significant psychological problems. In some of the cases, the use of alcohol or alcohol abuse was a factor in the misconduct. Several of the priests are identified at times as suffering from clinical depression. While our review affirms that the Archdiocese has shown extraordinary compassion and concern for the physiological well being of their priests, we believe it is important to act more proactively on an on-going basis to screen and identify priests who have significant psychological problems, or who simply need independent counseling to assist them in resolving issues in their lives which, if unaddressed, may contribute to inappropriate behavior. While we recognize that the Archdiocese itself provides substantial spiritual assistance and support to its priests; there would be a distinct benefit to encouraging supplemental assistance before any issues or problems arise.

DISPOSITION OF THE SIX CASES.

We make four specific recommendations regarding the disposition of the six cases we reviewed of priests who are in active ministry in the Archdiocese, against whom allegations of sexual abuse of children have been made:

10. The identities of the victims and the files themselves should remain confidential.

Although no one has suggested that the identity of the victims be made public, we simply state the obvious that utmost concern for protecting the identities of the victims should continue to be shown. It is important that if the victim wishes his or her identity to remain confidential, those wishes should be respected. As for the files themselves, we see no purpose to be served by making them public. These files contain a range of materials from the priests' seminary grades to detailed psychological evaluations of the priests and a range of communications relating to the priests, some of which are of dubious reliability. Additionally, much of this material has been made available to the Archdiocese under a promise of confidentiality that should be honored.

11. As soon as possible, the Archdiocese should make public generic information regarding the allegations made against the six priests.

By "generic" we mean specifically the date, general descriptions of the alleged misconduct, a description of the action taken by the Archdiocese to address the problem, and a generic description of the

position each priest now holds. We see this information as prefatory to the identification to the priests themselves. We believe that providing this material will assist the public in understanding the nature of these cases, as well as the appropriateness of the response of the Archdiocese. The Commission stands ready to assist you and your staff to compile this information.

12. By September 1, 2002 the identities of the six priests should be disclosed.

Although good arguments can be made for maintaining the confidentiality of the identification of these priests, we think, on balance, public disclosure is the best course, now and in the future. We believe there continues to be concern in the community regarding the identity of these priests, which will not abate until and unless the identity of the six is made known. Disclosure of the identities of these priests will lift the cloud of suspicion from other priests within the Archdiocese. We do not think it is not in the best interest of the Archdiocese or community in general to constantly fear the disclosure of this information, which inevitably causes embarrassment to the Archdiocese. We also note that when these disclosures have been made for the first time in the media, the identities of the victims have also been made public. Public disclosure of the identities of the priests by the Archdiocese or by the priests themselves would protect the identity of the victims. We believe that special compassion and care should be exercised in precisely how this disclosure process take place. In some instances we believe that it would be beneficial if the priest himself discloses this information to the persons with whom he interacts. We recommend that each priest receives assistance and support from you and the other leaders in the Archdiocese during a period which will probably be a very difficult. Similar concern should be shown for the victims during that period. We are confident, however, that by identifying these six priests, a cloud over these matters can be substantially removed.

13. Additional Testing and Review is Necessary to Determine Whether the Six Priests Should Remain in Active Ministry.

There remains the question of whether these six priests should remain in active ministry. We are not prepared to make a recommendation on this issue at the present time. We are submitting to you today a separate report prepared by Commission member, Dr. Donald Hands, who analyzed these six cases using accepted clinical instruments which seek to evaluate the likelihood of future sexual misconduct. In three cases he has recommended additional testing of the individual priests, and in the other three cases he concluded there was a low risk of future misconduct. Nevertheless, we are not prepared at this time to make a recommendation regarding any of the six priests against whom allegations have been made. We will submit such recommendation to you or your successor before September 1, 2002.

“ZERO TOLERANCE” POLICY.

We have several recommendations to make regarding the future policy of the Archdiocese when priests are alleged to have sexually abused children:

14. Whenever a non-frivolous allegation is made to civil authorities or the Archdiocese that a diocesan priest has been involved in any sexual misconduct with a child, that priest should be immediately removed from active ministry pending conclusion of either the civil or internal Archdiocese adjudication of the matter. We emphasize, however, that an allegation or charge is

not the same thing as proof of guilt. Thus, this initial transfer should be temporary, pending the outcome of the investigation.

15. Upon conviction, plea of guilty, or determination by the internal archdiocese adjudication process that a priest has sexually abused the child, the priest should be permanently removed from active ministry and divested of authority to perform priestly duties. Thus we advocate a “Zero Tolerance” policy when the allegations have been admitted or proved. While the experience of these six priests might suggest that such an extreme remedy is not appropriate, we believe the best interest of the Archdiocese and the protection of the children within the Archdiocese require such action.
16. Upon adjudication that the priest did *not* commit the offense, the priest should be returned to his prior position without prejudice, and the Archdiocese and the accused priest should determine on an individual basis whether the result of the adjudication and the facts leading to that process should be made public. Where the allegations have been made public, but later found to be unfounded, the Archdiocese should ensure all reasonable steps are taken to restore the reputation of the priest and the confidence in him by the members of the community.

As I indicated at the outset, these are preliminary recommendations, which are subject to further study and possible revision over the summer. As you know, you have asked us to review the files of priests who are no longer in active ministry, and that review might well generate additional recommendations, or cause us to modify recommendations and observations we have made in this report to you. The members of the Commission, both individually and collectively, stand ready to assist you with implementation of the foregoing recommendations. It is our intention, for example, to suggest to you specific procedures for the internal investigation process and to work with you to develop information that can be generally disseminated to members of the Catholic community.

We would respectfully recommend that the entirety of this letter be made public, although it is submitted to you alone. We believe that the credibility of the process you have set in motion would be enhanced by release of this preliminary report and our recommendations.

Respectfully submitted,

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