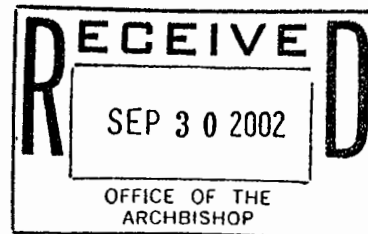


*TB: For Jim Rasporich - I would like to grant this request. Do you
have any contrary advice? If not, please advise me by return
office.*

Rev. Robert L. Kealy
P.O. Box 455
Mundelein, IL 60060

cc. Jim Rasporich - file

September 28, 2002



His Eminence
Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

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ARCHDIOCESE OF CHICAGO

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Your Eminence:

I would like to review all of the Archdiocesan files pertaining to the accusation against me. As I understand it there are separate files in the Vicar for Priests Office, the Office of Professional Fitness Review and the Chancery. It is my understanding that the process is to write to you and that you will authorize arrangements to be made for such a review.

I ask that I be allowed to review all of these files at the Office of the Vicar for Priests. It would be exceedingly awkward and embarrassing for me to have to come to the Pastoral Center to review the files, since I know so many people there.

Thank you for making these arrangements. I look forward to seeing you next Friday at 3:00 p.m. at the Residence.

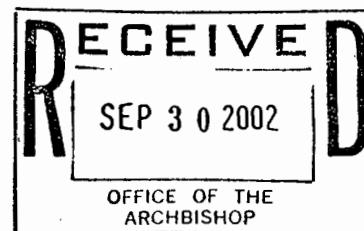
Be assured that you are remembered in my thoughts and prayers.

Sincerely yours in Christ,

Robert L. Kealy

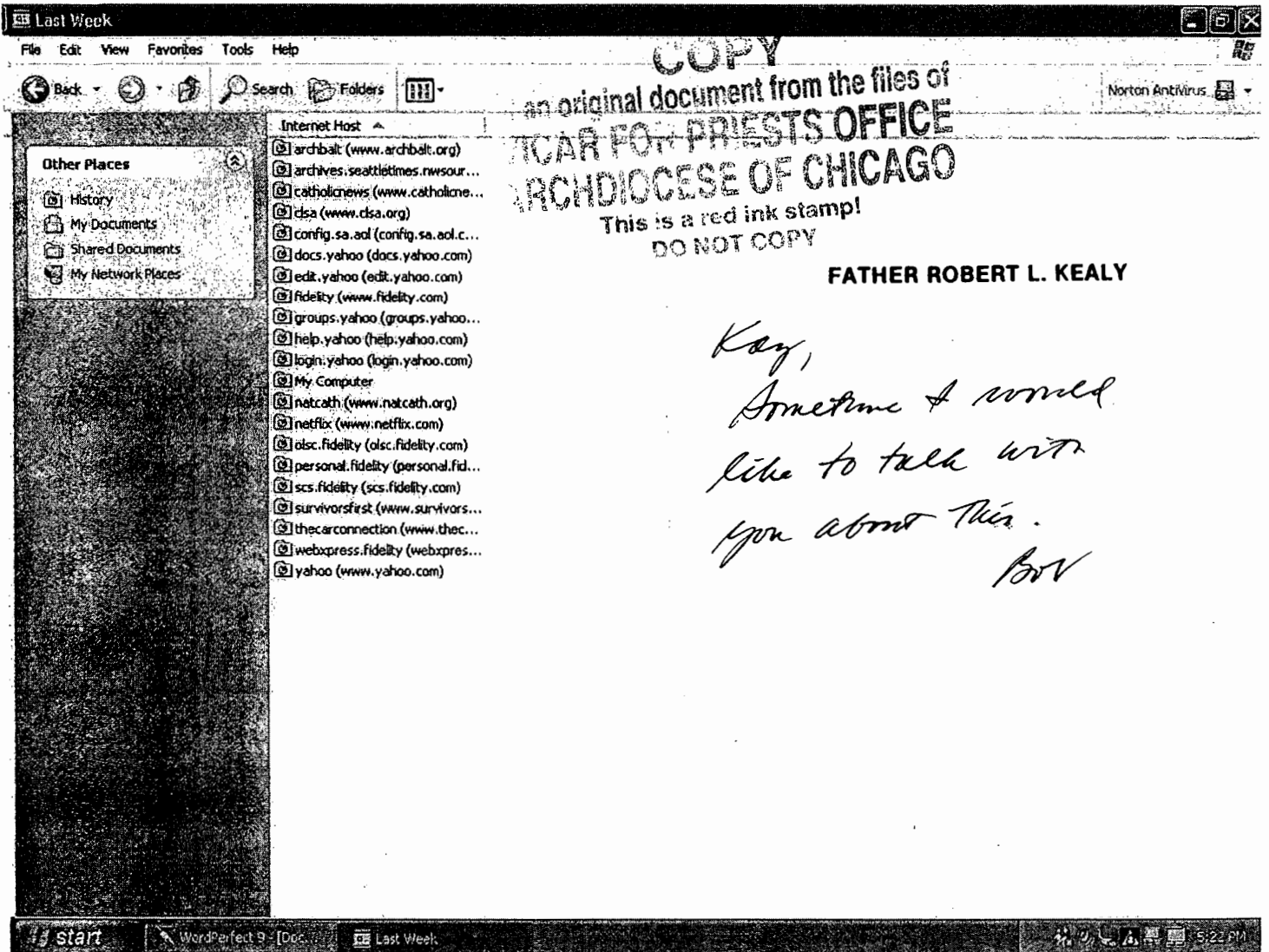
Reverend Robert L. Kealy

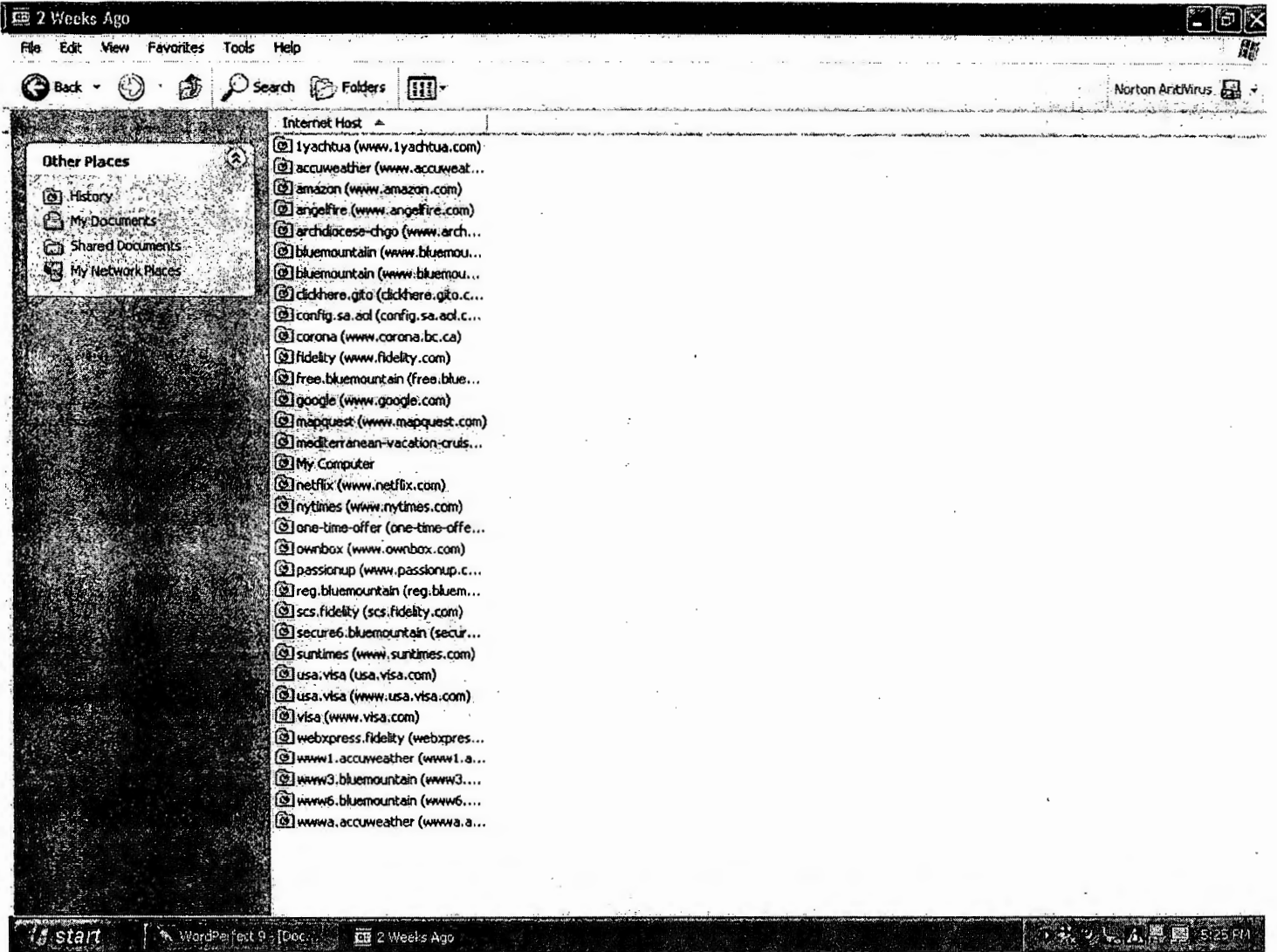
cc: Reverend James Kaczorowski

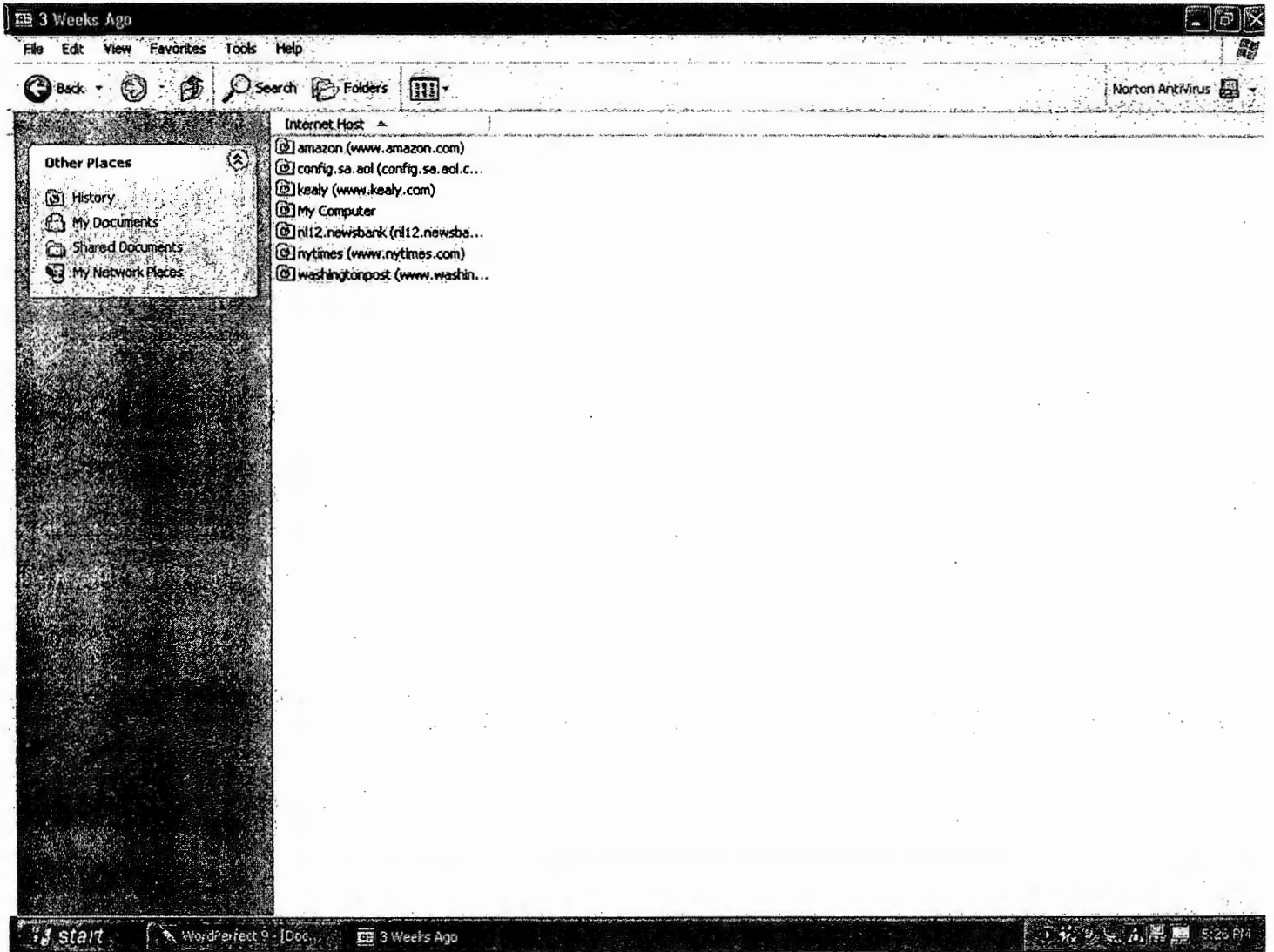


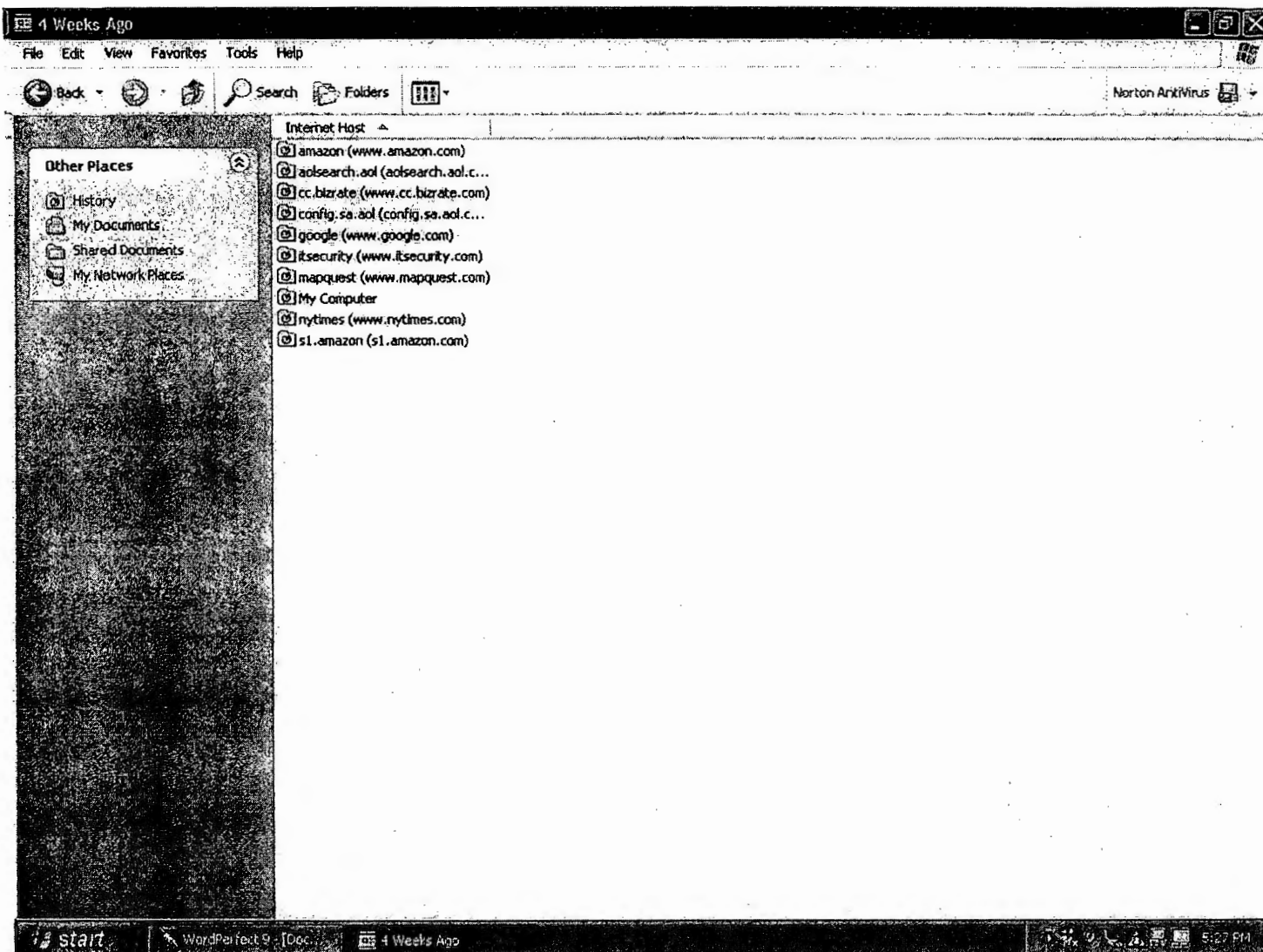
AOC 015840

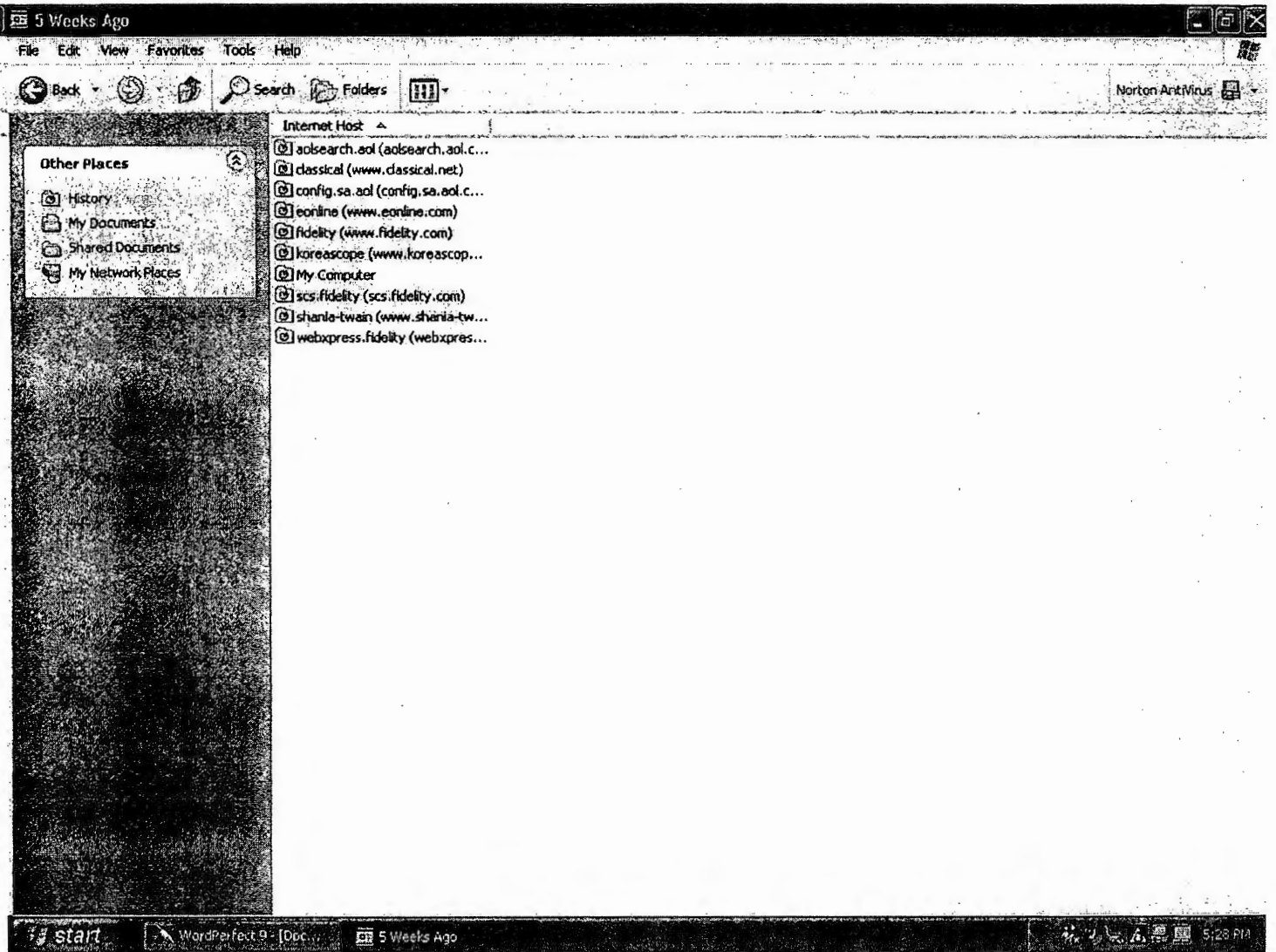
Dated 9/30/02











PFR-151
Father [REDACTED]
McCluskey, Leah

COPY

From: McCluskey, Leah
Sent: Saturday, October 05, 2002 1:44 PM
To: [REDACTED]
Subject: allegation

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Dear [REDACTED],

My name is Leah McCluskey and I am the Interim Professional Fitness Review Administrator at the Archdiocese of Chicago. Kathleen Leggdas, the Professional Fitness Review Administrator is on an extended medical leave.

It is my responsibility to receive all allegations of sexual misconduct against priests/clergy of the Archdiocese and to speak with victims to determine if they would be interested in formalizing their allegations. I then present the allegations to the accused if the whereabouts of the priest are known and if the priest is still alive. It has come to my attention that you sent an e-mail to the Archdiocese dated March 28, 2002 regarding an allegation against Rev. [REDACTED]. You also mentioned Rev. Kealy. I understand that this response to your e-mail has been inexcusably delayed, but I cannot express enough my desire to speak with you regarding your allegation.

If you would be interested in speaking, please contact me at (312) 751-5206 or via e-mail. I look forward to hearing from you.

Sincerely,

Leah McCluskey
Interim, Professional Fitness Review Administrator

Had to correct start date
to reflect 8/1 eff date

ARCHDIOCESE OF CHICAGO

X A 13.2 PAYROLL AUTHORIZATION/CHANGE FORM/PAYROLL SET UP

POSTED

ARCHDIOCESE PRIESTS

Healy, Robert
Last Name, First, Middle Initial

[REDACTED]
Social Security Number

200801
Employee Number

checked
revised
OK 9/12/02

Active F/T ☒ Active P/T _____ Active P/T Benefits _____ Position _____

Ordination Date 1972 Transfer to P.C. _____ Date Transfer from Agency/Parish/School# _____

Dept. Name _____ No. _____ Agency _____ No. _____

Pay through payroll

Effective Date: _____

Regular Salary
(Compensation Book)
Other: Type _____

\$ _____

Non-Payroll Compensation
Type _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Total through Payroll

\$ _____

Total Non-Payroll

\$ _____

Comments _____

Birth Date _____ EEOC: OM _____ PR _____ OC _____ SW _____ SL _____ ADM _____ Other _____ Veteran _____

Home Phone _____ Work Phone _____ Handicap: Yes _____ No _____

Mailing Address _____

Street, City, State, Zip Code _____

Dental Insurance: Yes _____ No _____ Name of Dental Plan _____

Payroll Direct Deposit: Yes _____ No _____ Forms attached: Yes _____ No _____ Federal/State Taxes: Yes _____ No _____ Forms attached: Yes _____ No _____

Defined Contribution Plan (AETNA) Yes _____ No _____ Amount per year \$ _____

OCT -9 2002

TRANSFERS - EFFECTIVE DATE

August 1, 2002

Transfer From _____
Name Parish #, School #, or Agency # 10169

To _____
Personnel Services - Interim Salary # 10359

Transfer From _____
Personnel Services - Interim Salary # _____

To _____
Name Parish #, School #, or Agency # _____

Transfer From _____
Location _____

To _____
Location _____

Termination/Resignation/Date _____

Reason _____

Agency Director/Date _____

CJ 10/9/02
Department Director/Date

Director, Human Resources/Date

Chancellor/Date _____

Carol Fowler 10/9/02
Director, Personnel Services/Date

Original: Payroll

Yellow: Human Resources

Pink: Agency

Gold: Benefits
Created: July, 2000

AOC 015847

Rev. Robert L. Kealy
P.O. Box 455
Mundelein, IL 60060

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October 19, 2002

Dear Kaz,

I am sending this letter to your residence to make it clear that it is a personal letter and not intended for the files.

Ralph Bonaccorsi's memo to Leah McCluskey states:

"I spoke with [redacted] today. He is not satisfied with the Second Stage Review Letter wording. He believes, and wants the language to include the fact that the priest admitted to the allegation. He will appreciate a response from the appropriate party regarding his request."

I would recommend that you make the following points to Leah:

1. The policy of the Review Board should be that the only statement they make is that they determined that there was (or was not) reasonable cause to suspect sexual misconduct with a minor occurred. I think this is all she should say to [redacted]. If she has any doubts she should check with John O'Malley. *Paparel* *ma* *PA.*

For the Review Board to go further than that prejudices the rights of the parties because the Review Board never heard the parties directly.

2. For the sake of clarification, the allegation makes no mention that the alleged act was done with an intention of sexual gratification. As I have maintained all along, I do not remember goosing him and, if it happened, I am convinced that there was no intent of sexual gratification. (I am preparing a memo to the Review Board to explain what I believe were misstatements attributed to me).

3. By the way, it should be explained to Ralph that a "Supplemental Review" (which the March 25, 2002 review was) is not the same as a "Second Stage Review."

Thanks, Kaz. I appreciate all your efforts and prayers.

Fraternally,

Bob

MEMORANDUM

TO: Father Jim Kaczorowski
FROM: Father Robert Kealy
RE: Correction of File Memo
DATE: October 19, 2002

When I was reviewing my files on Monday, October 14, 2002, I found a memo in the Vicar for Priests files dated September 25, 2000. The memo was from Father McBrady to Bishop Goedert. That memo contained erroneous information and I would like to have this response clipped to that memo.

Father Pat O'Malley's recollection was garbled. There was no accusation made against me of any inappropriate behavior while I was Chancellor. What happened was that a priest told Cardinal Bernardin in 1992 that someone had recently told him that I had engaged in inappropriate behavior with this person in 1979. This person was in his mid-20's at that time.

I have personally explained the matter to Cardinal Bernardin and to Cardinal George.

Robert L. Kealy

ARCHDIOCESE OF CHICAGO

COPY

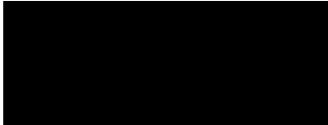
Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



Post Office Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

November 10, 2002



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Dear Mr. [REDACTED]

My name is Leah McCluskey and I am the Interim Professional Fitness Review Administrator at the Archdiocese of Chicago. I work in the Office of Professional Fitness Review, where we receive all allegations of sexual misconduct made against priests. Kathleen Leggdas, the Professional Fitness Review Administrator is on an extended medical leave.

I am writing this letter to you in response to your phone conversation with Ralph Bonaccorsi regarding your question of the wording of the letter that you received concerning Second Stage Review of your allegation of misconduct against Robert Kealy. I understand your request to have the language of the letter to reflect Robert Kealy's admittance to your allegation. I have read Robert Kealy's response to your allegation [as prepared by Kathleen Leggdas] where he noted the following:

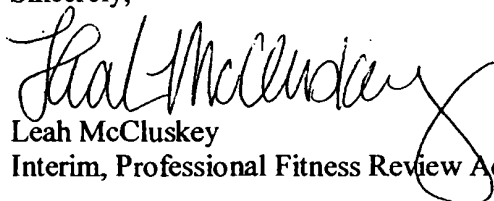
1. Robert Kealy "recalled the family name and described [REDACTED] as being one of the boys that was involved in sports in the parish-he did not specifically recall whether or not [REDACTED] was an altar server. He also did recall that [REDACTED] was among the boys who visited the rectory on occasion and were in his rooms."
2. Robert Kealy stated that alcohol and pot were available to high school students while at the rectory, however he stated that he did not provide either mentioned substance to minors.
3. Robert Kealy stated that he "'felt confident' that the 'grabbing' of [REDACTED] [REDACTED] crotch never happened."
4. Robert Kealy "admitted to the fact that drinking and smoking with the kids was poor judgement on his part but that nothing of a sexual nature ever occurred."

These are the specifics from Robert Kealy's response to your allegations of sexual misconduct made against him. As a result of your allegations and Robert Kealy's response, the letter that you received dated September 10, 2002 reflects the Review Board's recommendation "that there is reasonable cause to suspect sexual misconduct with a minor occurred."

If I can answer any additional questions or concerns regarding this extremely difficult and sensitive matter, please feel free to contact me:

Leah McCluskey
Interim, Professional Fitness Review Administrator
676 N. St. Clair, Suite 1910
Chicago, Illinois 60690
312.751.5206

Sincerely,

A handwritten signature in black ink, appearing to read "Leah McCluskey", with a large, stylized flourish extending from the end of the signature.

Leah McCluskey
Interim, Professional Fitness Review Administrator

Cc: Rev. Thomas J. Paprocki, Cardinal's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests
Ralph Bonaccorsi, Victim Assistance Ministry
John O'Malley, Legal Services

MEMO

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To: Leah McCluskey
From: Fr. Jim Kaczorowski
Date: November 11, 2002
Re: Robert Kealy

Father Bob Kealy spoke with me after he reviewed his files in the PFR office. He mentioned that Ralph Bonaccorsi's memo to you may have some discrepancies in it. Ralph said that he spoke with [REDACTED] who indicated he is not satisfied with the Second Stage Review wording in the letter. He wanted the language to include the fact that the priest admitted to the allegation. He also desires a response from the appropriate party concerning his request.

I would like to point out that in actuality the policy of the Review Board states that the only statement they make is their determination whether there was (or was not) reasonable cause to suspect sexual misconduct with a minor. It seems that this is all that can be said to [REDACTED]. Should you have any doubts with regard to the clarity of such a statement, it might be well to check with Father Paprocki.

If the Review Board went further than this it may prejudice the rights of the parties because the Review Board never heard the parties directly.

Further, a "Supplemental Review" is not the same as a "Second Stage Review".

If you have questions concerning the above, please feel free to contact me.

TRANSMISSION-REPORT

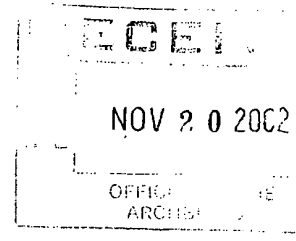
TIME : NOV 14 '02 16:27
TEL NUMBER : 1-312-751-5279
NAME : PROF. FITNESS REVIEW

NBR	DATE	TIME	DURATION	PGS	TO	MODE	STATUS*
171	NOV. 14	16:25	01/28	02	3127515252	G3	[REDACTED]

Faxed letter dated 11/10/02 to Jan, Legal Services LNP

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ARCHDIOCESE OF CHICAGO
Rev. Robert L. Kealy
P.O. Box 455
Mundelein, IL 60060
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NOV 25



November 18, 2002

His Eminence
Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Re: Salary

Your Eminence:

My apologies for having to bother you with a mundane matter, but I hope that you can resolve the question of my base salary. On April 1, 2002, the Pastoral Center started paying my salary and I was told that my base salary would be that of an Associate Pastor, even though I continue to be the Judicial Vicar of the Court of Appeals.

Recently I learned that some time ago you gave handwritten instructions that I was to be paid at the level of the Judicial Vicar (which is the same as that of a pastor), but that Carol Fowler has declined to implement your decision. ✓

I would appreciate it very much if you could get this corrected for me and if it could be retroactive to April 1st.

Thank you very much for your consideration. Know that you are in my daily prayers.

Sincerely yours in Christ,

Robert L. Kealy
Reverend Robert L. Kealy

*of Carol Fowler:
salary minus 10%, which is
Pg.
(Feel free to call me also this if necessary)*

AOC 015854

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

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MEMORANDUM

From: Father Robert Kealy

To: File of Father James Kaczorowski, Vicar for Priest

Re: Objections to statements in his April 11, 2002 Memorandum

Date: November 24, 2002

On Monday, October 14, 2002, I finally was given an opportunity to see and read the files from the Office of Professional Fitness Review Board, the Vicar for Priests Office, and the Chancery, regarding the allegation of [REDACTED] against me. I reviewed these files in the presence of Father Kaczorowski at the office of the Vicar for Priests.

When I reviewed my files, I discovered for the first time that Father Kaczorowski had written a memorandum on April 11, 2002 about our meeting of March 25, 2002. His typewritten memorandum was contained in the file kept in the Vicar for Priests Office.

In his memorandum, Father Kaczorowski stated, "Without reservation, Bob admitted that he had engaged in sexual misconduct with [REDACTED]" I want to make the record clear that I did not ever make any such statement or admission to Father Kaczorowski or anyone else.

It is important to note that, on October 14, 2002, when I met with Father Kaczorowski to review my files, upon discovering this statement I told him that I had never said such a thing. I told him "sexual abuse" was a conclusion that he had improperly drawn from our conversation, because it was not what I said, nor was it what I meant.

When I objected to this erroneous statement in Father Kaczorowski's memorandum, he conceded that he had not made any notes during our meeting of March 25, 2002 and the memorandum was written sixteen days after that meeting. I told him that he had seriously misunderstood me in our discussion on March 25, 2002 and that I thought he should have recorded the actual words of our conversation.

I am writing this memorandum to register my strenuous objection to these misstatements and to set the record straight.

Robert L. Kealy

COPY

received
11-27-02 LNA

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

November 26, 2002

Ms. Leah McCloskey
Administrator, Professional Fitness Review Board
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611

Re: allegation brought by [REDACTED] & corrections to
misstatements in my file

Dear Ms. McCloskey:

The purpose of this letter is to put on record my strenuous objection to certain statements which I discovered in my file at the Professional Fitness Review Board. Please include this letter in my file.

On Monday, October 14, 2002, I finally was given an opportunity to see and read the file regarding the allegation of [REDACTED] against me. I reviewed the file in the presence of Father James Kaczorowski at the office of the Vicar for Priests. This occurred after numerous delays engendered by contradictory information about whether I could obtain access to my file.

In the file of the Office of Professional Fitness Review Board, there are erroneous statements in a memorandum authored by Kathleen Leggdas, the former Administrator of the Fitness Review Board. Her memorandum recited the findings of the Supplemental Review by the Review Board regarding the allegation of [REDACTED]. This Supplemental Review was apparently done by conference call on March 25, 2002.

In her memorandum, Ms. Leggdas said: "The Supplemental Review was prompted by [REDACTED]'s continued pursuit of his allegations and Father Kealy's admission to Father James Kaczorowski today that he experienced many blackouts from excessive drinking years ago, that he doesn't remember, but these events could have happened. Father Kealy did admit to two other instances of abuse with minors."

- I absolutely deny that I ever said that sexual abuse with [REDACTED] could have happened. It did not happen and I never said that it could have.
- I also strongly deny that I ever admitted to any other instances of abuse with minors. I never said such a thing!

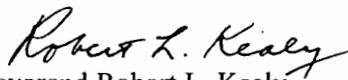
AOC 015856

- I also deny that I experienced many blackouts due to excessive drinking. In particular I deny that I had a blackout of the night in question.

It would appear that these alleged admissions were erroneously presented to the review board as facts.

I am writing to you now to set the record straight. Until the action of the United States Conference of Catholic Bishops on November 13, 2002 approving the Revised Norms, it was unclear as to whom I should address my objections. I will now be pursuing my case through a canonical process.

Sincerely yours,


Reverend Robert L. Kealy

cc: Father James Kaczorowski (copy for Vicar for Priests Office file)

PFR-151

COPY

McCluskey, Leah

From: McCluskey, Leah
Sent: Tuesday, November 26, 2002 10:57 AM
To: [REDACTED]

Dear [REDACTED]

I had sent you an e-mail on October 2, 2002 regarding your concerns about Rev. Kealy and Rev. [REDACTED] that you e-mailed to the Archdiocese on March 27, 2002. I understand that the response to your initial e-mail from this office was significantly delayed, which does not negate the seriousness of your concerns.

I have a great interest in speaking with you regarding Rev. Kealy and Rev. [REDACTED]. When and if you so choose, please contact me at any of the following:

Leah McCluskey
Interim, Professional Fitness Review Administrator
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611
Phone: 312.751.5206
E-mail: lmcccluskey@archdiocese-chgo.org

Sincerely,

Leah McCluskey
Interim, Professional Fitness Review Administrator

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

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November 26, 2002

Reverend James Kaczorowski
Vicar for Priests Office
645 N. Michigan Avenue, Suite 543
Chicago, Illinois 60611

Dear Jim:

The purpose of this letter is to put on record my strenuous objection to certain statements which I discovered in my files at the Vicar for Priests Office. Please attach the enclosed memo to your file copy of your April 11, 2002 memorandum of your meeting with me.

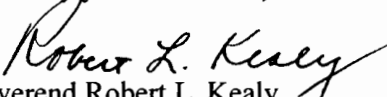
Since I am now involved in a canonical process, I am also writing to inform you that I consider any conversations which I had with you and any notes you made of those conversations to be canonically privileged information, which you are not free to disclose without my permission. As you noted in your letter to the priests of the Archdiocese on August 26, 2002: "The Vicars for Priests serve as advocate, liaison, and counsel for priests." My conversations with you were with this understanding.

Archbishop Julian Herranz, the President of the Pontifical Council for Legislative Texts, gave an interview with the Zenit News Service which was published on November 14, 2002. Archbishop Herranz is the chief interpreter of canon law for the Catholic Church. His interview gave the Vatican's understanding of the Revised Norms recently passed by the United States Conference of Catholic Bishops. In his interview, Archbishop Herranz cited canon 1548, §2 in support of the Church's understanding that bishops and other priests are not to testify in canonical proceedings with respect to matters which were "revealed to them by reason of their sacred ministry."

Should you be asked by anyone about conversations which we had or about notes which you may have made of those conversations, please inform them that that is canonically privileged information. If they question that, I am to be informed so that I may address that issue before any information is released by you to anyone.

Thank you very much.

Sincerely yours in Christ,


Reverend Robert L. Kealy

AOC 015859

ARCHDIOCESE OF CHICAGO

Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611





Post Office Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279






MEMORANDUM







To: File – PFR-83



From: Leah McCluskey, Interim, Professional Fitness Review Administrator 

Re: **Kealy, Robert (Withdrawn)/** 

Date: December 3, 2002

PFRA received an e-mail from “” dated 11/28/02 regarding Fr.  and Fr. Kealy.  first contacted this office via e-mail on 3/27/02 and expressed her concerns with the two mentioned priests and suggested that they be “investigated.” PFRA sent e-mails to  dated 10/2/02 and 11/26/02, inviting her to contact this office regarding any allegations of misconduct that she may have against Fr. Kealy and Fr. .

Please refer to the attached e-mail from  dated 11/28/02 and response from PFRA dated 12/3/02.  has informed PFRA via e-mail that there is not an interest at this time to formalize any allegations against Fr.  or Fr. Kealy. It is unclear to PFRA if   has contacted this office on behalf of individuals who may have allegations against the named priests and/or if  is the individual who has allegations of misconduct to present.

PFRA will update the file when any additional information or contact is received from 


Cc: Rev. Thomas J. Paprocki, Cardinal’s Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests
Ralph Bonaccorsi, Victim Assistance Ministry
John O’Malley, Legal Services

McCluskey, Leah

From: McCluskey, Leah
Sent: Tuesday, December 03, 2002 7:56 AM
To: [REDACTED]
Subject: RE:
 Dear [REDACTED]

It was very good to hear from you. I would like to offer any help and assistance that I can in regards to your concerns about Fr. Kealy and Fr. [REDACTED].

From how I have interpreted your e-mail, is it correct to assume that you had initially contacted the Archdiocese on behalf of other individuals who have allegations of misconduct against Fr. Kealy and Fr. [REDACTED]? If you would have any interest in an explanation of our process of responding to formal allegations of misconduct against priests, I would be more than happy to provide you with that information. From your e-mail, I understand that there is a concern regarding the closure that formalizing an allegation may or may not provide to an individual who has come forward with an allegation. This is completely understandable and I would be more than happy to answer any questions that you or anyone else may have.

In regards to speaking with Fr. Kealy and Fr. [REDACTED], I do not contact the accused directly. When there is a formal allegation that has come through this office, I contact the Vicar for Priests office and one of the vicars contacts the accused. I then meet with the vicar and the accused in order to read the accused the formal allegation of misconduct. Again, please let me know if you have an interest in the complete process that we follow in regards to receiving an allegation of misconduct against a priest. I have not gone into detail at this point due to the fact that I do not want to give you any information that you are not interested in receiving at this time.

Take care and please feel free to contact me.

Leah McCluskey
 Interim, Professional Fitness Review Administrator
 676 N. St. Clair, Suite 1910
 Chicago, IL 60611
 Phone: 312.751.5206
 E-mail: lmcccluskey@archdiocese-chgo.org

Sincerely,

Leah McCluskey
 Interim, Professional Fitness Review Administrator
 -----Original Message-----

From: [REDACTED]
Sent: Thursday, November 28, 2002 12:46 PM
To: McCluskey, Leah
Subject: Re:

"In light of the poor manner that these inquiries have been handled by the archdiocese and the apparent lack of policing or punishing, we do not wish to further pursue this matter, until such time as you can assure a finality and closure as a result of the archdiocese's actions" - response(s) from the individuals I previously spoke about. Sorry! Maybe at a later date. Maybe you could first "quiz" the clerics involved and see how their conscience holds up.

[REDACTED]

"McCluskey, Leah" <lmcccluskey@Archdiocese-chgo.org> wrote:

12/3/02

AOC 015861

Dear [REDACTED]

I had sent you an e-mail on October 2, 2002 regarding your concerns about Rev. Kealy and Rev. [REDACTED] that you e-mailed to the Archdiocese on March 27, 2002. I understand that the response to your initial e-mail from this office was significantly delayed, which does not negate the seriousness of your concerns.

I have a great interest in speaking with you regarding Rev. Kealy and Rev. [REDACTED]. When and if you so choose, please contact me at any of the following:

Leah McCluskey
Interim, Professional Fitness Review Administrator
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611
Phone: 312.751.5206
E-mail: lmcccluskey@archdiocese-chgo.org

Sincerely,

Leah McCluskey
Interim, Professional Fitness Review Administrator

Do you Yahoo!?
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12/3/02

AOC 015862

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ARCHDIOCESE OF CHICAGO

Dec 9, 2002

Dear Kay, This is a red ink stamp!
DO NOT COPY

I hope you are doing well. You are
in my prayers.

Kay, I need your approval for two
trips. The first is with Chris Gustafson
to Palm Beach from Feb. 2-13. We will
be staying at the home of [REDACTED]
[REDACTED]

The other trip is with [REDACTED]
[REDACTED], a friend from Bridgeport, CT.
We plan to go to Tequesta, FL March
9-17, staying at the home of [REDACTED]
[REDACTED]

Have a grace-filled Advent and Christmas.

Fraternally in Christ,

Bob Kealy

Salary change only!

ARCHDIOCESE OF CHICAGO
PAYROLL AUTHORIZATION/CHANGE FORM/PAYROLL SET UP

ARCHDIOCESE PRIESTS

Kealy, Robert
Last Name, First, Middle Initial

[REDACTED]
Social Security Number

200801
200601
Employee Number

Active F/T _____ Active P/T _____ Active P/T Benefits _____ Position _____

Ordination Date _____ Transfer to P.C. _____ Date Transfer from Agency/Parish/School# _____

Dept. Name _____ No. _____ Agency _____ No. _____

Pay through payroll
Regular Salary
(Compensation Book)
Other: Type _____

\$ 21,915.

Effective Date: January 1, 2003

Non-Payroll Compensation
Type _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Total through Payroll \$ _____

Total Non-Payroll \$ _____

Comments _____

Birth Date _____ EEOC: OM _____ PR _____ OC _____ SW _____ SL _____ ADM _____ Other _____ Veteran _____

Home Phone _____ Work Phone _____ Handicap: Yes _____ No _____

Mailing Address _____

Street, City, State, Zip Code _____

Dental Insurance: Yes _____ No _____ Name of Dental Plan _____

Payroll Direct Deposit: Yes _____ No _____ Forms attached: Yes _____ No _____ Federal/State Taxes: Yes _____ No _____ Forms attached: Yes _____ No _____

Defined Contribution Plan (AETNA) Yes _____ No _____ Amount per year \$ _____

TRANSFERS – EFFECTIVE DATE _____

Transfer From _____ To _____
Name Parish #, School #, or Agency # Personnel Services – Interim Salary #

Transfer From _____ To _____
Personnel Services – Interim Salary # Name Parish #, School #, or Agency #

Transfer From _____ To _____
Location Location

Termination/Resignation/Date _____ Reason _____

Agency Director/Date _____

47 12-20-02
Department Director/Date

[Signature]
Director, Human Resources/Date

[Signature]
Chancellor/Date

Carol Schubert
Director, Personnel Services/Date

Original: Payroll

Yellow: Human Resources

Pink: Agency

Gold: Benefits
Created: July, 2000

AOC 015864



Office of Professional Responsibility

PFR-83- Robert Kealy

JULY 1, 2003 TO DECEMBER 31, 2003

Monitor/Therapy Schedule

Dates/Times	Event (Therapy, Spiritual Direction, Vacation , etc.) Where, When, How Long	Therapist, Spiritual Leader, Doctor, Monitor, etc. (Include names)
March 7, 28, 2003		
April 11, 25, 2003		
May 9, 23, 2003		
June 6, 20, 2003		
July 8-10, 2003		
July 24-27, 2003		
August 29, 2003		
September 13-17, 2003	New York City – Staying at Mayfair Hotel, 242 W. 49th St., NY, NY 10019	, president of Opus Bono Sacerdotii
October 11-15, 2003	Portland, Oregon – CLSA convention – Staying at the Doubletree Hotel, 1000 NE Multnomah Blvd., Portland, OR 97232	Fr. John Lucas



Office of Professional Responsibility

PFR-83- Robert Kealy

JULY 1, 2003 TO DECEMBER 31, 2003

Monitor/Therapy Schedule

Dates/Times	Event (Therapy, Spiritual Direction, Vacation , etc.) Where, When, How Long	Therapist, Spiritual Leader, Doctor, Monitor, etc. (Include names)
July 19-21, 2003	Conference - Opus Bono Sacerdotii in Detroit, Michigan - 3days	Msgr. Bill Varvaro (traveling companion)
August 2-3, 2003	80th Birthday celebration for aunt inn St. Louis, Missouri - 2 days	██████████ (aunt)



Office of Professional Responsibility

PFR-83- Robert Kealy

JULY 1, 2003 TO DECEMBER 31, 2003

Monitor/Therapy Schedule

Dates/Times	Event (Therapy, Spiritual Direction, Vacation , etc.) Where, When, How Long	Therapist, Spiritual Leader, Doctor, Monitor, etc. (Include names)
November 3 - 10, 2003	Visit with [REDACTED] in [REDACTED], Florida	Fr. Christopher Gustafson (traveling companion)
November 26 - 30, 2003	Thanksgiving in Madison, Virginia	[REDACTED] (sister)
December 23 - 29, 2003	Christmas - [REDACTED] California	[REDACTED] (traveling companion)



BENEDICTINE

SISTERS

OF CHICAGO

St. Scholastica

Monastery

7430 North

Ridge Boulevard

Chicago, Illinois

60645-1913

Telephone

773.764.2413

Fax

773.761.5131

Web site

http://www.benedictine-sisters.org

RE: Character reference for Rev. Robert L. Kealy

I have been a member of the Benedictine Sisters of Chicago since 1962. During that time I have served as a junior high teacher at Queen of All Saints and St. Hilary's schools. I also taught at St. Scholastica High School and served in the capacity of Assistant Principal in charge of Curriculum. I became principal at Queen of All Saints School in 1977 and served in that capacity until 1994. During my 17 year term as principal I had the good fortune to be associated with **Rev. Robert L. Kealy** who came to Queen of All Saints as a resident while he served the archdiocese as Chancellor.

As a child, adolescent, young adult and now Benedictine woman I have come to know and revere many Chicago priests. Many of those priests have been models of what our church teaches, the values that my mother taught me and that have become important to me. Among those priests who have served as models of spirituality, prayerfulness and reverence for God, for himself, for our church and for others is **Rev. Robert L. Kealy**.

Fr. Kealy is one priest who stands out as a holy and service-oriented priest. Each morning, before he went to the office, he would celebrate the 6:30 am liturgy. Under his ministry there developed a community of worshippers who valued that time and liturgical celebration together. The morning he announced that he would be leaving Queen of All Saints was (as one parishioner expressed) "a day of infamy for all of us." And, indeed his personal serenity, prayerfulness, and simplicity, along with his reverence and respect for each us, was greatly missed. **Fr. Kealy** was not only a religious man, but he was also a spiritual priest.

There is no doubt that I would welcome the opportunity to once again serve in a parish or in an office with **Fr. Kealy**. He is kind and gentle, yet strong and hard working. In many ways his strength is in his gentleness.

Fr. Robert Kealy is an asset to the Chicago priesthood and to our church. I would ask you to consider my respect for and experiences with **Rev. Robert L. Kealy** in your deliberations.

[Redacted signature block]

, O.S.B.

McCahill, Ann

From: [REDACTED]
Sent: Tuesday, January 14, 2003 5:46
To: amccahill@archdiocese-chgo.org
Subject: Recourse

Sister Ann,

On Tuesday, January 7th, I dropped off at the Pastoral Center an envelope for Cardinal George. It contained a recourse petition which I asked him to transmit to the Papal Nuncio, to be forwarded to Cardinal Ratzinger.

Because there is a time limit on when a recourse can be filed, I would be grateful if you could let me know when the document was sent to the Papal Nuncio in Washington.

Thank you very much.

Father Bob Kealy

JAN 15 2003

1/15/03

AOC 015869

ARCHDIOCESE OF CHICAGO

Department of Personnel Services



Post Office Box 1979
Chicago, Illinois 60690-1979

312-751-8349
Fax: 312-751-9806
cfowler@archdiocese-chgo.org

January 17, 2003

Rev. Robert Kealy
PO Box 455
Mundelein, IL 60060

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Dear Fr. Kealy,

I apologize for the tardiness of this response but it took me some time to get the information I needed to respond accurately.

I would like to clarify that I was not directed to change your salary by Cardinal George nor did I receive handwritten instructions from him until the end of November after your letter to him. Therefore, I did not decline to implement the Cardinal's decision as you indicated in your letter to him. I have attached his note to me that was written on your letter so that you can be aware of his instructions.

The other points to clarify are that Cardinal George instructed that the pastor's salary is to be restored but the 10% deduction is to remain in place. The salary check does not include ministerial allowance money because that is only reimbursed upon presentation of receipts. You did send in a reimbursement request which was apparently then lost. I am including that amount in the check I request for you today.

Your salary was adjusted effective January 1, 2003 to reflect the current payment schedule. If that amount is not correct please let me know. The amount should be \$24,350 per year less 10% which is \$2343 which equals \$21,082 per year divided by 26 pay periods: \$842.88 per pay period.

Therefore, I have arrived at the following conclusions:
You were ordained in 1972:

From April 1 – June 30, 2002 you received an Associate's salary for 29 years of ordination for 3 months less 10% of:	\$4778.00
--	-----------

From July 1 – December 31, 2002 you received an Associate's salary for 30 years of ordination for 6 months less 10% of:	\$9607.50
---	-----------

You should have received a Pastor's salary less 10% for April 1- June, 30	\$5270.50
And a Pastor's salary less 10% for July 1 – Dec. 31, 2002 of	10957.50

You were paid a total of:	14,385.50
You should have been paid:	16,228.00

Difference:	\$1,842.50
Plus reimbursement for Ministerial Expenses per request:	<u>401.99</u>
TOTAL:	\$2,244.49

AOC 015870

Please call me or e-mail if this isn't clear of if you think I am in error. I will do my best to address any concern you may have. I hope you are doing well and I pray for you daily.

Sincerely,

Carol Fowler

Cc: Francis Cardinal George, O.M.I.
Jim Lago
Rev. James Kaczorowski

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

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January 21, 2003

His Eminence
Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence:

I am writing to protest the statement made by the Chancellor of the Archdiocese, Jimmy Lago, in the cover memo of his "Ten Year Report on Clerical Sexual Abuse of Minors in the Archdiocese of Chicago," which was publicly released on January 16, 2003:

"... the underlying sad fact remains: three dozen priests have abused children (in some cases more than one), betrayed their vocations, damaged the mission of this local church, and caused many individuals to question the ministry of priesthood and bishop."

I consider the statement to be defamatory, and even inflammatory, and a correction and an apology are in order.

To illustrate my point, I could note that on page three of his report, the Chancellor stated that there will be canonical trials "to discover the truth" about these allegations, but from what he has written, it would appear that he has already determined the truth of the allegations, even against eight priests who are dead (giving new meaning to "the defense rests"). Not only did he issue his finding of guilt, he demonized the accused before they have had any canonical process!

It is very difficult to accept that the Archdiocese is issuing statements which equate a finding that there is "reasonable cause to suspect" an allegation (a very low threshold indeed) with a determination of guilt, as exemplified both in the quote above and in other references in the report to a "substantiated allegation" (p. 2) and a "founded allegation" (pp. 2, 6). A fundamental sense of justice that most people learned in grade school civics seems to be lacking. It is hard to see how an accused priest can receive a fair trial when he has already been declared guilty in an official statement of the Archdiocese.

The gravity of the harm done by the Chancellor's statement is magnified by the fact that this is a report which was in preparation for months and, one might assume, was carefully reviewed by key Archdiocesan officials before it was released to the public. This seems to indicate a pervasive lack of awareness of basic principles of justice and due process of law, or indicates a pandering to public opinion and the media.

Obviously the issue of clerical sexual abuse of minors is most serious and requires a thorough examination. But the truth is not served by a rush to judgment before the facts have been examined in a canonical process which weighs the evidence dispassionately. Fortunately, in a discussion about the Ten Year Report on the television program *Chicago Tonight* last Friday, Bruce Dold, the Editorial Page Editor of the *Chicago Tribune*, pointed out that most of the accused priests never had a criminal trial and none has had a canonical trial and so they still deserve a presumption of innocence. It would be welcome if Archdiocesan officials would show the same balance.

It would be appreciated, I'm sure, by many people, if the Archdiocese, in some official way, could disassociate itself from this statement and take means to protect the reputations of all those involved.

Respectfully yours in Christ,

Reverend Robert L. Kealy

cc: Jimmy M. Lago, Chancellor

Rev. Thomas J. Paprocki, Cardinal's Liaison to the Professional Fitness Review Board

Rev. William H. Woestman, O.M.I., Promoter of Justice

Rev. Patrick M. Lagges, Judicial Vicar and Director of Canonical Services

Rev. Edward R. Fialkowski, Chairman, Presbyteral Council

Rev. James Kaczorowski, Co-Vicar for Priests

Rev. Thomas A. Tivy, Co-Vicar for Priests

January 28, 2003

Dear Kay,

As it turns out, I will
be going to Florida with
Chris Burroughs from Feb. 5
until the evening of Feb. 13.

We will be staying in
Ft Lauderdale at the home

of [REDACTED]
([REDACTED] / Phone [REDACTED])

Thanks for your support.

Fraternally,

Bob

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Dear Kay,

*I am planning to visit my sister
[REDACTED] for the Triduum.
I will be gone April 17-21. She lives
in [REDACTED] Virginia. Thanks.*

Bob

2/28/03

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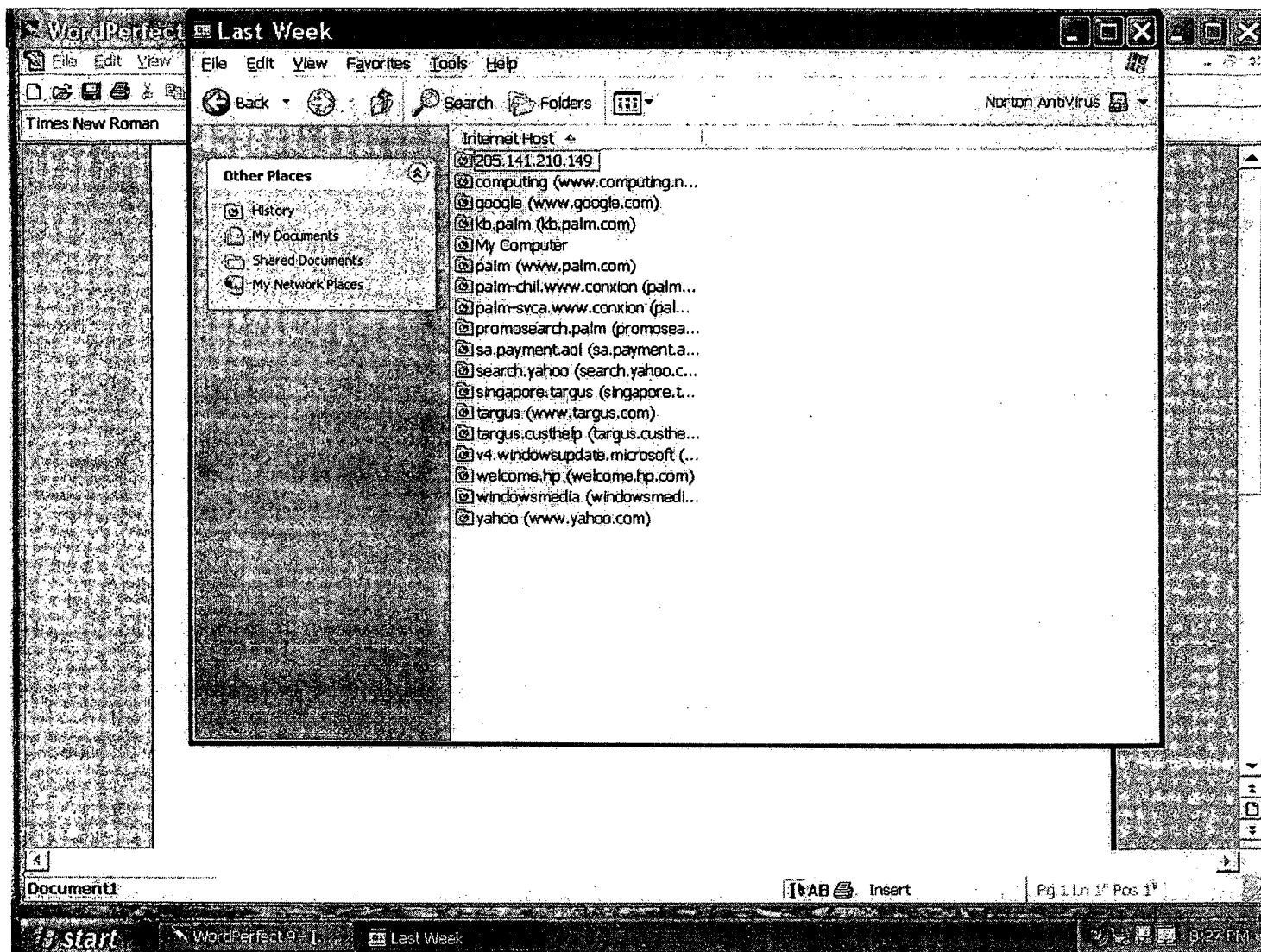
Dear Kaz,

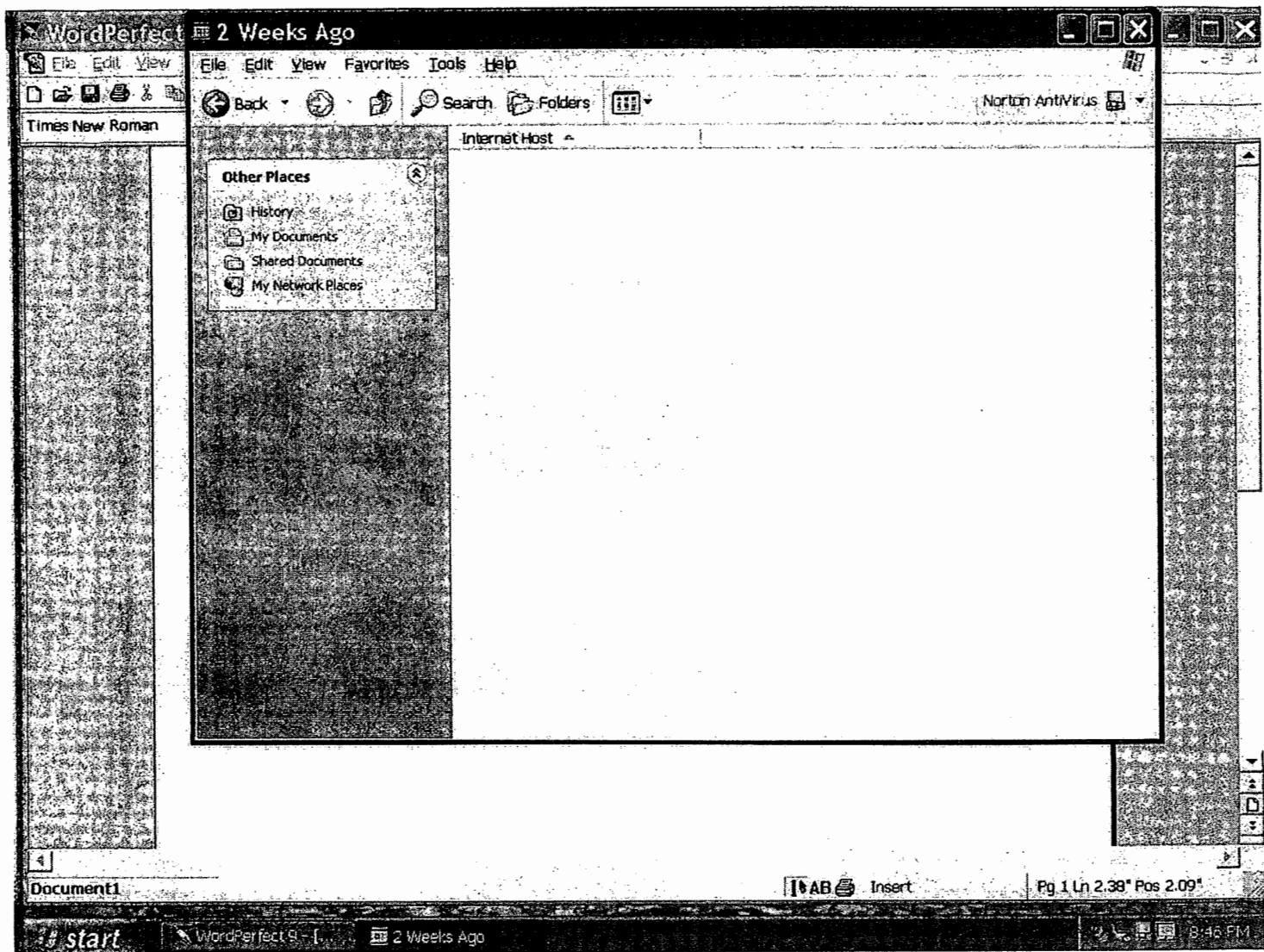
My computer "went down" last week. I had a company (PC Medic, Inc) fix it. I got it back last Monday. Unfortunately, when I went to print the Internet History for February, I discovered that everything in the Internet History files before last week were lost. The pages come up blank, as you can see.

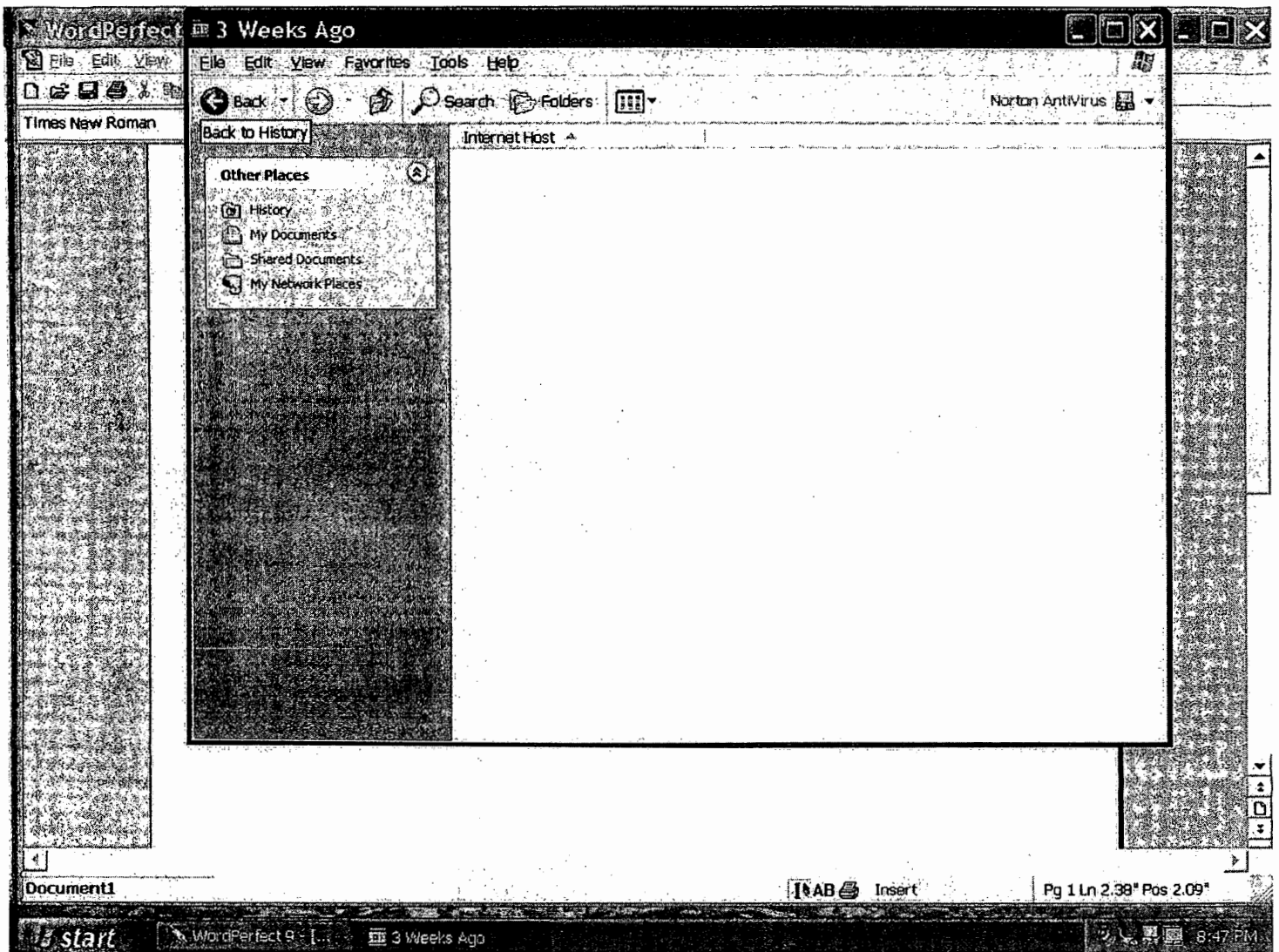
BR

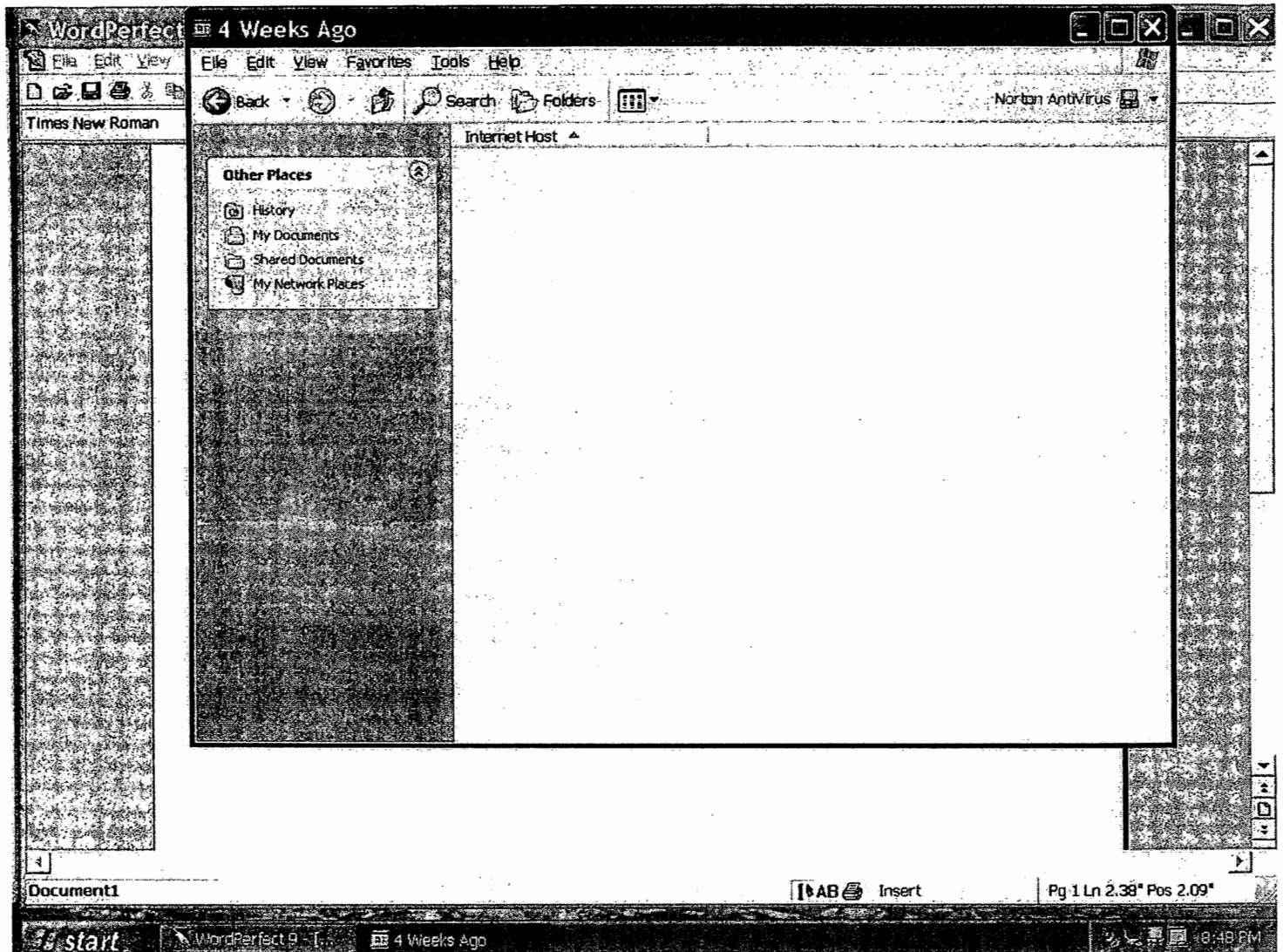
Robert L. Kealy

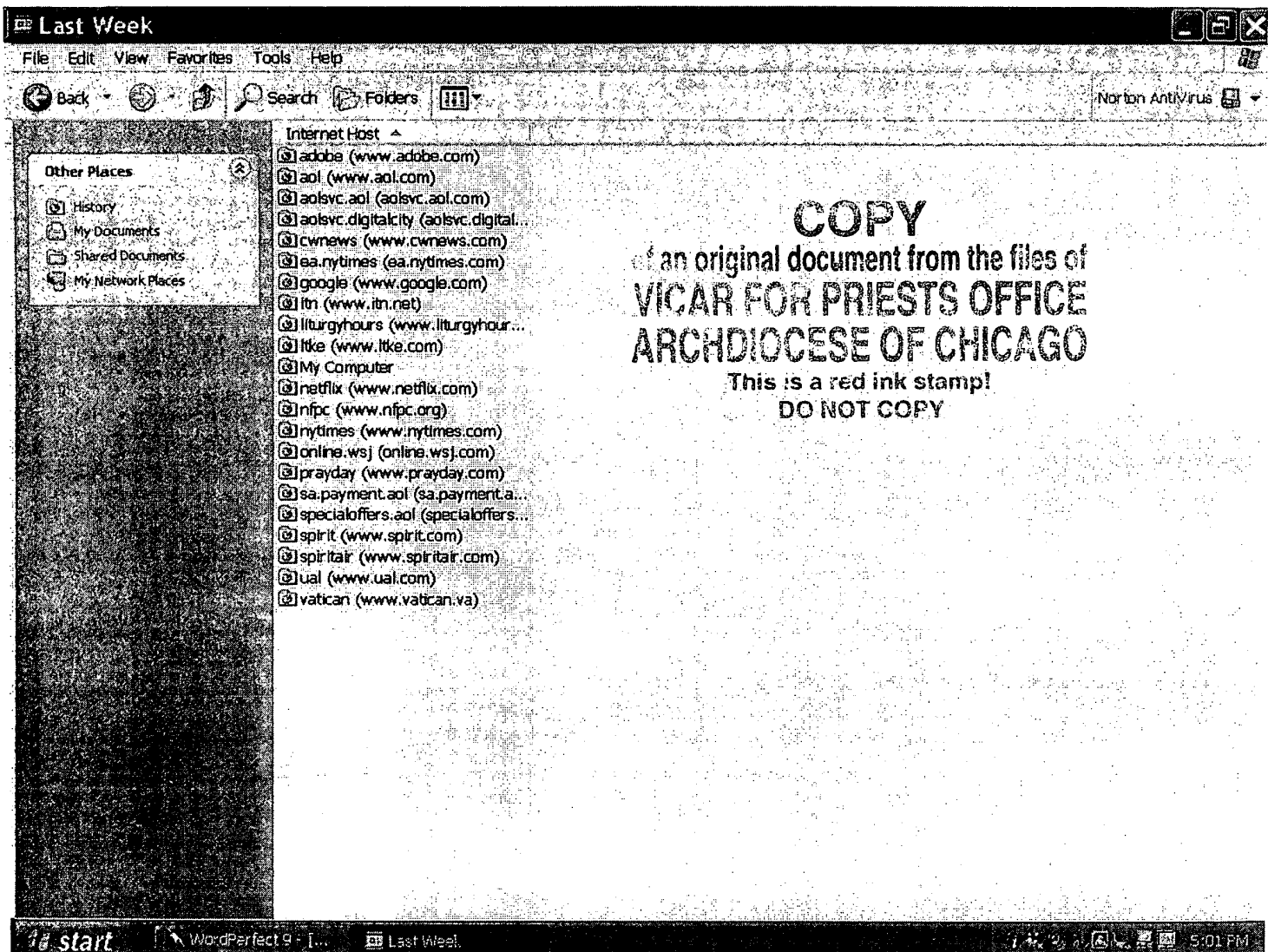
*He filled out
log sheets by hand. - sent to
Realy
May*











2 Weeks Ago

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- History
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- Shared Documents
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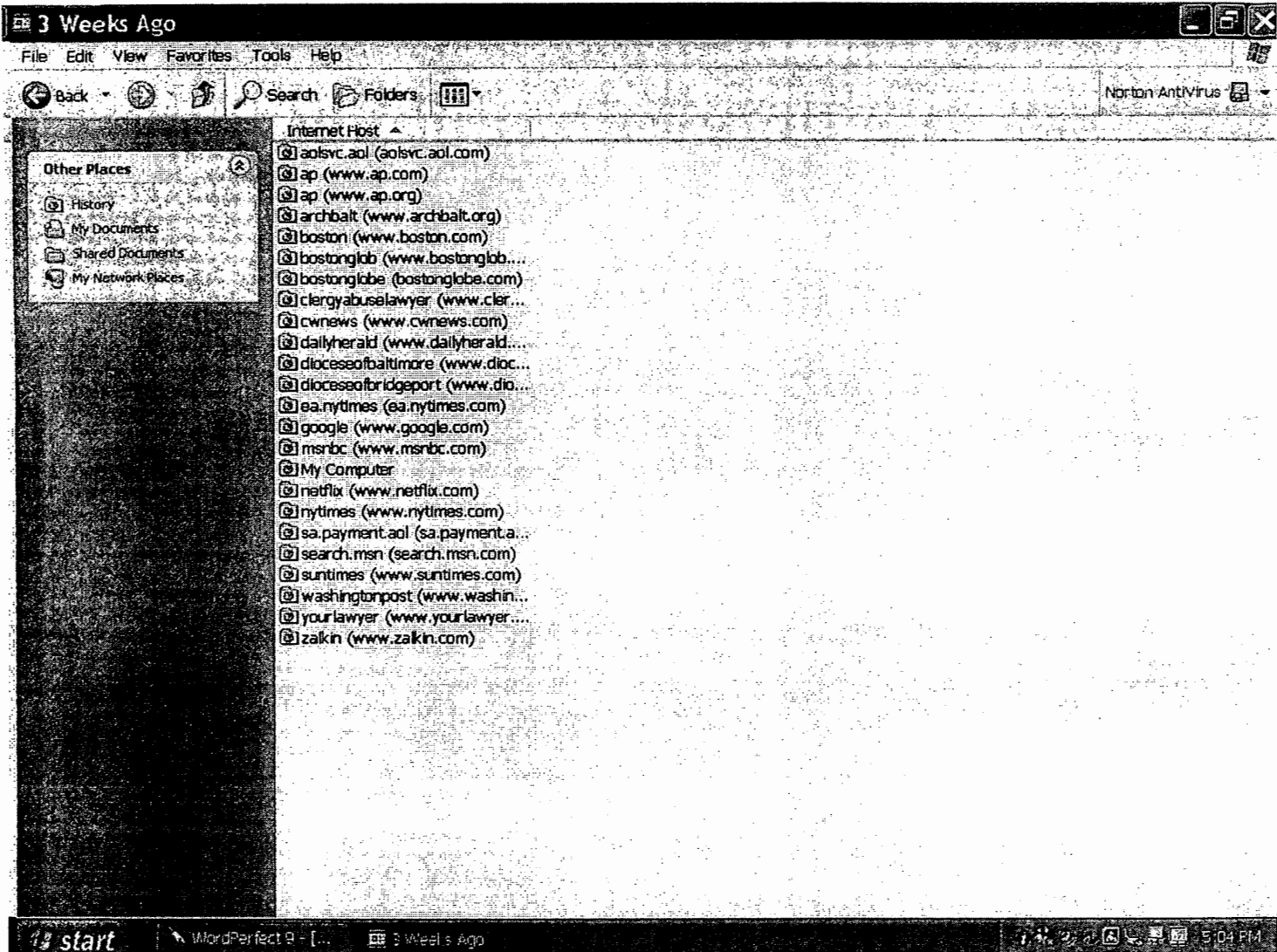
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4 Weeks Ago

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- catholicnews (www.catholicne...
- chicagotribune (www.chicagot...
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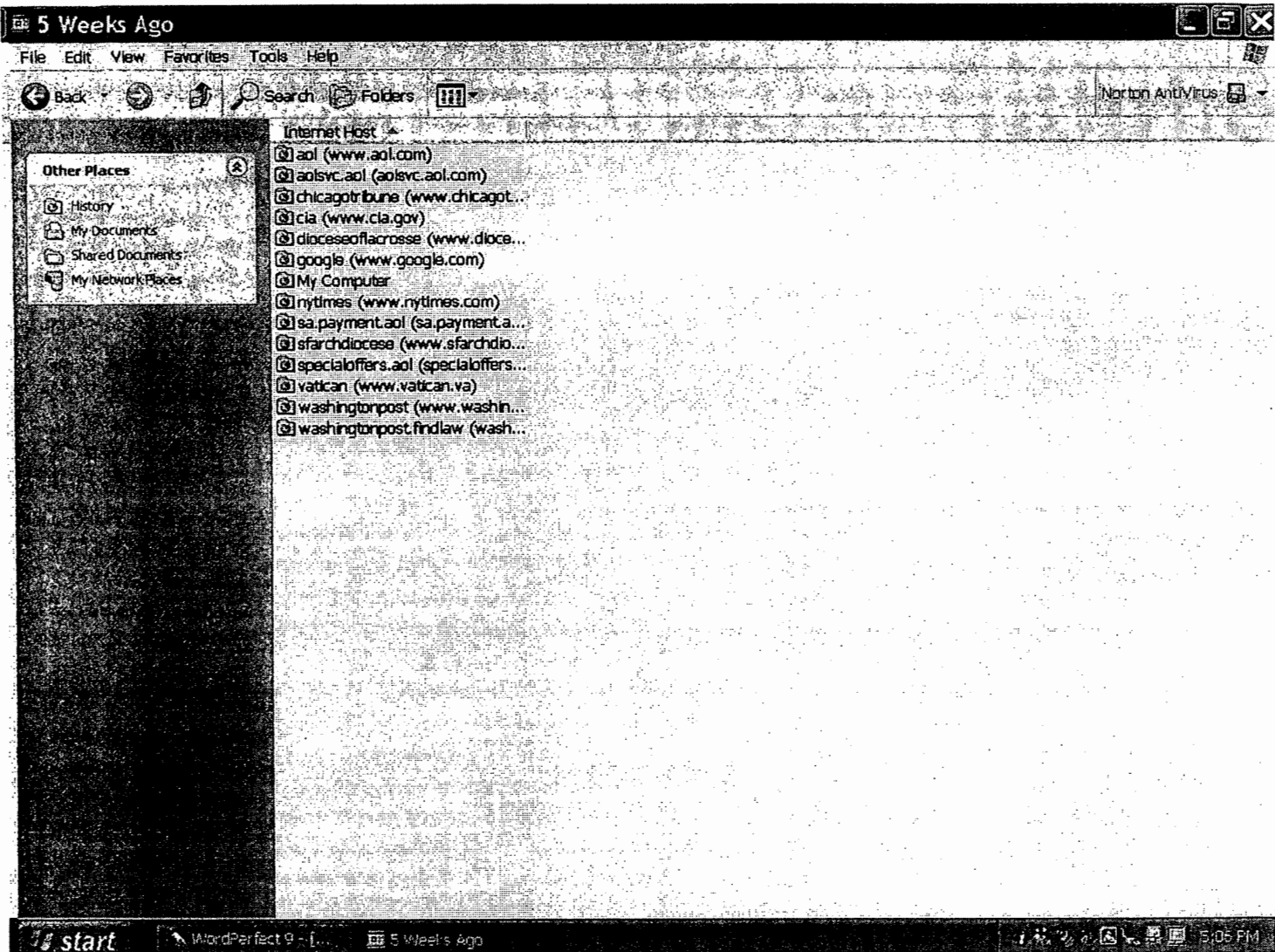
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March 7, 2003

PETITION

Your Eminence:

After careful study of the new Archdiocesan policies and procedures entitled, "*§1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victim and Procedures for Determination of Fitness to Ministry*," dated 3-1-03, (hereafter referred to as the *New Chicago Policies*), it is my conviction that in many fundamental respects they are canonically flawed and contrary to or inconsistent with the universal law of the Church and its underlying theological values. Therefore, under canon 1734 §1, I formally petition you to amend these policies and procedures to bring them into compliance with the universal law of the Church. In Section IV of this petition I offer some suggestions as to how that can be done.

I. THE ECCLESIAL AND LEGAL CONTEXT OF THE *NEW CHICAGO POLICIES*

The "Chicago Model" for addressing allegations of clerical sexual abuse of minors was created in the Archdiocesan policies promulgated by Cardinal Joseph Bernardin on September 21, 1992 as particular law for the Archdiocese of Chicago. With minor variations over time, the "Chicago Model" has been used by the Archdiocese of Chicago until the present time.

The "Chicago Model" accomplished a restoration of trust among the People of God and the public at large that children were being protected. Unfortunately, it did so by disregarding principles of fundamental fairness and justice and by depriving accused priests of their natural and ecclesial rights. In the "Chicago Model," the ordinary, in effect, abdicated his responsibility as the judge of such accusations. No canonical decrees of any kind were issued. The ordinary did not appoint a canonical investigator, with the powers and responsibilities of an auditor (c. 1717 §3). A canonical notary was never used. No canonical process was followed or provided for.

The "Chicago Model" prescinded from canonical norms and procedures and substituted disciplinary procedures modeled on those of the Attorney Registration and Disciplinary Commission of the State of Illinois. Although the "Chicago Model" was widely imitated in other dioceses, its canonical validity was never challenged. The "Chicago Model" was marginally acceptable when the diocesan bishop had the discretionary latitude to transfer an accused priest to a non-parochial ministry. However, the mandatory zero-tolerance approach adopted by the U.S. Conference of Catholic Bishops precludes overlooking the violations of canonical due process.

In both the old Chicago policies and the *New Chicago Policies*, there is a nine-member Review Board, with a lay Administrator. This lay Administrator, who has no familiarity with canon law, is given the responsibility to interview the accuser and the accused and to collect "evidence" about an allegation. The Administrator "analyzes" and "summarizes" this information and presents a report, with recommendations, to the Review Board and to the Archbishop. The

Review Board itself improperly functions as a tribunal, ostensibly investigating allegations and issuing "findings" or "determinations." The Review Board holds "appearances" at which the accuser and the accused may be invited to appear with attorneys.

In the various versions of the Chicago Policies, since 1992, the standard of proof for restriction of a cleric's ministry or the removal of a cleric from ministry has been whether the Review Board determined that there was "reasonable cause to suspect" that a cleric had engaged in "sexual misconduct" with a minor. This determination has been based upon the decision of the Administrator as to whether the accuser is credible. Until now, there was no operative norm or description for "sexual misconduct." It depended on the subjective judgment of the Review Board. Although a "reasonable cause to suspect" sexual abuse of a minor would be the minimal determination by an ordinary that is needed to *begin* a canonical preliminary investigation, it was treated as a finding of guilt sufficient to remove a priest from ministry and to announce that publicly.

In 1995, Cardinal Bernardin made minor revisions to the Chicago Policies. Cardinal George made other minor modifications, in the version dated July 1, 2000.

During the spring of 2002, the daily media coverage of allegations of sexual abuse by priests was intense. There was severe criticism that some bishops had failed to address such problems appropriately. Certain lawyers were advertising for clients and filing hundreds of lawsuits against dioceses, which then faced potential liabilities in the millions of dollars. Victims advocacy groups demanded a "zero tolerance" policy mandating that any priest who had ever abused a minor be expelled from the priesthood.

On April 23-24, 2002, an unprecedented summit meeting on clergy sexual abuse of minors was held in Rome. Pope John Paul II met with 15 U.S. Church leaders --12 of them Cardinals-- and 8 top Vatican officials. Apparently, this meeting was asked for by the U.S. Cardinals in order to express their concerns and to obtain the mind of the Holy See.

In June, the USCCB met in Dallas, Texas and on June 14, 2002 adopted the *Charter for the Protection of Children and Young People* and a companion document, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, and Other Church Personnel*. The *Norms* document, popularly known as the *Dallas Norms*, was sent to the Holy See for *recognitio*. The *Norms* and *Charter* required "that for even a single act of sexual abuse of a minor -- past, present, or future -- the offending priest or deacon will be permanently removed from ministry." (*Charter*, Art. 5). This agreement by the bishops to forego other canonical options and impose this one remedy and this one penalty was of profound significance for all local situations. Eventually, Rome required serious changes in the Dallas Norms because they were not in complete harmony with canon law.

On August 7, 2002, in an attempt to correlate the Chicago policies with the *Dallas Norms* and *Charter*, the Archdiocese issued another version of its policies. These were intended to be

provisional until national policies were approved by the Holy See.

On October 14, 2002, Cardinal Re, the Prefect of the Congregation for Bishops, issued an announcement stating:

"...the application of the policies adopted at the Plenary Assembly in Dallas can be the source of confusion and ambiguity, because the "Norms" and the "Charter" contain provisions which in some aspects are difficult to reconcile with the universal law of the Church. Moreover, the experience of the last few months has shown that the terminology of these documents is at times vague or imprecise and therefore difficult to interpret. Questions also remain concerning the concrete manner in which the procedures outlined in the "Norms" and "Charter" are to be applied in conjunction with the requirements of the Code of Canon Law and the *Motu proprio Sacramentorum sanctitatis tutela*.

"For these reasons, it has been judged appropriate that before the *recognitio* can be granted, a further reflection on and revision of the "Norms" and the "Charter" are necessary. In order to facilitate this work, the Holy See proposes that a Mixed Commission be established, composed of four bishops chosen from the Episcopal Conference of the United States, and four representatives from those dicasteries of the Holy See which have direct competence in the matter ..."

The Mixed Commission met in Rome on October 28-29, 2002. On October 29th it issued a set of *Revised Norms*. These were approved by the USCCB on November 13, 2002 as the *Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests and Deacons* (hereafter referred to as *Essential Norms*). They received *recognitio* from the Holy See on December 8, 2002. The President of the USCCB promulgated them on December 12, 2002 and announced that they would take effect March 1, 2003.

On January 16, 2003, the Archdiocese released to the public a long-awaited document entitled *Ten Year Report on Clerical Sexual Abuse of Minors in the Archdiocese of Chicago, January 1, 1993- January 16, 2003* (hereafter referred to as *Ten Year Report*). This report found that:

"Since January 1, 1993, the Archdiocese of Chicago's independent Review Board has determined that there was reasonable cause to suspect that sexual abuse of a minor occurred in 55 matters dating back 40 years involving 36 Archdiocesan priests."

Although none of these priests had been afforded any canonical process, the *Ten Year Report* referred to these allegations as "founded" (pp. 2, 6) and "substantiated" (p. 2). In the cover memorandum of this report, the Chancellor of the Archdiocese stated:

"... the underlying sad fact remains: three dozen priests have abused children (in some cases more than one), betrayed their vocations, damaged the mission of this local church, and caused many individuals to question the ministry of priesthood and bishop."

This statement totally ignored the presumption of innocence and the fact that the accused priests had not been afforded any canonical process whatsoever. On page 3 of the report, the Chancellor stated that there would be canonical trials "to discover the truth" about these allegations, but from what he wrote, the allegations have already been proven true. Eight of these accused priests were dead when they were accused.

Although the Archdiocese did not release the names of the priests covered by these findings, it did indicate to the media that their names had been announced at the time they were removed from ministry. Thus, the newspapers reviewed their files and printed a list of the priests.

Included as an Appendix to the *Ten Year Report* was the 12-19-2002 Draft Revision to the Archdiocesan policies. This draft was entitled: "*Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry.*" This draft stated that it had incorporated the *Essential Norms* and the *Charter* of the USCCB, as well as the universal law of the Church. With the change of only a few words, this draft has now been promulgated by you as new Archdiocesan policy, effective March 1, 2003.

Also included as an Appendix to the *Ten Year Report* is a three-page document entitled *Canonical Process: Trials for Inflicting Penalties* (hereafter referred to as *Canonical Process*). This document, while informal in tone, seems to reflect the mind of the Archdiocese as to how to adapt the "Chicago Model" to bring it into conformity with canon law. In some respects, *Canonical Process* shows a lack of understanding of fundamental requirements of the universal law. It appears that *Canonical Process* is a preliminary articulation, by the Archdiocese, of how the *New Chicago Policies* will be applied in practice.

While the *New Chicago Policies* claim to be providing "the processes provided for in canon law" (Policy §1105.1, A), in effect, they put new wine into old wineskins. Both the old and the new policies are a confused mixture of canon law, civil law and procedures *sui generis*, which exhibit many of the defects cited in three recent decisions of the Congregation of the Clergy involving dioceses in Australia (Prot. N. 2000.1201, Prot. N. 2001.1099, and Prot. N. 2001.0081; attached). By contrast, the procedures and offices set forth in the 1983 Code provide a fair and just method of proceeding.

These policies and procedures are of the gravest importance. For the Church, its commitment to the protection of children and its credibility as a defender of the dignity of the human person require that norms and procedures be followed which adequately determine the truth of an allegation and the culpability of the accused. Not only does sexual abuse harm the victim and the victim's family, it harms the whole Church. On the other hand, a false accusation of sexual abuse not only victimizes the accused cleric, it victimizes the community he serves and the whole Church. For the accused cleric, what is at stake is nothing less than this:

1. a possible criminal trial and imprisonment
2. a possible civil lawsuit and the potential loss of all of a cleric's assets

3. permanent removal from ministry
4. the permanent destruction of a cleric's good name

Precisely because the issues and consequences involved are of such grave importance, I believe it is vitally important to reconsider carefully this legislation and to make the adaptations necessary to bring it into conformity with the universal law of the Church.

II. THE LAW

A. CANONICAL DUE PROCESS

1. Basic Principle of Canonical Due Process

It is undisputed that all procedures employed in any canonical investigation and judgment leading up to the imposition of canonical penalties must be congruent with the procedures envisioned by and explicated in the 1983 Code of Canon Law.

"The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law" (c. 221 §3).

Deploping the recent failure by many dioceses to honor and effectively apply the right of canonical due process, one canonist states:

"These actions certainly appear to ignore the basic right expressed in c. 221 § 3, which provides that the Christian faithful have the right not to be punished with canonical penalties except in accord with the norm of canon law. According to accepted jurisprudence, this right is an application of the natural law which does not admit of dispensation." (Ingels, G., "Dismissal from the Clerical State: An Examination of the Penal Process," *Studia canonica* (1999), p. 170).

2. Application of the Principle of Canonical Due Process

Because the Catholic life is manifest socially in the context of community, Church and society, it requires structure and order. The application of canon law is the long established methodology by which the Catholic community structures and orders itself, to facilitate living the Catholic Christian life. The Church fulfills its mission to protect the rights of all the faithful by complying with its own procedures and by the proper exercise of canonical offices. The Code of Canon Law indicates quite clearly what canonical procedures must be followed by what canonical officers in addressing an accusation of clerical sexual abuse of a minor.

This right to canonical due process includes the right to be judged according to the law applied with equity (c. 221 §2). This right applies to both judicial and administrative processes. (Canon

Law Society of America, "New Commentary on the Code of Canon Law," New York: Paulist Press (2000), p. 281; hereafter referred to as *CLSA Commentary*) This right results from an application of the natural law, which does "not admit of dispensation." (Ingels, *supra*, p. 170). Indeed canon 87 §1 states that the diocesan bishop "is not able to dispense, however, from procedural or penal laws nor from those who dispensation is specifically reserved to the Apostolic See or some other authority." Therefore, judgments and penalties inflicted pursuant to local procedures similar to those used in Chicago have been overturned by the Holy See (cf. Congregation for the Clergy, Prot. Nos. 2000.1201, 2001.1099, and 2001.0081). Furthermore, there is a duty to use canon law even if it seems "cumbersome, arcane and outdated" to those unaware of the mechanisms and balances effectuated therein over centuries. One canonist recently wrote, "... it is incumbent upon all of us in the Church to try to use this (canonical penal) process properly and effectively." (Ingels, *supra*, pp. 170, 169-212).

Another canonist noted, in an article criticizing local procedures quite similar to those used in Chicago, that, unfortunately, canonical procedures have been ignored recently in the United States. He pointed out that the duty to act legally must be observed for the benefit of the whole Church.

"Unless the church's hierarchy is willing to honor so fundamental and uncontroversial a right as the right to what we Americans call 'due process of law', other and more contentious rights will continue to be treated summarily or even trampled on." (Beals, J.P., "Hiding in the thickets of the Law", *America* 15 (October 7, 2002), p.18.).

The *Essential Norms*, cited above, contain six (6) explicit statements that the universal law of the Church still applies and all national and diocesan procedures must be "in accord" with the Code of Canon Law. These six explicit references emphasize the intent that canonical procedures be properly applied and canonical offices be properly exercised:

- The Preamble to the Essential Norms states: "These norms are complementary to the universal law of the Church ..." (par. 3).
- Norm 2, dealing with the written policy of each diocese, states: "This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law..."
- Norm 6 deals with the preliminary investigation, and as pointed out above, states: "When an allegation ...is received, a preliminary investigation in harmony with canon law will be initiated and conducted ... objectively (c. 1717)."
- Norm 8 states that penalties can only be inflicted: "... after an appropriate process in accord with canon law ..."
- Norm 8A states: "In every case involving canonical penalties, the processes

provided for in canon law must be observed and the various provisions of canon law must be considered."

- And, Norm 9 states that administrative acts in cases such as these should be consistent with and observant of "the provisions of canon law." (Underlines added).

The explicit reference or citation in Norm 6 to canon 1717 as a whole is significant because, when read as a whole, canon 1717 clearly indicates and mandates specific canonical procedures to be followed, as well as the ecclesiastical offices that are to carry out the canonical preliminary investigation prescribed there.

The affirmation of the need for canonical due process in any action against one of the faithful is further bolstered in the *Essential Norms* by the explicit, articulated provision of the right to "civil counsel" for an accused (Norm 6, sentence 3). This right is repeated again in Norm 8A (sentence 4). Therefore, if a lawyer is to be involved, by logical extension some legitimate body of law is to be followed.

Again, consistent with the principle that canonical due process must be followed by the diocese, is the fact that the *Essential Norms* twice specifically refer to an accused's right to "canonical counsel" (Norm 6, sentence 3; and Norm 8A, sentence 4). And, the *Essential Norms* are so concerned with the implementation of this right that they even provide for using diocesan funds or resources to "supply canonical counsel" to the accused (Norm 8A, sentence 5). Obviously, again by logical extension a canon lawyer would be of no use unless canon law was supposed to be followed.

Therefore, it seems clear and beyond any doubt that incorporated into, and guiding all proceedings under, any diocesan procedures are the principles, authority, precedent, traditions, procedures, and ecclesiastical offices of canon law.

"Incidents of sexual abuse by the clergy have become one of the most distressing issues which the church has had to confront in recent decades.... While a canonical penal trial is among the most difficult...procedures that we have to deal with as canonists, this process does stand as a testament to the Church's commitment to provide a means which will effectively investigate and resolve issues as stressful as these in a just and equitable manner. The responsibility of assuring that such procedures succeed falls to each of us." (Ingels, *supra*, pp. 207-208) (Underlines added).

3. Corollaries to Principle of Canonical Due Process

The universal law of the Church must be interpreted in such a manner as to "be linked to authentic values" underlaying the norms.(*CLSA Commentary*, p. 3) And, a norm is only validly interpreted when it promotes, supports, and protects a the underlying value; otherwise it would

not serve the common good. The values protected by c. 221 §3 are the inviolable dignity of the human person, the value of an individual's reputation, the value of every person being presumed innocent until proven guilty, the value of every person having legitimate means to vindicate their rights, the value of a cleric having stability in the exercise of his ministry, the value of privacy, and the value of fundamental fairness and canonical due process.

Canon 1321 §1 establishes that no one is to be punished unless the external violation of a law or precept, committed by the person, is gravely imputable by reason of malice or negligence." Sometimes an accusation alleges that a cleric engaged in behavior which would have been inappropriate, foolish, or offensive, but which would not be an external, objectively grave violation of the sixth commandment, even if the allegation were true. The canonical norm of sexual abuse, "an external, objectively grave violation of the sixth commandment" (*Essential Norms*, Preamble, Par. 4), requires lustful intent. This can be presumed from certain behaviors; but in the case of ambiguous touching, for example, lustful intent must be proven.

In addition, "laws which establish a penalty...are subject to strict interpretation" (c.18 of the 1983 Code and c. 19 of the 1917 Code). "Strict interpretation of penal laws is necessary to protect the rights of persons, including those who have ... been accused of a crime." (*CLSA Commentary*, p. 76)

A prime example of this concept is canon 1313 §1 which states: "If a law is changed after a delict has been committed, the law more favorable to the accused is to be applied." It is illegitimate to attempt to apply to an alleged delict of 35 or 45 years ago, a more severe penalty which may be contained in the *Essential Norms*. It is also illegitimate to apply particular law contained in the *Chicago Policies* which ignores established canonical protections for the accused.

Moreover, canon 135 §2 states: "A lower level legislator cannot validly issue a law contrary to a higher law." The *recognitio* which the *Essential Norms* received from the Congregation for Bishops does not constitute a derogation from the law. Only the Holy Father can grant a derogation from the law. (Indeed, the Holy Father did grant a derogation from some laws in a *Motu proprio* dated February 7, 2003). Rather than being a derogation from the law, the *recognitio* is a determination that the *Essential Norms* can be interpreted in such a way as to be consistent with the universal law of the Church. Any interpretation of the *Essential Norms* which is not consistent with the universal law of the Church is invalid. Therefore all of the local diocesan policies and procedures and officers used to investigate and judge a case should strictly comply with the procedures and ecclesiastical offices prescribed by the 1983 Code (cc. 146-183, 1717-1719) and other official legal texts of the Church.

Canon 1717 §2 provides that: "Care must be taken so that the good name of anyone is not endangered from this investigation." This is a corollary of canon 220:

"No one is permitted to harm illegitimately the good reputation which a person possesses

nor to injure the right of any person to protect his or her own privacy.”

Last and most important, by natural law and canon law, the accused is to be presumed innocent until proven guilty (cf. cc. 221 §§2, 3 and Congregation for the Clergy, Prot. N. 2002.1201). The burden of proof is on the accuser/Promoter of Justice (c. 1526 §1). This burden of proof has three essential elements: (a) the burden of providing or collecting sufficient evidence to prove the accusation; (b) the burden of moving the case forward to a final judgment; and (c) the burden of proving the alleged delict with moral certitude.

Therefore the application of canonical procedure must be consistent with the presumption of innocence, which mandates that the burden of proof should never be shifted. Interpreting legislation or creating processes which, in effect, require the accused to prove himself innocent violate this principle.

B. CANONICAL OFFICES REQUIRED FOR THE PRELIMINARY INVESTIGATION

Canon 145 describes the concept of “ecclesiastical office”. These offices carry powers attached by canon law (c. 131) together with specific qualifications and specific duties unique to and created by canon law. In a canonical preliminary investigation there are three essential ecclesiastical offices: the ordinary (exercising his role as judge), the investigator (exercising the role of auditor), and the notary. To properly conduct a canonical preliminary investigation, these three officers must exercise their offices as defined and directed by the Code of Canon Law.

1. The Ordinary-as- Judge.

In canon law, the ordinary exercises a multitude of roles. Canon 381 §1 describes the ordinary’s overall role as pastor:

“A diocesan bishop in the diocese entrusted to him has all ordinary, proper, and immediate power which is required for the exercise of *his pastoral function* except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority.”(Italics added).

In exercising his pastoral role, the ordinary exercises distinct legislative, executive, and judicial functions: “It is for the diocesan bishop to govern the particular church entrusted to him with *legislative, executive, and judicial power* according to the norm of law.”(c. 391 §1) (Italics added). Canon 1419 §1 says that in the diocese “the judge of first instance is the diocesan bishop...”

In dealing with an accusation of clerical sexual abuse of a minor, the ordinary’s role as judge is paramount. (Thus, this role is hereafter referred to as “ordinary-as-judge,” in order to distinguish it from the other roles of the ordinary). It is important to distinguish the proper exercise of the

various roles of the ordinary, because in the investigation of an accusation of clerical sexual abuse of a minor, an ordinary may be involved in some way and yet not be exercising his canonically mandated role as judge.

a. Initial judgment

Pursuant to canon 1717 §1, the ordinary-as-judge has the responsibility, first of all, to determine whether an accusation of a delict allegedly committed by a cleric “at least seems true.” If he so finds, he should then initiate a canonical preliminary investigation. Canon 1717 §1 says he is to “carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such inquiry seems entirely superfluous.”

When would an inquiry into an accusation be superfluous?

- An investigation would be superfluous if the behavior alleged, if proven, would not constitute “an external, objectively grave violation of the sixth commandment.”
- An allegation would be superfluous if the accuser, at the time of the alleged abuse, was above the canonical age the law stipulates under the delict of sexual abuse of a minor. If the alleged delict occurred before April 25, 1994, there is no violation of canon 1395 §2 of the 1983 Code or canon 2359 §2 of the 1917 Code if the minor was 16 or older at the time of the alleged offense. If the alleged delict occurred on or after April 25, 1994, there is no violation of canon 1395 §2 if the accuser was 18 or older at the time of the alleged offense (cf. 1994 Rescript for the United States).
- An investigation would be superfluous if it is obvious that the accused could not have been in the place where the offense allegedly occurred (e.g., he was studying in Rome at the time he allegedly committed an offense in Chicago).
- An investigation would be superfluous if it is obvious that the accusation is baseless (e.g., the accuser says that the accused emerged from a space ship and abducted the person into the space ship).
- An investigation would be superfluous if the accused cleric is dead, because the truth cannot be determined if the accused cannot defend himself. A canonical penal process cannot be brought against a dead person.
- An investigation would usually be superfluous if the accused has formally left the active ministry, since the ordinary has no authority to compel him to participate in a penal trial and since restriction on his ministry would be redundant. However, an accusation would not be superfluous if the accused were still an employee of the

Archdiocese. Even if an accusation would be superfluous, some note of the accusation should be made, in the event that the accused ever petitions to return to active ministry.

- Usually, an accusation of a delict which is barred from prosecution by prescription would be superfluous. In secular criminal law, once it is determined that the statute of limitations has run, the prosecutor does not pursue an investigation into an allegation. A complication, of course, is raised by Norm 8A of the *Essential Norms* which provides for a dispensation from prescription. This puts the ordinary in the difficult and awkward position of conducting an investigation which may be virtually impossible because of the long passage of time.

Does a cleric's admission of the accusation make a preliminary investigation superfluous? The USCCB booklet *Canonical Delicts* seems to say so (p. 9), but that text was written before the issuance of *Sacramentorum sanctitatis tutela* (and the derogations of February 7, 2003) and the promulgation of the *Essential Norms*. The answer now must be, "No." Even if the ordinary petitions the Holy Father or the CDF to dismiss the accused from the clerical state, in keeping with the *Motu proprio* of February 7, 2003 the ordinary must submit proofs. For cases which go to a canonical trial, a preliminary investigation is needed to create the Acts on which the ordinary-as-judge and then the trial court can base their judgment. For all cases, various canons apply which indicate that an admission does not constitute conclusive proof of guilt (cc. 1535-38). In addition, the accused might be confused about the accusation or about the canonical elements of a delict against canon 1395 §2, such as the necessity of lustful intent and imputability.

In most cases, the ordinary's decision whether to initiate and authorize a canonical preliminary investigation could be made after a few days reflection on the accusation and the response and upon consideration of the credibility of the accuser and the accused.

b. Judge conducting or presiding over the preliminary investigation

If the ordinary decides that a canonical preliminary investigation is to be conducted, he must first issue a decree opening the investigation (c. 1719) and either conduct the investigation himself or, by decree, appoint a "suitable person" as the investigator (c. 1717 §1). This investigator has the powers and obligations of an auditor (c. 1717 §3). Canon 1428 §3 points out: "It is for the auditor, according to the mandate of the judge, only to collect the proofs and hand them over to the judge." Thus the ordinary retains his judicial role; he is not able to delegate it to anyone else, even the investigator-auditor, and he may not abdicate it. His role as judge requires that he view the canonically obtained evidence personally (c. 1428 §3).

The ordinary-as-judge has to decide based on the Acts of the case (known as the "Record" in American Common Law courts) and not on any "off-the-record" information of whatever kind.

Canon 1604 §1 says: "It is absolutely forbidden for information given to the judge by the parties, advocates, or even other persons to remain outside the Acts of the case." Also, canon 1608 §2 says that the judge must base his judgment "from the Acts and the proofs."

In order to be included in the Acts of the case, testimony must be taken in a canonically valid manner. This requires that the accuser be interviewed alone (c. 1560), in person (c. 1558), and under oath (c. 1530). The judge (or the auditor) is to establish the identity of the witness (c. 1563). He is to ask the witness "the source of his or her knowledge and the precise time when the witness learned what he or she asserts" (c. 1563).

Canon 1548 §2 grants an exemption from testifying to "clerics regarding what has been made known to them by reason of sacred ministry ... and others bound by professional secrecy." In his November 14, 2002 interview with Zenit News Service, Archbishop Julian Herranz, the President of the Pontifical Council for Legislative Texts, pointed out that this exemption also applies to bishops themselves. The reason for these exemptions is that the special nature of these professional and ecclesial relationships requires the ability to speak with candor, with the assurance of confidentiality.

In determining the trustworthiness of testimonies, the judge, "after having requested testimonial letters if necessary is to consider the following:

- 1° what the condition or reputation of the person is;
- 2° whether the testimony derives from personal knowledge, especially from what has been seen or heard personally, or whether from opinion, rumor, or hearsay;
- 3° whether the witness is reliable and firmly consistent or inconsistent, uncertain, or vacillating;
- 4° whether the witness has co-witnesses to the testimony or is supported or not by other elements of proof." (c. 1572).

Canon 1573 says: "The testimony of one witness cannot produce full proof ... unless the circumstances of things and persons suggest otherwise."

Canon 1574 says: "The assistance of experts must be used whenever the prescript of a law or of the judge requires their examination and opinion based on the precepts of art or science in order to establish some fact or to discern the true nature of some matter." In cases in which the validity of the memories of the accuser or the accused may be at issue, expert testimony might be valuable.

Proper documentary proof is covered in canons 1539-1546. Proper documentary proof is necessary to establish the age of the accuser. It also may be helpful to establish other facts.

Canon 1582 allows the judge to conduct a "judicial examination and inspection":

" If, in order to decide a case, the judge considers it opportune to visit some place or to

inspect some thing, the judge, after having heard the parties, is to order it by a decree describing in summary fashion those things which must be exhibited during the visitation or inspection.”

When the visit or inspection has been completed, a report about it is to be drafted (c. 1583).

c. Concluding judgment

The canonical preliminary investigation continues until the ordinary-as-judge is able to determine either:

(a) that there is sufficient evidence of the alleged delict (c. 1718 §1) to warrant sending the case to the Congregation for the Doctrine of the Faith (May 18, 2001 Letter of the Congregation for the Doctrine of the Faith, *Sacramentorum sanctitas tutela* and Norms of the Congregation for the Doctrine of the Faith for penal trials, Art. 13) and whether it is expedient (c. 1718 §1, 2°), or

(b) that there is insufficient canonically appropriate evidence to move to the next stage a and so the case should be closed.

It seems important to point out that the real purpose of the judgment by the ordinary-as-judge at the conclusion of the canonical preliminary investigation is to determine whether there is moral certitude that the Acts of the case contain sufficient evidence to proceed to a trial (c.1718 §1).

“Once all of the proofs have been gathered it then falls to the ordinary himself to determine whether he has arrived at moral certitude concerning the sufficiency of the evidence ...” (Ingels, *supra*, p. 179).

At this point, it is not proper for the ordinary to decide or pronounce guilt.

“A clear distinction must be made between moral certitude concerning the sufficiency of the evidence and moral certitude concerning the guilt of the accused. It is for the penalty phase of the process to assess the question of guilt. Since the ordinary cannot provide for the right of defense of the accused during the prior investigation he can only address the question of whether the evidence is sufficient to move forward with the process.” (Ingels, *supra*, p. 179, n. 20) (Underlines added).

The ordinary-as-judge concludes the canonical preliminary investigation with a decree stating his moral certitude that the Acts (the Record) are sufficient to move the case forward to a canonical trial (c. 1719 and Ingels, *supra*, p. 190, 178). If the ordinary-as-judge cannot arrive at moral certitude that the quantity and quality of the evidence is sufficient, he must then issue a decree which declares this finding of insufficiency of the evidence and conclude the canonical preliminary investigation (c. 1719).

“Finally, if the ordinary does not find the proofs compelling enough for him to arrive at a conclusion of the probability of the priest’s responsibility for the crime of which he has been accused, he must issue a decree which declares this finding, absolves the accused, and brings the penal process to conclusion.” (Ingels, *supra*, p. 192).

Obviously this judgment of the ordinary-as-judge requires knowledge of canonical procedures and canonical rules of evidence. When the ordinary-as-judge is making the judgment required by canon 1718 to conclude the canonical preliminary investigation, “the ordinary may hear two judges or other experts in the law if he considers it prudent”(c. 1718 §3). The basis of the judgment of the ordinary-as-judge is revealed in the emphasis on the canonical knowledge required by these judges or canonical experts. This provision clearly indicates the need to decide the issues presented at the conclusion of a canonical preliminary investigation according to the evidentiary requirements of the Code of Canon Law. This requires an awareness of the standards for canonically admissible evidence, cognizance of the proper ecclesiastical procedures, and an understanding of the proper role of the ecclesiastical offices prescribed by the Code of Canon Law.

In the present climate, in the wake of a national crisis for the Church, it is more important than ever that the ordinary-as-judge uphold the integrity of this office and abide by the canonical duties and obligations of this office. Because the U.S. bishops have raised the stakes by declaring a policy that no cleric who has ever committed an act of sexual abuse with a minor may ever again exercise ministry, the Holy See has insisted on the right to a canonical trial for the accused, except in extraordinary circumstances. Because of the gravity of the matters at issue, the Church insists on a rigorous, formal penal process to determine the truth of the allegation and to protect the rights of both accuser and accused. The penal process must be followed in both letter and spirit.

Failure to conduct a canonically valid preliminary investigation and to conclude it with a canonically proper finding creates a case that cannot be brought to a canonical trial.

2. The Investigator-Auditor

a. Sources in the law

The sources of the ecclesiastical office of “investigator” in a canonical preliminary investigation are cc. 1717-1719. Canon 1717 §1 provides that the ordinary can conduct the canonical investigation personally. However, canonists usually recommend that the ordinary not do so:

“This recommendation is made on the basis of the principle found in c. 1717 §3, which prohibits the investigator from later acting as a judge in the case ...” (Ingels, *supra*, p. 174).

“... it is preferable that the *diocesan bishop* himself not conduct the investigation. He must be in a position to evaluate its results objectively; personal involvement may

interfere with this critical duty.” (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, USCCB, 1995, reprinted 2002, p. 9) (Italics in original).

This demonstrates an important point about the source of the office of the investigator-auditor in the canonical preliminary investigation. It is derived by dividing the inherent power of the ordinary to inquire into the facts and his responsibility to independently, objectively judge the facts as established in the Acts (the Record).

Canon 1717 §3 provides that the ordinary-as-judge can appoint a “suitable person” to conduct the canonical investigation and gather canonically appropriate evidence. This canonical officer is called the “investigator” (c. 1718 §4). Canon 1717 §3 also specifies that the investigator has “the same powers and obligations as an auditor in the process.” (For this reason and to distinguish the canonical investigator from that utilized in Chicago, I will hereafter refer to this canonical officer as the “investigator-auditor.”)

b. Appointment by decree

In each case, the canonical investigator, who acts as an auditor in the canonical preliminary investigation, must be appointed by a decree from the ordinary-as-judge (c. 1719). This decree should also express the parameters of the mandate given to the investigator-auditor (c. 1428 §3). This decree must be placed in the Acts of the case (Congregation for the Clergy, Prot. N. 2000.1201). A proper appointment is important because it conveys the authority of the diocesan bishop to interrogate and inquire in the name of the Church, and an assurance that the investigator has proper character, qualifications, ability, canonical knowledge, and trustworthiness.

c. Qualifications

Canon 1428 §2 says that persons appointed as auditors are to be “outstanding for their good character, prudence, and doctrine.”

Canonical Delicts says that the investigator need not be a priest and “in some cases a team approach may be advisable” (p. 9). However, canon 1717 §3 refers to “a suitable person” and the Congregation for the Clergy has ruled that the ordinary “must appoint a single Delegate to act on his behalf” (Prot. N. 2000.1201). Also prominent experts in the penal law of the Church, such as Francis Morrissey, O.M.I. and Gregory Ingels, maintain that the investigator must be a priest. Their argument is based by analogy with canon 483 §2 requiring the notary in such cases to be a priest. One could also add that canon 1717 §3 says that the investigator has the powers and responsibilities of an auditor and canon 1428 §1 says that the auditor carries out the responsibilities of the judge in instructing the case and the CDF Norms for penal trials say: “... only priests can validly carry out the functions of judge, promoter of justice, notary, and patron” (Art. 11). The requirement of priesthood can be dispensed by the CDF (*Motu proprio*, February

7, 2003).

The investigator-auditor also must be objective and not charged with any conflicting responsibilities in order to conduct a fair, unbiased objective inquiry (c. 1448 §2). The duty to be objective and unbiased is also affirmed and emphasized in the *Essential Norms*.

“Norm 6. When an allegation of sexual abuse of a minor by priest or a deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (c. 1717).” (Underline added).

Above all, the nature of the role of the investigator-auditor conducting a canonical preliminary investigation requires that the investigator have a thorough knowledge of canon law. The investigator-auditor must be familiar with the powers and duties of an auditor in a canonical process as well as the evidentiary requirements of canon law.

The investigator-auditor should be skilled in conducting canonically valid examinations of witnesses (detailed above in the treatment of the ordinary-as-judge). The investigator-auditor must also have a thorough knowledge of the constitutive elements of canons pertaining to the delict of sexual abuse of minors (c. 1395, §2) and the application of penalties, especially canonically aggravating and mitigating circumstances (cc.1324-27). The investigator should also be knowledgeable about the Illinois Criminal Code, civil law, and the laws pertaining to the gathering of evidence, since canon law can incorporate or “canonize” the local civil law of the respective diocese, because the 1983 Code exhorts and requires the observance of civil laws not contradictory to the canon law (c. 22). Therefore it seems clear that the investigator-auditor must be someone with professional sensitivity to and awareness of both canon and civil law.

Furthermore the investigator-auditor must be someone familiar with the unique issues involving child abuse allegations, for the reasons discussed below. The crucial point is that the investigator-auditor must be able to properly interrogate those involved in such cases, properly inquire to expose falsehood, and create canonically proper evidence. This is a vastly different role than that of an investigator in American civil or criminal law.

d. Functions

Canon 1428 §3 says: “It is for the auditor ... only to collect the proofs and hand them over to the judge.” The word “only” limits these duties to indicate that there is no judgmental, determinative, nor advisory role that is included in the auditor’s responsibilities or powers. The powers and obligations of an auditor are also limited to only deciding “what proofs are to be collected and in what manner” (c. 1428 §3).

The purpose of the canonical preliminary investigation is not to indict or try the accused at this stage but rather to gather facts, investigate the circumstances, and explore the question of

imputability.

“The preliminary investigation is geared to ascertaining whether there are solid grounds for judging that an ecclesiastical delict...has been committed...” (*CLSA Commentary*, Comment p. 1808). (Underlines added).

The inquiry conducted by the investigator-auditor must be far more thorough and objective than the investigation usually conducted under the Common Law model. Under the Common Law, the adversarial method is relied upon to complete the investigation, to correct errors, to add or explain facts in a light most favorable to the accused as well as the accuser, and to expose biases, conflicts of interest or inadequacies of witnesses. In the canonical model, this must be performed by the investigator-auditor.

Therefore the investigator-auditor is charged with the responsibility of completely and thoroughly investigating the charges, gathering evidence and proofs that address fully and completely all sides of the issues including that evidence favorable to the accused. In other words, facts to support a defense, or mitigation, should also be carefully collected by the investigator-auditor, since no defense or inquiry can be mounted at this stage by the accused, and since these proofs act as the basic evidence at the later trial. Failure to do so can seriously effect the accused's ability to defend himself.

Although it may be appropriate for the investigator-auditor to talk informally with a witness prior the formal interview, care should obviously be exercised to prevent the investigator-auditor from influencing the witness. Canon 1565 says: “Questions must not be communicated to the witness beforehand.” An investigator-auditor has to be careful to reduce witness statements, untainted and uninfluenced, to a formal statement under oath, recorded verbatim and signed by the witness. (Ingels, *supra*, p. 177). The significance here is that the investigator-auditor has the duty to collect evidence and facts in such a way as to not distort the evidence and to support both sides to the dispute completely.

From the outset of a canonical preliminary investigation, it is essential that the allegation of the accuser be obtained in a canonically valid manner with sufficient specificity as to time, place, circumstances, and witnesses, so that the investigator-auditor knows what proofs need to be obtained and so that the accused has sufficient knowledge of the accusation to be able to respond and prepare his defense. The clear intent of canon law is that without an oath no accusation regarding criminal conduct should be given credibility. Failure to obtain a canonically valid statement of the accusation at the commencement of the preliminary investigation is also improper and unfair because it can result in the accusations evolving and “constantly changing, others being added or not mentioned anymore, seemingly at will and not accord to any mode of canon law.” (cf. Congregation for the Clergy, Prot. N. 2001.1099)

3. The Canonical Notary

a. Sources in the law

In collecting the proofs, the judge or the investigator-auditor must be accompanied by and assisted by a canonical notary (cc. 1437 §1 and 1561). The role of the canonical notary is crucial in the canonical preliminary investigation because the notary documents and guards the record which is utilized ultimately to reach the decision called for at the conclusion of the canonical preliminary investigation stage and also, if necessary, at the trial stage. "A notary is to take part in any process, so much so that the acts are null if the notary has not signed them."(c.1437 §1).

b. Appointment by decree

As with other officers whom the diocesan bishop appoints to take part in a canonical preliminary investigation, the notary is to be appointed to the case by a decree issued by the diocesan bishop (c. 48). This is extremely important because the integrity of the record (the Acts) upon which the whole process depends is entrusted to this one ecclesiastical officer.

c. Qualifications

The canonical notary must be "of unimpaired reputation and above all suspicion" (c. 483 §2). In cases involving accusations of clerical sexual abuse, the canonical notary must be a priest (c. 483 §2 and Congregation for the Doctrine of the Faith, Norms for penal trials, Art. 12), although this requirement can be dispensed by the CDF (*Motu proprio*, February 7, 2003).

The notary must be very knowledgeable about canonical penal procedures, especially the manifold duties of the notary, which are essential to establishing the official Acts of the preliminary investigation.

d. Functions

The canonical notary is charged with performing the following duties:

- drawing up acts and instruments which require his action (c. 484, 1 °)
- witnessing the signature of the ordinary on all of the decrees issued in the penal process (c. 484, 2 °)
- being present at the taking of any statements made by the accuser or other persons in order to act as an official witness (c.1569 §2)
- being present to witness the administration of an oath, thereby insuring that the statement is sworn to (c. 1562 §2). The reasons for requiring sworn testimony by the accuser and by witnesses are not technical or frivolous. Sworn deponents can

be punished for perjury. In all legal systems, the fact that a statement or testimony is sworn is an important criterion for weighing truthfulness and accuracy. Sworn testimony also provides a basis during the trial stage for cross-examination or impeachment.

- transcribing accurately or recording verbatim any statements or depositions taken from the accuser or other witnesses (c. 1567), “giving the witness the opportunity to add, suppress, correct or change it” (c. 1569 §1);
- signing the Acts of the deposition, at the end of a deposition, and seeing to it that it is signed by the deponent and the investigator-auditor (c. 1569 §2);
- assembling and guarding the Acts of the case (the Record) (cc. 484, 486). This is of major significance because the penal process depends on the Acts. The importance of a proper record of both the canonical preliminary investigation stage and later trial stage can not be emphasized enough. It is from this information and this information alone, that all subsequent decisions are required to flow. An accurate record is an essential element not only of canon law, but of every respected system of law. The alternative is to disregard principles of law and justice and to run the risk of a sham legal proceeding – or a kangaroo court. Off-the-record information cannot be used in the penal process, because it deprives the accused of his right to confront all the evidence marshaled against him, thereby depriving him of his right to a defense. Obviously, the accused has no opportunity to confront information if the ordinary-as-judge receives that information outside the record.
- placing, at the conclusion of the investigation, “the Acts of the investigation, the decrees of the ordinary which initiated and concluded the investigation, and everything which preceded the investigation” in the secret archive of the diocese, unless necessary for the penal process (c. 1719). This serves several greater purposes, discussed below.

C. PERIOD OF PRESCRIPTION

In 1994, the U.S. bishops asked the Holy See for derogations from the Code of Canon Law for the United States in regard to alleged delicts of sexual abuse of minors. On April 25, 1994, the Holy Father extended the period of prescription, in the United States, for alleged delicts with a minor to 10 years after the accuser's 18th birthday. This was not retroactive; and it applied only to delicts committed on or after April 25, 1994.

However, the Holy Father also promulgated a transitory norm, affecting some delicts committed prior to April 25, 1994. Such delicts with a minor, below the age of sixteen, “are deemed to be

actionable by criminal process until the minor in question completes his or her twenty-third birthday."

On April 30, 2001, Pope John Paul II in the Apostolic Letter *Sacramentorum sanctitatis tutela*, issued *motu proprio*, promulgated in *forma specifica* the norms contained in the May 18, 2001 letter of the Congregation of the Faith *De delictis gravioribus*, which determined the prescription for such offenses as ten years, running from the day the minor has completed the eighteenth year:

"It must be noted that the criminal action on delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by a prescription of ten years ... however, in the delict perpetrated with a minor by a cleric, the prescription begins to run from the day when the minor has completed the 18th year of age."

The *Essential Norms* do not eliminate nor do away with the period of prescription. In fact, these norms explicitly recognize the viability of prescription:

"If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons." *Essential Norms* (Norm 8A).

In his November 14, 2002 interview with Zenit News Service, Archbishop Julian Herranz, the President of the Pontifical Council for the Interpretation of Legislative Texts explained the purpose of retaining the period of prescription:

"While there are some who advocated the elimination of any statute of limitations in these cases, such a proposal ignores the virtual impossibility of determining the truth or falsity of allegations concerning conduct that happened in the distant past. Indeed, in the context of ecclesiastical penal proceedings, it would be extremely difficult for the victim and the Promoter of Justice to meet the standard of proof necessary for a finding that a delict had occurred, and equally difficult for the accused cleric to assemble an adequate defense. It is that practical reality, and not any desire to cover up crimes or reward criminals, that has been responsible for the introduction of the concept of statutes of limitations in all modern juridical systems."

These observations are quite consistent with the rationale behind civil and criminal statutes of limitations, expressed quite well in a Comment about the statute of limitations utilized by the United States Model Penal Code, Sec. 1.06, 1985:

"There are several reasons for the imposition of time limitations:

"First, and foremost, is the desirability that prosecutions be based upon reasonably fresh evidence. With the passage of time memories fade, witnesses die or leave the area, and

physical evidence becomes more difficult to obtain, identify, or preserve. In short, the possibility of erroneous conviction is minimized when prosecution is prompt.

"Second, if the actor refrains from further criminal activity, the likelihood increases that he has reformed, diminishing the necessity for imposition of criminal sanctions. If he has repeated his criminal behavior, he can be prosecuted for recent offenses committed within the period of limitations. Hence, the necessity of protecting society against the perpetrator of a particular offense becomes less compelling as the years pass.

"Third, after a protracted period the retributive impulse which may have existed in the community is likely to yield to a sense of compassion aroused by the prosecution for an offense long forgotten.

"Fourth, it is desirable to reduce the possibility of blackmail based on a threat to prosecute or to disclose evidence to enforcement officials.

"Finally, statutes of limitations promote repose by giving security and stability to human affairs."

Furthermore, a prominent canonist also pointed out the rationale behind the period of prescription.

"...prescription of penal actions or a statute of limitations exists because the law, in its wisdom, recognizes that the passage of time renders prosecution of and defense against complaints increasingly difficult. With the passage of time, potential witnesses disappear, memories dim, relevant documents are lost..." (Beal, *supra*, p. 18).

It therefore seems that canonical due process requires taking into consideration the period of prescription, if it applies, and the unique impact of the passage of time on the proofs, testimony, and documents in each individual case.

D. REPUTATION AND PRIVACY

Canon 220 states: "No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy." In addition, canon 1717 §2 states, in regard to the preliminary investigation of a delict: "Care must be taken so that the good name of anyone is not endangered from this investigation." Furthermore, the *Essential Norms* state in Norm 6: "All appropriate steps shall be taken to protect the reputation of the accused during the investigation."

For a priest, his good name, reputation, and legitimate privacy are especially sacred, because the

effectiveness of his sacred ministry depends upon his ability to be recognized and accepted by the People of God as a suitable witness to Christ the High Priest and the Good Shepherd. For this reason, the diocesan bishop's obligation to defend the rights of his priests (c. 384), applies in a special way to the priest's right to his good name, reputation, and privacy. (Cf. Gianfranco Ghirlanda, S.J., "Duties and Rights Involved in Cases of Sexual Abuse Perpetrated by Clerics," *La Civiltà Cattolica*, May 18, 2002, pp. 341-353).

The canonical norms for trials also require confidentiality. Canon 1455 §1 says that, "Judges and other tribunal personnel are always bound to observe secrecy of office in a penal trial..." As proof of how seriously the universal law regards this obligation of confidentiality, canon 1457 §1 provides that those who violate it can be punished "with fitting penalties, not excluding privation from office..."

So important and so sacred is the duty of confidentiality that the Holy See has repeatedly decreed that investigations of clerical delicts against morals are under pontifical secrecy, which binds under pain of excommunication. The pertinent document which explains pontifical secrecy says:

"Deservedly, therefore, some things are entrusted to those who are assigned to the people of God, which must be surrounded with secrecy, those things, namely, which, if revealed, or if revealed at the wrong time or in the wrong way, are prejudicial to the building up of the Church, or destroy the public good, or, finally, offend the inviolable rights of individuals and communities (see instruction, *Communio et progressio*, n. 121)..."

"Included under pontifical secrecy are: ... (4) Extrajudicial denunciations received regarding delicts against the faith and against morals... Likewise, the process and decision which pertain to those denunciations, always safeguarding the right of him who has been reported to authorities to know of the denunciation if such knowledge is necessary for his own defense." (*Secreta continere*, Instruction of the Secretariat of State, rescript from an audience, February 4, 1977; AAS, 66 (1974), p. 89).

Sacramentorum sanctitatis tutela, in footnote 31, confirms that the norms of the Instruction *Secreta continere* remain in force. Article 25 §1 of *Sacramentorum sanctitatis tutela* also states that pontifical secrecy applies to penal trials.

Also Article III, 2 of *Secreta continere* provides:

"If a violation has reached the external forum, he who is accused of violating the secrecy will be judged by a certain special commission which will be constituted by the Cardinal Prefect ...; this commission will inflict penalties in keeping with the gravity of the delict or the harm done."

This requirement of confidentiality is consistent with the norms which apply to an American civil trial. Key portions of the record of the case (depositions and exhibits) assembled by the attorneys

are confidential until the facts are presented at trial or the trial is concluded. Otherwise, there would be the risk of (1) trying the case in the media instead of through the legal process, (2) judgments being made by the public based on piecemeal information, and (3) possible pollution of testimony as potential witnesses become aware of the testimony given by other parties. In an American criminal prosecution, the grand jury proceedings are secret and no public announcement is made until an indictment is issued, based on a finding of probable cause that the defendant has committed the crime, after presentation of testimony under oath.

In the case of an accusation of sexual abuse of a minor against a cleric, it would seem that canon law requires confidentiality should be maintained until the ordinary-as-judge determines at the conclusion of the preliminary investigation that the case is to be sent to the Congregation for the Doctrine of the Faith. The Congregation can indicate what, if anything, can be publicly disclosed and when. Because prescription may bar a penal trial and the Congregation may determine that it would be unjust to dispense from prescription, it would be manifestly unfair to the accused to announce the accusation, since the accused would have no way of vindicating his good name and reputation.

Also, it should be noted that intense media coverage and the Internet have increased exponentially the damage done to an accused priest's reputation by a violation of the mandated confidentiality. The public announcements made by dioceses are posted on numerous websites. There are databases giving easy access to any newspaper article, no matter how distorted or erroneous, about any priest who has been accused of sexual abuse (e.g., www.poynter.org). There are law firms which specialize in lawsuits alleging sexual abuse of priests and these law firms seek new clients by posting the names of accused priests. Entering "clergy sexual abuse databases" into the popular Google search engine results in a listing of 2,140 websites. The allegations are available to anyone in the world who has access to the Internet and they remain as a permanent stain on the reputation of many priests who have never been proven guilty of any sexual abuse.

The implications of the violation of the canonical requirements of confidentiality are enormous. The British weekly the *Economist* said: "No crime, not even murder, is so vilified in the western world as paedophilia. Being accused, even wrongly, of anything to do with child abuse can ruin people's lives." (January 18, 2003, p.10).

Cardinal Francis George has said that he believes anxiety over false accusations of sexual abuse against Cardinal Joseph Bernardin hastened his death from pancreatic cancer in 1996. In an interview reported in the *Chicago Sun-Times* on May 3, 2002, Cardinal George said:

"I think it killed him...He told me once, 'Now, whenever my story is told, the accusation, even though it was a false accusation, will always be associated with my name.' This was a man who had a sense of his own role in history, and he was saddened by this. It was a great tragedy," George said. "This is why some sense of caution, in my experience and I've said this, accusations against priests in this domain usually have some truth to them .

. . but not always. And in this or any other domain, we should all be more careful about making huge statements and false accusations, or any accusations, unless we know they are true."

III. CANONICAL DEFICIENCIES OF THE NEW CHICAGO POLICIES.

When the policies, procedures and officers of the *New Chicago Policies* are compared to the standards of canon law, it is obvious that canonical procedures are not properly applied. Instead, local administrative procedures and standards and local administrative officers are used to investigate and judge these cases in ways that are foreign to canon law. According to the *Essential Norms*, the Review Board is to exercise only an advisory role; however, in the *New Chicago Policies*, the Review Board exercises both investigative and judicial functions. In the *New Chicago Policies*, the Administrator exercises both investigative and judicial functions. However, the Administrator is not qualified to exercise the role of investigator-auditor and the Administrator is precluded by canon law from exercising any judicial role. In the *New Chicago Policies*, the diocesan bishop abdicates the judicial role which can be exercised only by him and which cannot be delegated.

Instead of using the refined, subtle and proven procedures of canon law to determine the truth of such allegations, the *New Chicago Policies* employ processes adopted from a totally different legal system. The result is an unacceptable hybrid of canon law and procedures *sui generis*. Instead of the accused having the presumption of innocence, the policies and procedures are biased against the accused. Instead of creating an accurate and unbiased record (the Acts), the *New Chicago Policies* result in the acceptance of tainted and polluted testimony. The *New Chicago Policies* allow for an accused cleric to be removed publicly from ministry, with permanent damage to his reputation, even before a finding that there is "reasonable cause to suspect" sexual abuse of a minor. Should the canonical process ultimately result in a decision in the cleric's favor, the damage already caused by premature publicity makes it exceedingly difficult for him to return to ministry, especially parish ministry.

A. THE DIOCESAN BISHOP'S JUDICIAL DUTIES ARE IGNORED

1. The diocesan bishop does not exercise his role as judge

- There is no provision in the *New Chicago Policies* for the diocesan bishop to exercise the duty to make an initial judgment, as required by canon 1717 §1, that the accusations "at least seems true" and warrant a canonical preliminary investigation. In the *New Chicago Policies*, the diocesan bishop does not make this judgment.
- There is no provision in the *New Chicago Policies* for the diocesan bishop to exercise his duty to issue a decree opening a canonical preliminary investigation,

as required by canon 1719. In the *New Chicago Policies*, the diocesan bishop does not initiate a canonical investigation. As will be shown below, the Administrator and the Review Board inappropriately determine the nature and scope of an investigation.

- There is no provision in the *New Chicago Policies* for the diocesan bishop to exercise his duty to properly appoint a canonical investigator, acting with the same powers and obligations as an auditor, as required by canon 1717 §§1, 3.
- In the *New Chicago Policies*, the diocesan bishop does not exercise his duty to oversee the canonical preliminary investigation and to ensure that it is conducted in accord with the prescribed procedures of Church law as set out in canons 1717-1719 and related canons. The inquiry which is provided for in the *New Chicago Policies* is conducted by those not canonically authorized to participate in it.
- In the *New Chicago Policies*, the diocesan bishop does not exercise his duty to judge a case only on the record compiled by the investigator-auditor and confirmed as correct by the notary. The *New Chicago Policies* allow judgments to be made on unsworn statements, telephone conversations, hearsay, summaries, and opinions of the Administrator and the Review Board.
- In the *New Chicago Policies*, the diocesan bishop commits himself to meet with “victims and their families ... to listen with compassion to their experiences and concerns ...” (Policy §1102.2). This compromises his impartiality as judge and his duty to make his decisions based only on the Acts. It would seem better to follow the practice of the Cardinal Archbishop of New York, who has a policy against meeting personally with complainants.
- The *New Chicago Policies* seriously misrepresent the duty of the diocesan bishop to weigh the value of any admission which may have been made by the accused cleric. In the *New Chicago Policies*, there are several references to the admission of a cleric making an investigation superfluous (Policy §1104.7.3) or being equivalent to a determination of guilt after a canonical process (Policies §1104.12.1 and §1105.1). These references disregard canon 1536, §2 which says that even a juridical confession does not have “the full force of proof” and canon 1538 which states: “A confession or any other declaration of a party lacks any force if it is shown that it was made due to an error of fact or extorted by force or grave fear.” It is for the diocesan bishop to consider all the circumstances and “decide how much value must be accorded an extrajudicial confession ...” (c. 1537).
- In the *New Chicago Policies*, there is no provision for the diocesan bishop, in making the judgment required by canon 1718, “to hear two judges or other experts

in the law if he considers it prudent.”(c. 1718 §3).

- In the *New Chicago Policies*, there is no provision for the diocesan bishop to exercise his duty, at the conclusion of a canonical preliminary investigation, to decide whether he has moral certitude that there is sufficient evidence in the record to warrant proceeding to trial (c. 1718 §1).
- In the *New Chicago Policies*, there is no provision for the diocesan bishop to exercise his duty, at the conclusion of the preliminary investigation, to determine whether it is expedient to initiate a penal process (c. 1718 §1), i.e., a penal process should be initiated only when the various “means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, reform the offender” (c. 1341). Although canon 1341 is mentioned in Policy §1104.7.3, it is inappropriately applied to the time when an allegation is received, before a preliminary investigation has been conducted. This implies that the diocesan bishop is to apply this canon before determining the probable truth of the accusation. In other words, the guilt of the accused is assumed.
- In the *New Chicago Policies*, there is no provision for the duty of the diocesan bishop to conclude the preliminary investigation by issuing a canonical decree closing the preliminary investigation, as required by canon 1719.

2. Judicial functions are exercised by the Review Board and the Administrator

In the *New Chicago Policies* the ordinary-as-judge impermissibly delegates judicial duties and authority to the Administrator and the Review Board.

a. The Review Board

In the *New Chicago Policies*, the Review Board operates as a tribunal, engaging in investigative and judicial functions. Norm 4 of the *Essential Norms* makes it clear that the function of the Review Board should be exclusively an advisory one. (I would see it as similar to the College of Consultors or the Diocesan Finance Council). The Review Board should have no powers to investigate or to judge. Yet, in the *New Chicago Policies*, it is obvious that the Review Board decides facts and renders judgments which are within the sole province of the ordinary. The Review Board should not be involved in any investigative process, according to the *Essential Norms*.

An investigative/judicial role for the Review Board is described in Policy §1104.3.6.2 which provides for an opportunity for the accuser or the accused to appear before the Review Board and policy §1104.3.6.3 which allows the accuser or the accused to bring attorneys with them to these appearances. These are inappropriate incursions of the Review Board into the ordinary’s role as

judge. Confusion is further fostered by attempting to imitate an American jury, without any of the multitude of safeguards erected around that deliberative body to insure knowledgeable, unbiased decision-making.

Also, the *New Chicago Policies* provide for steps called the “Initial Review,” the “Review for Cause,” and the “Supplementary Review.” (Previously the steps were called “First Stage Review,” “Second Stage Review,” and the “Supplementary Review”). These steps involve the Review Board in the functions of a tribunal, which is not allowed by the *Essential Norms*, nor anywhere in canon law.

Policy §1104.3.6.1 says: “The Board, may, in its discretion, limit the information it receives or considers ...” This statement gives the Review Board control over the scope of the evidence, which is, essentially, control over the whole inquiry. The *Essential Norms* (Norm 4) state that the Review Board is to function only in an advisory capacity. The Review Board cannot be given the authority to control the admissibility of evidence or authority to decide relevancy. These are functions which, under canon law, are reserved to the ordinary-as-judge or to his delegated canonical investigator.

Policy §1104.3.6.1 goes on to say, “... and the rules of evidence shall not strictly apply.” However, according to canon law, canonical rules of evidence and procedure *shall* strictly apply.

In addition, “determinations” and other actions equivalent to judgments, to be made by the Review Board, are mentioned in the *New Chicago Policies* in Policies §1104.3.6.1, §1104.3.7, §1104.4.3 (b), §1104.8.1, §1104.8.2, §1104.9.1, §1104.9.3, §1104.11.1, §1104.11.3, and §1104.12.1. In canon law, only the diocesan bishop has the authority to make such decisions and judgments. Although the *Essential Norms* do recognize a role for a Review Board, it is very important to note that its role is limited to “advising” the ordinary and not making decisions, judgments, or assessments of the credibility of witnesses or of the weight of the evidence.

Also policy §1104.12.3 speaks of cases being under “continuing jurisdiction and oversight by the Review Board.” As an advisory group to the Archbishop, the Review Board should not exercise any jurisdiction at all. This policy also speaks of a monitoring protocol being “approved” by the Review Board in each case. Because the Review Board is an advisory group, it doesn’t have the authority to approve anything. Again, this language is indicative of how seriously the *New Chicago Policies* violate basic elements of canon law.

For its part, the Review Board is directed under Policy §1104.8 to “meet within approximately three to five days after an allegation is completed to conduct a Preliminary Review.” At this Preliminary Review, according to Policy §1104.8.1, the Review Board “shall *determine*: (1) whether the interim actions recommended by the Administrator were appropriate to provide for the safety of children; (2) its recommendations based on its expertise regarding the scope and course of the investigation; (3) what further preliminary action should be taken with respect to the allegation.” Under Policy §1104.8.2, the Review Board, at the Preliminary Review, is also to

make recommendations to the Archbishop about whether an accused cleric should be withdrawn from ministry, with little or no proper canonical evidence before it.

In the *New Chicago Policies*, a Review for Cause (Policy §1104.9) is ordinarily held 30-180 days after the Preliminary Review. At the Review for Cause, “the Board shall *determine* whether there is *reasonable cause to suspect* that the accused engaged in sexual abuse of a minor...” From the point of view of a canonical investigation, this Review for Cause makes no sense. In canon law, once the diocesan bishop has determined that an accusation “at least seems true,” he must commence a canonical preliminary investigation. The canonical preliminary investigation continues until the diocesan bishop, himself, determines that there is “sufficient evidence” of the alleged delict (c. 1718 §1).

b. The Administrator

In the *New Chicago Policies*, judicial functions are also exercised by the Administrator. Under Policy §1104.4.3, the Administrator is improperly assigned the duty to “receive and analyze” the allegation. Then she is to “promptly and objectively *initiate* and conduct such inquiries as may be appropriate ...” Amazingly, the accusation is received and the inquiry is begun without the diocesan bishop being involved in *any* way. Canon law (c. 1717) requires the ordinary to determine that the accusation “at least seems true.” Canon law (c. 1719) then requires the ordinary to issue a decree opening an investigation. Canon law also requires the ordinary to issue a decree appointing an investigator (with the powers and duties of an auditor) to this particular case (c. 1717 §3).

The Administrator improperly exercises a judicial function when she is *analyzing* the information, *initiating* inquiries, and preparing reports *summarizing* the allegations (Policy §1104.4.3). Unfortunately, these judgments of the Administrator are the basis on which all the other judgments down the line are made by the Review Board and the Archbishop. The Review Board and the Archbishop are always making judgments based upon these filtered judgments of the Administrator.

Therefore, based entirely on the Administrator’s recommendation to the Archbishop, the accused may be publicly withdrawn from ministry (Policy §1104.7.2). The Archbishop makes this determination without ever exercising his mandated responsibility as the judge to see the actual sworn, verbatim, signed statement of the accuser and the written statement of the response of the accused. Judgments regarding the credibility of the parties and the weight of the evidence are improperly delegated to the Administrator.

Related to the role of the Administrator, who improperly functions as an investigator, is a concern about the role of the Vicar for Priests in an investigation. Prior to 1992, the Vicar for Priests acted as the investigator of allegations. One of the reasons that was changed is that it was felt that the Vicar would operate more suitably as an advocate for the accused priest in this process, offering needed guidance and support.

In Policy §1102 of the *New Chicago Policies*, the Vicar for Priests is described as a “pastor to the priests of the Archdiocese.” Policy §1104.4.3, Procedure (A) says, “... The Vicar for Priests is primarily responsible for pastoral and spiritual life concerns and treatment questions that require a sensitivity to confidences.” A letter sent by the Vicar for Priests on August 26, 2002 to the priests of the Archdiocese says: “The Vicars for Priests serve as advocate, liaison, and counsel for priest.” Yet policy §1102.4 says: “In the case of any disclosure of sexual abuse by a cleric with a minor, the Vicar for Priests or Vicar for Deacons shall report the fact to the Review Board Administrator.” These descriptions of the role of the Vicar for Priests are in conflict.

The Vicar for Priests represents the ordinary in his pastoral care for his priests. In a canonical proceeding, bishops and priests are exempt from testifying “regarding what has been made known to them by reason of sacred ministry...” (c. 1548, §2, 1°). This canon also covers physicians, advocates “and others bound by professional secrecy.” The reason for this exception is that the special nature of these relationships requires the ability to speak with candor, with the assurance of confidentiality.

Policy §1102.4 is ambiguous. It could apply to at least four different situations. It is unclear as to how this policy does or should apply to each of these possible situations:

- One situation would be if someone (other than the accused priest) tells the Vicar about sexual abuse of a minor by a cleric. In the State of Illinois, even a psychologist is not required to report “third party accusations.”
- A second situation is that a cleric could self-report to the Vicar that he had sexually abused a minor in the past. If the victim is now an adult, there is not a legal duty to report this. In the State of Illinois, this is true even for a psychologist. The premise is that there is no evidence that minors are currently at risk and a person should be able to seek needed professional or spiritual help, in such a situation.
- A third situation is that a cleric could self-report to the Vicar that he had sexually abused a minor and the victim is still a minor. In this situation, in the State of Illinois a psychologist would be required to report this to the State Department of Children and Family Services. It is my understanding that, at this time, a Vicar for Priests would not be legally required to report this to civil authorities. The Vicar for Priests would certainly have a moral responsibility to make sure that no minors are currently at risk, but it would seem that the question of whether he has a duty to report the admission has to be weighed in the context of the particular facts and circumstances.
- Finally, there is the complex situation of a cleric who speaks with the ordinary or his Vicar after the cleric has been accused of the sexual abuse of a minor. The accusation has already been made and reported to the civil authorities and the

Administrator. In this situation it seems appropriate for the conversation between the bishop or his Vicar and the cleric to be a privileged communication. The sacred relationship between a cleric and his ordinary-as-pastor, and the Vicar who represents the ordinary, should encourage openness and honesty in a pastoral context. To require the Vicar to report on such conversations is no more appropriate than requiring the ordinary to do so. It makes the Vicar an arm of the canonical investigation and the civil prosecutor. If that is to be his role, then the cleric should be given a "Miranda" warning before talking with his ordinary or Vicar (i.e., "You have a right to remain silent. You have the right to counsel. Anything you say can and will be used against you in a court of law."). If that is to be the role of the Vicar then his conversations with an accused cleric should observe the canonical formalities and the Archdiocese should make no pretense that the Vicar's role is to be an "advocate" for clerics. Without observing those canonical formalities, the likelihood increases that casual comments may be misrepresented and that testimony could be distorted.

In addition, the Vicars for Priests are members of the Professional Conduct Administrative Committee (PCAC), which is referred to in policy 1104.3.7 (9), footnote 4. Clarity needs to be established about what, if anything, the Vicars could or should report to the PCAC about their conversations with accused priests.

The ambiguities in these policies create unnecessary burdens and conflicts for the Vicars and the clerics to whom they minister; they eviscerate the sacred relationship which is the context for such communications; and they jeopardize the civil and canonical rights of priests.

3. An improper standard of proof is utilized.

The *New Chicago Policies* use as the standard of proof and judgment "*reasonable cause to suspect*" that a cleric engaged in sexual abuse with a minor (Policy 1104.9.1). This standard is totally insufficient as a conclusion of a canonical investigation.

Gregory Ingels has stated: "Once all of the proofs have been gathered....it then falls to the ordinary himself to determine whether he has arrived at moral certitude concerning the sufficiency of the evidence..." (Ingels, *supra*, p. 179)

In making his judgment at the conclusion of the canonical preliminary investigation, the diocesan bishop, himself, has to determine -- based on the Acts of the case and not on any "off-the-record" memoranda -- that there has been a *canonically valid* preliminary process and that there is sufficient *canonically admissible* evidence to proceed to a penal trial. The diocesan bishop has to evaluate the quality and caliber of the evidence regarding (1) the facts of the alleged complaint, (2) the circumstances surrounding the alleged offense, and (3) the imputability of the alleged delict to the accused. Or stated in another way, the diocesan bishop personally must decide whether the standard of proof has been met at the conclusion of the preliminary investigation. (c.

1718 §1, 1 °). None of this is mentioned in the *New Chicago Policies*.

On the contrary, under the *New Chicago Policies*, instead of the ordinary-as-judge being the evaluator of the proofs collected, that role is abdicated and delegated to the Administrator and to the Review Board. The ordinary does not see any proper canonical evidence as generated by a canonical investigator or gathered, documented, and preserved by a canonical notary (i.e., the Acts of the case). At best, the diocesan bishop sees summaries of statements prepared by the Administrator.

The procedures set forth in the *New Chicago Policies* do not create a canonically valid process nor do they produce canonically admissible evidence; thus they actually become impediments to determining the truth of the allegations, as well as depriving the accused of canonical due process. Most egregiously, the inartful involvement of local Archdiocesan administrative personnel could actually lead to corruption of memories of the accusers, by manifesting immediate belief, by inadequate probing and questioning, by affirmative acceptance, and by public affirmation by the Archdiocese of the credibility of their stories.

In this vein, the *New Chicago Policies* use the words victim(s) or victim/survivor in twenty-two places. In nine places there are references to the Victim Assistance Minister. Although there are places where the policies refer to an “alleged victim” (Policy §1104.2 (G)) or “victim or person making an allegation” (Policy §1104.4.3 (4)), this usage is inconsistent. Usually the person making an allegation is simply referred to as a “victim.” In practice, once a person makes an allegation, they are categorized as a victim; they are referred to the Office of Victim Assistance and assigned a Victim Assistance Minister.

Certainly the Church needs to provide assistance and counseling to people who believe they were abused, but it is prejudicial to the accused cleric to label the accuser a victim before a finding that the allegation is true.

It is also a disservice to accusers to validate their accusations without any proof, because if their memories are false, their healing will require coming to terms with that.

The practice of categorizing an accuser as a victim and offering the services of a Victim Assistance Minister implies a pre-judgment of the guilt of the accused, which makes it additionally difficult for the accused to defend himself against the accusation.

B. THE DUTIES OF A CANONICAL INVESTIGATOR ARE IGNORED

Canon 1717 provides that if the ordinary does not conduct the preliminary investigation personally, he is to assign a *single* investigator (c. 1717 §1 and Congregation for the Clergy, Prot. N. 200.1201), who has the same powers and obligations as an auditor (c. 1717 §3). The investigator-auditor is to conduct the investigation following the procedures laid out in Book VII of the *Code of Canon Law*. In the *New Chicago Policies*, there are no provisions for the proper

performance of these duties.

1. Neither the Administrator nor the Review Board have the proper qualifications

a. The Administrator

In the *New Chicago Policies*, the primary officer given the responsibility for conducting the investigation (also referred to as an “inquiry” in the *New Chicago Policies*) is the lay Administrator (Policy §1104.4.3).

Canon law seems to require that the investigator-auditor be a priest. This argument is developed by analogy with canon 483 §2, which requires that even a notary in such cases be a priest and by analogy with Article 12 of *Sacramentorum sanctitatis tutela* (“...only priests can validly carry out the functions of judge, promoter of justice, notary, and patron.”). If the Archdiocese wishes to use a lay investigator, it seems that a dispensation should be sought from the CDF.

Also, the investigator must be aware of the powers and responsibilities of an auditor in carrying out the functions of a canonical investigator. There is nothing in the *New Chicago Policies* which addresses the need for the person conducting the inquiry to possess the requisite skills of a canonical investigator-auditor (cf. Policy §1104.4.1 on the qualifications of the Administrator). This is a crucial deficiency because in the *New Chicago Policies*, everything hinges on the Administrator.

It is telling that procedure (b) under policy §1104.4.3 provides: “Under the Board’s supervision, the Administrator may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of the allegation.” The alarming implications of this are contained in the Archdiocesan document *Canonical Process* (Appendix to *Ten Year Report*), where it states:

“To accomplish this (investigation), the bishop may want to call upon members of the Catholic laity who may have experience in doing such investigations in their professions (social workers, counselors, police investigators who deal with sex crimes, etc.).”

These provisions manifest a lack of understanding of the unique character of a canonical investigation and indicate an intention of the Archdiocese to conduct such an investigation according to standards which are alien to those of an ecclesiastical penal process. Indeed, the *Canonical Process* document contains the extraordinary and revealing statement: “there is nothing in the canon (1717) which states how the investigation is to be done.” Evidently the crucial significance of canon 1717 §3 was missed entirely.

Further illustrations of this lack of awareness of the requisites for a canonical penal investigation are contained in the procedures under Policy §1104.2 which deal with receiving allegations. Procedure (b) allows for allegations to be reported “either by telephone, writing, or by meeting in person with the Administrator.” Procedure (c) says: “*To the extent possible*, the person making the

report should meet in person with the Administrator..." (emphasis added). Under these provisions, accusations against priests could be found by the Review Board to constitute a "reasonable cause to suspect" sexual abuse and result in a cleric's public removal from ministry and a public announcement of such, despite the fact that the accuser was interviewed only on the telephone by the Administrator. This is not appropriate given the gravity of the matters at issue.

Canon 1563 requires that the identity of the witness be established. Canon 1560 requires that each witness be examined separately (whereas, in Chicago, the Victim Assistance Minister is present when the accuser meets with the Administrator). Canon 1532 requires that an oath be administered. In a published canonical opinion, the eminent canonist Cardinal Zenon Grocholewski explained why interviews which are not done in person and under oath "do not satisfy the requirements given by canons 1530-1534; 1556-1570; and 1678 of the Code on Canon Law." (*CLSA Advisory Opinions: 1984-1993*, p. 461).

From the outset of a preliminary investigation, it is essential that the allegation of the accuser be obtained in a canonically valid manner with sufficient specificity as to time, place, circumstances, and witnesses, so that the investigator-auditor knows what proofs need to be obtained and so that the accused has sufficient knowledge of the accusation to be able to respond to it and to prepare his defense. Failure to obtain a canonically valid statement of the accusation at the commencement of the preliminary investigation has been censured because it can result in accusations evolving and "constantly changing, others being added or not mentioned anymore, seemingly at will and not accord to any mode of canon law." (cf. Congregation for the Clergy, Prot. N. 2001.1099)

One canonical qualification which deserves special mention is the expectation that the investigator-auditor be able to conduct an objective, fair and unbiased investigation (*Essential Norms*, Norm 6). The need for objectivity in conducting an appropriate canonical preliminary investigation is explained by a noted canonist:

The investigation of sexual criminal misconduct can be most difficult and often results in having to deal with the anger and emotions of persons who have been the victims of such misconduct. It is completely natural and appropriate to respond with great sympathy and pastoral solicitude to such victims. By its very nature, however, this response clearly jeopardizes the impartiality which is necessary in making decisions in the case.....if a case is particularly difficult or burdened by the emotions of persons who are angry or upset and especially if the case has generated media attention, it will be difficult if not impossible for an ordinary.... to maintain a sense of 'judicial discretion' in rendering dispassionate, impartial and correct determinations..." (Ingels, *supra*, p.174).

The Administrator, with her multitude of conflicting responsibilities assigned by the *New Chicago Policies*, is not in a position to perform an objective investigation.

Unfortunately, the expectation of impartiality is compromised in the Archdiocese of Chicago by the fact that the Administrator shares an office suite and work environment with the Office of

Victim Assistance, which is staffed by "Victim Assistance Ministers." It would seem difficult for the Administrator to remain neutral and objective, when her principal daily colleagues are advocates and/or counselors for those who have brought allegations. It would also be difficult for the Administrator to observe the requisite confidentiality.

There is a danger that the Victim Assistance Minister can taint the objectivity of the evidence which needs to be obtained. There is ample scientific evidence that a troubled person is susceptible to unconscious suggestions and influences by counselors and therapists (e.g., Terence W. Campbell, Ph.D., *Smoke and Mirrors: The Devastating Effect of False Sexual Abuse Claims*, New York: Insight Books, 1998; Dr. Elizabeth Loftus and Katherine Ketcham, *The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse*, New York: St. Martin's Press, 1994).

The close interaction between the Administrator and the Victim Assistance Minister pollutes the impartiality of the investigation.

b. The Review Board

As stated above, the Review Board acts as a tribunal, exercising both investigative and judicial functions. The Review Board does not possess the qualifications required for the ecclesiastical office of investigator-auditor.

First, the *Essential Norms* (Norm 4) state that the role of the Review Board is exclusively that of a confidential advisory body. It is not proper for an advisory body also to be carrying on investigative functions.

Second, canon 1717 §3 allows the bishop to appoint a "suitable person" as the investigator-auditor; and the Congregation for the Clergy has said that the ordinary "must appoint a single Delegate to act on his behalf." (Prot. N. 2000.1201). A group, such as the Review Board, cannot legitimately engage in investigative functions.

Third, although some priests serve on the Review Board, most of the members of the Review Board are lay persons, without any background, knowledge or training in canon law, its procedures or rules of evidence. There is no evidence that any of the members of the Review Board possess any knowledge of the canonical requirements for conducting a canonical preliminary investigation. This knowledge is an essential qualification for the role of an investigator.

Fourth, Policy § 1104.3.1 stipulates that one of the members of the review board must be a victim/survivor or parent of a victim/survivor of child sexual abuse. Furthermore, Procedure (b) under this policy provides that for "the nomination of the Board member who is a victim/survivor or parent of a victim/survivor of child sexual abuse, the Nominating Committee should consult with the Victim Assistance Minister." This would not be a problem if the Review Board were not improperly engaging in investigative and judicial functions, but it is.

In a criminal or civil trial, a person with such a personal history would ordinarily be disqualified from serving on a jury because of the likelihood of bias against the accused. As long as the Review Board engages in investigative and judicial functions, the impartial determination of the truth of an accusation and the Church's image of impartiality are not served by the requirement that one of the positions on the review board be filled by such a person.

2. Neither the Administrator nor the Review Board perform the functions of the canonical investigator

Canon 1428 §2 points out that the *only* role of the investigator-auditor is "to collect the proofs and hand them over to the judge." Other canons, cited in the law section, instruct the investigator-auditor on how this responsibility is to be performed.

a. The Administrator

In the *New Chicago Policies*, the initial inquiry into the facts is assigned to the Administrator. This local officer does not fulfill the functions which the Code of Canon Law assigns to the investigator-auditor.

Canon 1428 §3 points out that the *only* role of the investigator-auditor is "to collect the proofs and hand them over to the judge." Yet, the *Chicago Policies* are rife with duties given to the Administrator which are contrary to or inconsistent with canon law.

- Policy §1104.4.3 (1) states that the Administrator shall "analyze" the information and allegations of sexual abuse.
- Policy §1104.4.3 (5) states that the Administrator shall "assist the Board by preparing and submitting reports pertaining to allegations..."
- Policy §1104.4.3 (6) gives the Administrator the responsibility for "preparing and submitting reports summarizing the allegations, the responses of the accused clerics, and the rationale by which the Board arrived at its determinations and recommendations."
- Policy §1104.4.3, Procedure (a) says that the Administrator "shall be primarily responsible for the development, implementation, and operation of the program for monitoring clerics."
- Procedure §1104.6, Procedure (a) states that the "Administrator is the custodian of all information described in Sections 1104.4 and 1104.5 ..." (in spite of canon 1428 §2 which requires that all of the proofs be handed over to the "Ordinary-as-Judge" and canon 1719 which requires that they be kept in the secret archive of the Archdiocese).

- Procedure 1104.7.2 (4) says that the Administrator is to “assess” whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop. Procedure (a) under this policy states that “interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate ...”
- Policy 1104.7.3, Procedure (a), provides that instead of simply presenting the acquired proofs to the “ordinary-as-judge,” the Administrator “shall prepare one or more written reports of these inquiries.”
- Policy §1104.11.2 gives the Administrator the authority to initiate a Supplementary Review by the Review Board.
- Policy §1104.12.3 requires “clerics who use the Internet to provide the Review Board Administrator with a monthly printout of Internet sites visited.”

Instead of collecting the evidence in a canonically appropriate way, the Administrator is a filter, an evaluator, an assessor, and a judge of the evidence. Instead of the ordinary-as-judge seeing all the evidence, he receives a distilled version of the evidence, collected invalidly without the procedural safeguards required to prevent distortion. This is one of the most egregious discrepancies between the *New Chicago Policies* and the universal law of the Church. In the *New Chicago Policies*, the Administrator of the Review Board has been given a package of duties far different from those belonging to the canonical investigator-auditor.

b. The Review Board

In the *New Chicago Policies*, the Review Board bases its determinations on the oral and written reports of the Administrator, who simply speaks to the accuser and the accused, and writes up a summary of the conversation. No statements are taken under oath. No statements are accurately transcribed. No statements are notarized.

A fallacy underlying the way in which accusations are treated is the assumption that a person who expresses, with apparent sincerity, that he or she has been abused is probably telling the truth. Scientific evidence, however, proves that this assumption is unwarranted, especially when the accusations are from many years ago. For example, Dr. Terence Campbell is a forensic psychologist who is a nationally recognized expert in false accusation of sexual abuse. In his book *Smoke and Mirrors: The Devastating Effect of False Sexual Abuse Claims* (cited above) he writes:

- “The accumulated evidence, however, clearly demonstrates that retrospective memory is notoriously inaccurate.” (pp. 174-75)
- “In particular, retrospective memory is especially unreliable when trying to remember ambiguous circumstances open to interpretation.” (p. 176)

- “With the passage of time, adult memories of childhood and adolescence often change enormously. People frequently reinvent the past in response to contemporary needs and circumstances.” (p. 177)
- “...human memory is much more fragile – and prone to distortion and decay – than most people realize.” (p. 177)
- “The results (of research) reveal a powerful illusion of memory: people remember events that never happened.” (p. 185)
- “The accuracy with which we remember past events open to varying interpretations is quite poor. More than anything else, here-and-now attitudes influence our memories for such events.” (p. 203)

In practice, under the *New Chicago Policies*, if a cleric has had more than one accusation made against him, there is an immediate presumption of credibility assigned to the accuser. This despite the fact that Dr. Campbell, Dr. Loftus (cited above) and others have shown that the public reporting of an accusation against a cleric can create false memories in others that they too were abused. The Review Board has no mechanism for exploring these considerations with objectivity.

It is the duty of the investigator-auditor to explore facts favorable to the accused as well as the accuser. Thus the canonical investigator has a duty to explore possible contamination of the accuser's memories through undue influences and other factors.

“An auditor in canon law is not simply some sort of ‘special prosecutor’ with the single responsibility of making the case that a crime has taken place and naming persons who should be indicted..

“In the Church's legal tradition which is more similar to a number of European traditions than the American common law system, it is the judge who has the responsibility of fully investigating any matter which has been placed before him. He does not represent the interests of only one side or the other; rather he is bound by office with the duty of looking into all sides of an issue...The person who undertakes a prior investigation, therefore, is called on to gather proofs which address fully all sides of the issue: not only those which point to the commission...but also those issues which address questions touching on the defense of the accused...” (Ingels, *supra*, p. 174-175).

This duty to thoroughly and objectively investigate both sides of the case cannot be met by the Review Board.

C. THE DUTIES OF A CANONICAL NOTARY ARE IGNORED

1. No canonical notary is appointed

Despite the canonical requirement of canons 1437 §1 and 1561 that the judge or the investigator-auditor, in collecting the proofs, must be accompanied by and assisted by a canonical notary, no such notary is appointed or utilized. Furthermore, in the *New Chicago Policies* there is no requirement that the canonical investigator use a canonical notary in conducting interviews.

2. No Acts are created

Because a canonical notary is not used, no Acts of a canonical process are created. Canon 1437 §1 clearly states: "A notary is to take part in any process, so much so that the Acts are null if the notary has not signed them."

The reason for this requirement is evident from the description in the Law Section above, describing the functions of a notary. A notary has a duty to witness the administration of the oath to complainants or witnesses before their statements are taken. The significance of this requirement is that it ensures that the accuser is being as accurate and truthful as possible and it incorporates the consequence of both the mortal sin of lying under oath and the threat of the crime of perjury. No legitimate legal system recognizes allegations rendered if the accuser is not under oath.

The notary is also charged with the duty to accurately record the testimony and ensure accuracy by giving the deponent an opportunity to review it. The deposition is to be signed by the complainant, as well as the investigator-auditor and the notary. The significance of these requirements is to ensure accuracy and avoid mistakes by the interrogator or recorder.

The notary is to assemble and guard the Acts of the process (cc. 484, 486). The significance of this duty is to preclude piece-meal distribution of the evidence, influence of witnesses by knowledge of what prior witnesses have said, and trial-by-media. Unfortunately, in the *New Chicago Policies*, piece-meal distribution of the evidence, influence of witnesses, and trial-by-media is likely to result.

Canon 1608 §2 says that the ordinary-as-judge must base his judgment "from the Acts and the proofs." In addition, Canon 1604 §1 says:

"It is absolutely forbidden for information given to the judge by the parties, advocates, or even other persons to remain outside the Acts of the case."

In other words, the ordinary-as-judge may not consider any information which is not contained in the Acts of the case. He may not make a decision based on "off-the-record" information, private knowledge, oral reports, or information which is not contained in the official record, called the "Acts."

The sound reasons for this are obvious. The alternative would be to open the door to abuses. Judgments could be made on inaccurate reports, distortions of testimony, and prejudices and deprive the parties of a fair trial based on evidence openly available to both sides.

Unfortunately, the *New Chicago Policies* ignore these canons and contradict these values. No fair process is devised for confronting or thoroughly examining the complainant by any unbiased ecclesiastical officer or canon lawyer. Taking and using informal statements as a basis of a judgment shifts the burden of proof to the accused. And, by not providing a mechanism for recording accurately allegations from the accusers, the Archdiocese precludes the accused's ability to mount a defense.

Also, as noted above, in the section on the role of the Administrator, canon 1719 requires that the Acts of the penal preliminary process are to be maintained in the secret archive of the Archdiocese, once they are no longer needed for the investigation.

This section should also include reference to canon 489, §2, which currently is not observed in the Archdiocese of Chicago: "Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the condemnatory sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained."

D. PRESCRIPTION IS IGNORED IN THE CHICAGO POLICIES

The *New Chicago Policies* ignore the period of prescription. If the canonical period of prescription has lapsed, delays of many decades in bringing accusations often make a canonical trial both futile and unjust.

1. A dispensation from prescription is not warranted when the burden of proof cannot be met.

While there is the possibility in law for a dispensation from prescription, it should only be granted in egregious and clear cases in which scandal would be caused by a failure to impose penalties on a miscreant cleric. Archbishop Herranz, in his interview with Zenit News Service on November 14, 2002 (quoted in the Law Section), makes it clear that the period of prescription still applies and he explains the rationale for this.

Archbishop Herranz mentions the "virtual impossibility of determining the truth or falsity of allegations concerning conduct that happened in the distant past." He says, "Indeed, in the context of ecclesiastical penal proceedings, it would be extremely difficult for the victim and the Promoter of Justice to meet the standard of proof necessary for a finding that a delict had occurred, and equally difficult for the accused cleric to assemble an adequate defense."

In canon law the accused has the presumption of innocence. An accusation of a delict must be proven with moral certitude. In the case of decades old accusations, where witnesses have died, documents have been discarded and memories have failed it would be virtually impossible to meet that burden of proof. The case would come down to one person's testimony against another's and canon 1573 says: "The testimony of one witness cannot produce full proof ... unless the

circumstances of things and persons suggest otherwise.”

2. A dispensation from prescription is not warranted when it places on the accused an unjust burden of defense.

Archbishop Herranz also cites as one of the reasons for maintaining the period of prescription that, in accusations from the distant past, it would be “equally difficult for the accused cleric to assemble an adequate defense,” for the following reasons:

- The accusers cannot be reasonably specific as to the day or date of the alleged offenses. This deprives the accused of the ability to rebut the accusations because there is no way to determine where the accused was at the uncertain time and unspecified date, precluding the opportunity to find evidence or witnesses to disprove his presence at the alleged time; and this deprives him of the ability to know, with any degree of certainty, the age of the accuser at the time of the alleged abuse.
- A dispensation from prescription would force the cleric unfairly to defend himself without the testimony of vital defense witnesses who have died. If allegations had been brought within the period of prescription, the cleric could call as witnesses persons of stature who may have irreplaceable knowledge about his character, habits, and reputation. The absence of credible witnesses supports the rationale for adhering to the period of prescription.
- A dispensation from prescription unfairly forces the cleric to defend himself if documents which could have aided in defense are no longer available. Calendars, journals, and appointment books might have allowed him to know where he was on a specific date with notes that could have refreshed his memory.

In all legal systems it is recognized that it is unduly burdensome to a defendant to try to defend himself against accusations from the distant past. In short, the possibility of erroneous convictions is greatly increased.

The *Essential Norms* (Norm 8A) state, “If the case would otherwise be barred by prescription ... the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating pastoral reasons.” Unless a case were egregious and clear-cut and the accused were a predator, it is hard to see how such pastoral reasons would exist. Under the *New Chicago Policies*, as with the previous policies, the Administrator and the Review Board have a bias toward believing an accusation because their primary responsibility is the protection of children (e.g., Policy §1104). Thus, they tend to accept an allegation at face value and decide that an allegation constitutes “reasonable cause to suspect” clerical sexual misconduct with a minor, even if there is no corroboration for the accusation. The result is that we have seen many exemplary priests, even a number of retired priests, publicly removed from all ministry, with their

reputations destroyed, on the basis of an allegation from decades ago, even from five or six decades ago. This is an injustice which cries out for rectification.

E. THE DUTIES TO PROTECT REPUTATION AND PRIVACY ARE IGNORED

The *New Chicago Policies*, in the Introduction, echo the statement of the USCCB *Charter* expressing the commitment to “be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved.”(p. [1100]- 2). These principles of course are hard to reconcile. (Procedure (6) of policy §1104.6, contains another expression of these conflicting principles).

The practice of the Archdiocese until now has been guided by a commitment to be as open as possible, at the expense of the reputation of the accused priest. The routine procedure is that as soon as the Review Board issues a finding that there is “reasonable cause to suspect” that sexual abuse has occurred, before any canonical preliminary investigation, the Archdiocese issues a press release naming the priest and announcing the accusation against him. The press release includes a list of all of the parish assignments of the priest and states that the priest is now in “a restricted, monitored setting.” Often the gender of the accuser and his or her age at the time of the alleged abuse are released. A team from the Archdiocese goes to the priest’s parish and meets with the staff, including the school principal. A handout is sent to each parent advising them of the allegation against the priest and how they should explain it to their children if questions arise. The local episcopal vicar goes to the parish and reads a statement announcing the allegation at all the Masses the following weekend. Archdiocesan officials are available for interviews with the news media, often giving detailed explanations of the deliberations of the Review Board.

To my knowledge, there has never been a statement by the Archdiocese that an accused priest is to be considered innocent until proven guilty.

Canon 220 states: “No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.” Canon 384 states that the diocesan bishop has a duty to protect the rights of his priests.

What seems to be overlooked in the past practices and now, unfortunately, in the *New Chicago Policies*, is that such public statements about accused priests are a violation of natural justice, canonical requirements, and pontifical secrecy (see Law section, above, on confidentiality).

In the case of an accusation of sexual abuse of a minor against a cleric, it would seem that confidentiality should be maintained until probable cause is determined and the case is sent to the Congregation for the Doctrine of the Faith. The Congregation can indicate what, if anything, can be publicly disclosed and when. Because prescription may bar a penal trial and the Congregation may determine that it would be unjust to dispense from prescription, it would be manifestly unfair to the accused to announce the accusation, since the accused would have no way of vindicating his

good name and reputation.

Especially since the Archdiocese has routinely ignored the ecclesial requirements for confidentiality in these matters and, thus, has created a public expectation of a practice of openness which is not in keeping with the law of the Church, or principles of a fair trial in any legitimate legal system, it would seem that the *New Chicago Policies* should explicitly incorporate the canonical provisions requiring confidentiality.

Also, it is the routine practice of the Archdiocese, when a priest is removed from ministry after a finding of "reasonable cause to suspect" sexual abuse of a minor, to announce that the accused priest is in a "restricted, monitored setting." (cf. Policy §1104.12.3). This can create an impression in the public mind that the accused is considered by the Archdiocese to be a dangerous predator. This is damaging to the good name and reputation of the accused.

IV. PROPOSED REMEDY: UTILIZE CANONICAL PROCEDURES AND ECCLESIASTICAL OFFICERS

The *New Chicago Policies*, like the older versions, ignore the canonical procedures and ecclesiastical offices described herein. However, with all due respect it would seem that an obvious and just solution is simply to follow and adopt those procedures and offices set forth in the 1983 Code of Canon Law, as outlined and discussed above.

Of course, any new policies must incorporate these commitments:

- the Archdiocese is committed to the protection of children
- the Archdiocese is committed to appropriate protection of the rights and the reputation of accused priests
- the Archdiocese will report such allegations to civil authorities
- the Archdiocese is committed to objective, effective investigations
- the Archdiocese is committed to a fair and timely canonical resolution of accusations
- the Archdiocese is committed to respecting the criminal and civil law dimensions of these matters

All of these considerations can be accommodated, if the local policies of Chicago simply would eliminate the involvement of the Administrator and the Review Board from the investigative and adjudicative process and substitute the canonical preliminary investigation as prescribed in the Code of Canon Law. If this were effectuated by the diocesan bishop acting as judge, the canonical investigator exercising the powers and duties of an auditor, and the canonical notary, the Chicago procedures could easily comply with the time-tested universal law of the Church.

The Code of 1983 provides methodologies as fair and effective as any legal system could provide. The canonical procedures provide the needed mechanisms for uncovering wrong, while

protecting the legitimate rights of the accused. The theology of Vatican II, which infuses the 1983 Code, is far better served through the canonical procedures and ecclesiastical offices prescribed in canon law than in the arbitrary amalgam of procedures in the *New Chicago Policies*.

The procedures set forth in the 1983 Code are far more practicable than those set forth in the *New Chicago Policies* because the potential for false accusations is greatly reduced and the potential for erroneous reporting of the evidence is eliminated by the employment of the canonically trained investigator and notary. Furthermore the potential for infringing upon or seriously violating the accused's rights to privacy and due process are almost totally eliminated. And most importantly, it is obvious that a fair and just determination of the facts and the law is far more likely with less potential for costly and time-consuming appeals due to blatant procedural errors.

The potential for false accusation is reduced by the requirement that the accuser swear to the truth of the allegations, and by the requirement that the accuser, and other witnesses, be questioned in person by a qualified ecclesiastical officer knowledgeable in canon law and its rules of evidence and aware of the duty of the examiner to interrogate witnesses from a neutral stance adducing information supportive of both the allegations and the of the defenses.

The potential for the erroneous rendition of testimony and collection of faulty evidence is eliminated by the canonical procedure of requiring verbatim transcripts recording the exact questions and answers of the investigator and the accuser, certified as accurate by the notary and the investigator as well as the deponent.

In addition, the potential for injustice would be reduced by the reluctance of the Archdiocese to consider accusations brought beyond the period of prescription, unless they are of an egregious nature. Canon law, like all major legal systems, provides time limits on such charges to allow the accused a fair opportunity to summon testimony and documentation in his behalf before it is eroded or destroyed by the passage of time.

Furthermore the canonical procedures can be easily adapted to allow lay participation and a commensurate degree of accountability and transparency without destroying the accused's rights to privacy and fair trial. By simply removing the Administrator and the Review Board from the investigative and judicial process, for which they are woefully ill-equipped, the Archdiocese can easily draft and implement the procedures advocated here.

Lay participation through the Administrator and through the Review Board can occur at the inception of a canonically correct process, before the Archbishop initiates the canonical preliminary investigation. There is no prohibition on those offices being made aware of accusations if they are committed to the principles of privacy and confidentiality. And they certainly can render a recommendation to the Archbishop as to whether they believe he should initiate a preliminary investigation pursuant to canon 1717. As long as the Archbishop recognizes that it is his responsibility to make this decision and doesn't defer to the Review Board, no harm could ensue. However, no other advice about the merits of the accusation, other than the propriety of beginning the canonical preliminary investigation, should be sought from them; and they

should absolutely not participate in the collecting of evidence or interviewing the accuser, the accused or the witnesses. The Administrator could still receive accusations as long as she advised the complainant that they must put their allegations in writing. If a canonical preliminary investigation is begun, she would have nothing further to do with it.

The Administrator could still perform many of the other functions and duties assigned to her in the *New Chicago Policies*, as long as she is not exercising an investigative or judicial role. The Review Board, also, could advise the Archbishop about many matters related to the protection of children, such as the assignment of clerics, without being involved in the investigation or judgment of allegations.

Also these lay officers could certainly have a role in proffering advice after the canonical preliminary investigation is concluded by the ordinary-as-judge himself making the proper finding and then facing the question of what course to undertake (c. 1341).

There is no greater cost in following the canonical procedures described. Archdiocesan canonists could be used. The ecclesiastical officers would be trained professionals, who could efficiently dispatch their duties – and with far fewer meetings.

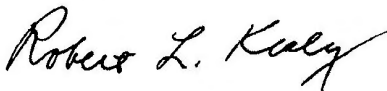
If proper canonical procedures, exercised by the ecclesiastical officers prescribed by the Code, had been utilized by dioceses, the problem of clerical sexual abuse could not have grown to the proportions we now confront. Unfortunately, if canon law is yet again ignored, we will confront another tragedy – the on-going spectacle of good priests having their reputations destroyed and being unfairly driven out of the ministry.

Conclusion

The *New Chicago Policies* provide only cosmetic changes to the previous policies. Although my conviction that they seriously violate canon law and its underlying values is based on the scholarly research contained herein, it is also based on my knowledge of many cases in which they have resulted in grave injustices to priests.

My desire is that a remedy can be found through dialogue and collaboration. In the alternative, with all due respect, I would consider myself obligated to initiate legislative recourse to the Pontifical Council for the Interpretation of Legislative Texts. Article 158 of *Pastor Bonus* provides that, “at the request of those interested, this Council determines whether particular laws and general decrees are in agreement or not with the universal laws of the Church.”

Sincerely yours in Christ,

A handwritten signature in black ink, reading "Robert L. Kealy". The signature is written in a cursive, flowing style with a large initial 'R'.

Reverend Robert L. Kealy

Decree

Whereas on 30th October 1998 recourse was entered into by the Rev. John Nestor of the Diocese of Wollongong, Australia, His Lordship, the Most Rev. Philip Wilson, on 7th August 1998, wherein the Rev. Nestor is denied any further ecclesiastical appointment subject to the condition of a full psychological appraisal to be carried out by *Encompass Australia*, and

Whereas the application was made to revoke said decree on 23rd August 1998 and refused by the Bishop on 11th September 1998 and

Whereas the issuance of the above mentioned Decree had been proceeded by an investigation by the Most Rev. Ordinary after an accusation of sexual abuse made against the priest had been heard and adjudicated by the civil system as being unfounded in civil law, and

Whereas the priest had willingly cooperated in acceding to the Bishop's request that he absent himself from the active ministry during this period of time, and

Whereas subsequently the Bishop, indicated in a letter to the priest dated 19th December 1997, that "The weight of information made available to me including significant additional material that I have received during this past month, has been cause of worry concerning your suitability for a further pastoral appointment in this diocese or any other", and decided to initiate an investigation according to the norms of canon 1717, at the same time citing a procedure in accordance with a local policy entitled Towards Healing and states, "In the light of this new information, I repeat my personal request...that you continue to stand aside from public ministry", and

Whereas canon 221, §3, assures the Christian faithful that "...ius est, ne poennis canonicis nisi ad normam legis plectantur," then it is clear that any procedures employed in an investigation leading to the imposition of a penalty, must be congruent with those envisioned by the Code of Canon Law, and whereas the subsequent "Preliminary Investigation" followed a course of action that is not clearly recognizable as that prescribed by canon law; the Bishop did not carry out the investigation himself, however under these circumstances he must appoint a single Delegate to act on his behalf, as is envisioned by canon 1717§2, but the "Acta" do not indicate any such appointment congruent with the canon; there is no indication that the purposes of the "Preliminary Investigation", outlined in canon 1718, were clearly arrived at; no decree of closure of the "preliminary Investigation", as envisioned by canon 1719 form part of the "Acta" presented, nor is there indication of the placing of the materials in the secret archive of the Diocese, and

Whereas investigations were carried out, in the name of the Diocese, by individuals not appointed in accordance with the law, and following procedures not consistent with those of the *Code of Canon Law*; the "Acta" presented do not show any verification of the identity of the accusers; there is no written, sworn testimony form them, indicating dates, times, places and witnesses; there is no indication that individual accusations were verified by recognizable legal means; accusations appear to be taken at face value, overturning any presumption of innocence which may be afforded to the accused by natural law; public statements are made that, at least appear to aggravate the provisions of canons 220, and 1717§2, and

Whereas despite the fact that no decree is presented in the "Acta" opening either an administrative or judicial process, (canons 1720, 1721), thus possibly allowing the application of the provisions of canon 1722, the priest was effectively excluded from active ministry and has remained in that state to the present, and

Whereas, having begun the "Preliminary Investigation" in accord with canon 1717 on the 19th November 1997, which carried out as indicated above, the Most Rev. Ordinary issued his decision in a Decree dated the 7th August 1998, in which he required Father Nestor, "as a prerequisite to any further psychological nature at an Institution names "Encompass Australia", this decision being arrived at in a fashion not in conformity with canons 27 and following, and

Whereas the Most Rev. Ordinary cites as reasons for his action the assessment of an Elizabeth Hanna and a Howard Murray, which, despite the acquittal of Fr. Nestor by the civil authorities, re-presents that matters indicative of a problem on the part of the priest and list other accusations of a 'sexual nature', which were never verified, the only information being presented was the word of a "complainant" who would not "formalize the complaint", nor is the nature of the accusation explained; another accusation made by a young man" was that he "believed" that the priest acted in a manner which was "sexual in intent", without again there being any verification of the accusation; there are "five other complainants" mentioned, the nature of whose complaints were that the priest told sexual innuendoes, encouraged group urination and genital size contests, swam naked with the boys, insisted that they shower naked in his presence, indicated and interest in and discussed the physical development of some boys with them", and

Whereas the priest had previously responded to all these accusations, denying them in writing, and asking for canonical process in order to prove his innocence, (as he had in the civil forum, at a personal cost of \$75,000), there is no indication that such an opportunity was ever afforded him, and

Whereas the Most Rev. Ordinary in his decree states that the criteria of proof to be applied "is not that of 'beyond reasonable doubt' but the lesser standards of 'balance of probabilities' and 'unacceptable risk'", all of which criteria are foreign to Canon Law and its processes, and from such processes, no dispensation is possible, (canon 87§1), and

Whereas the Most Rev. Ordinary indicates in his decree, (quoting and without question, accepting the report presented to him), that he had "no choice but to place on Fr. Nestor the onus for him to establish to your satisfaction that he is a person of integrity, whom you could confidently reappoint to a priestly ministry and without fear that you may be exposing the community to any risk by so doing. It is also the opinion of the Resource Group that the only effective and acceptable way for Fr. Nestor to establish these matters to your satisfaction is by his submitting to a comprehensive appraisal by *Encompass Australia*", and such conclusions were arrived at in a manner not consistent with canonical investigation, and

Whereas the pries had been found "idoneous" for ministry so as to be ordained, he had worked with youth both before and after his ordination without any question being raised as to his behavior, had successfully defended himself against an accusation of sexual abuse in the civil forum, which action was promoted by officials of his diocese, had been exonerated by the civil judicial system, has expended \$75,000 personally in his own defense, has furthermore defended himself in writing against the accusations presented, sought canonical trial in order to vindicate his rights in the ecclesiastical form, which was denied him; has been deprived of his ministry as a priest for a number of years, suffered loss of his good name, has not received remuneration assured him by canons 281§1 and 2, and has been forced to seek employment in the secular world as a bus driver in order to support himself and his sick mother,

This Congregation, mindful, of its many attempts to have Diocesan authority remedy this situation, to no avail, hereby decrees:

that the recourse of the Rev. Nestor against the administrative act dated the 7th August 1998 issues by the Ordinary of the Diocese of Woolongoug, is upheld due to lack of compliance, *de procedendo* with the norms of the Code of Canon Law for canonical process, and in regard to *de decernendo*, in that it lacked basis in law and in fact, thus said decree lacks any juridic effect; furthermore in keeping with the discipline of canon 128, the Rev. Nestor is to be restored immediately to the full exercise of his priestly ministry in the Diocese of Woolongong and restitution is to be made of that of which he was deprived in keeping with the Diocesan norms for remuneration of Clergy and canon 281.

Given at the Seat of the Congregation for the Clergy
Vatican City
21st December 2000

Whereas on 17th July 1998, the then Ordinary of the Archdiocese of Melbourne, the Most Rev. George Pell, indicated be the communication of a Decree to the Rev. Peter Searson, a priest of the Archdiocese of Melbourne, *that his pastoral office requires that I protect the unity of the people of God and the building up of the body of Christ... Remedial considerations arising from that responsibility lead me to derogate from the normal diocesan custom and withdraw as from this date your faculty to celebrate the Eucharist publicly, to hear confession and to preach... These remedies will remain in force for such time as is necessary for the public good of the Church,* and

whereas on 4 August 1998 petition was lodged before the same Ordinary requesting revocation of the aforesaid Decree, and this was refused by a Decree dated 11 August 1998, and,

whereas, in a separate, but related action, the Rev. Searson agreed to resign, due to age, from his office of Pastor in accord with Canon 1072 and duly did so, and

whereas in a cover letter to the Decree of 11 August 1998, addressed to the Rev. K. Matthews, the Advocate of the Rev. Searson, the Most Rev. Ordinary indicated that the request for revocation of the decree of the Decree of 17th July *was made without the benefit of the detailed findings of the duly appointed Commissioner who investigated allegations against Fr. Searson. These are available to the Promoter of Justice when action was originally taken under canon 1722, and*

whereas on the 23rd August 1998, the Rev. Searson entered hierarchical recourse against the aforementioned decrees of his Most Rev. Ordinary indicating the *Grounds for my recourse are that no motives were expressed in his Decree and that a basis for the removal of my faculties had not been canonically proven, and*

whereas this Dicastery requested the Acta from the Most Rev. Ordinary and were duly received and studied by this Dicastery, and

whereas this recourse has been subjected to much delay in hope that accord could be reached between the parties, and,

whereas, despite the many failed attempts on the part of this Congregation to have the matter resolved outside of this forum, it is constrained by the virtue of its entrusted responsibilities, to tender decision in the matter, and

whereas the Dicastery finds much confusion within the Acta between civil and canonical processes; local ecclesiastical procedures unknown to canon law, matters pertaining to actions within the Sacrament of Confession reserved to the Congregation for the Doctrine of the Faith, (of which it does not attempt to treat), and

whereas the Congregation will only address the procedures followed in the matters pertaining to its competency, and

whereas the Most Rev. Ordinary cites his use of canons 1717 and 1722 in the Acta provided by him, the Dicastery understands these as referring to *Part IV. DE PROCESSU POENALI* of the extant Code of Canon Law, canons 1717ff, as he also mentions an "Investigation" by a *duly appointed Commissioner and certain findings of same, and*

whereas canon 221 §1 states: *Christifidelibus competit ut iura, quibus in Ecclesia gaudent, legitime vindicent atque defendant in foro competentis ecclesiastico ad normam iuris*, and §3 states: *Christifidelibus ius est, ne poenis canonicis nisi ad normam legis plectantur*, and

whereas canon 51 states: *Decretum scriptum feratur expressis, saltem summarie, si agatur de decisione, motives, and*

whereas canon 39 states: *Condiçiones in actu administrativo tunc tantum ad validitatem censentur adiectae, cum per particulari, nisi, dummodo exprimentur*, and

whereas canon 1717 indicates that the Ordinary once having received *notitiam, saltem verisimilem, is to caute inquirat per se vel per aliam idoneam personam, circa facta et circumstantias et circa imputabilitatem*, and

whereas the Congregation notes the discipline of canon 483 §2, *...in causis quibus fama sacerdotis in discrimen vocari possit, notarius debet essere sacerdos*, and

whereas in the Acta provided there is a letter of appointment, dated 29 October 1996, *hereby rescind all the faculties of the Archdiocese for this period of leave, including the faculty to hear confessions and the faculty to assist at marriages. I also remove your faculty to preach during this time... You may celebrate Mass privately, but only in circumstances that could lead no one to presume that you have the faculties of the Archdiocese. Should you be asked to supply any priestly ministry, you are to state that you are unavailable for supply... You may not reside in the Doveton Presbytery, nor indeed within the boundaries of the Doveton parish. You are required to leave the parish before 12 noon tomorrow... I emphasise that these actions in no way signify that there has been a decision as to whether or not the allegations against you have been made out... effectively applying canon 1722 without there clearly being a canonically recognizable administrative or judicial process underway, as required for application of this discipline, which is also not seen as being a perpetual situation, and*

whereas the Most Rev. Ordinary, on the same date, wrote a letter explaining the circumstances to the parishioners of the parish at Doveton, which was followed by a "Media Release" from the Archdiocese dated 18 March 1997,

whereas in this regard, the Dicastery notes the discipline of canons 1717 §2 and 220, and

whereas the Promoter of Justice, Mary Wright IBVM, JCD viewed the "Acta" and in a "votum" dated 13 May 1998, *was satisfied that the rights of the defendant have been respected and that the appropriate procedures for investigation have been observed and reiterates and makes her own the opinion of the Commissioner which is that Fr. Searson should not be returned to ministry, and*

whereas the Dicastery notes that the "Acta contain no indication that either an administrative or judicial process is actually under way or has been decreed by the Ordinary, and that the priest had canon 1722 applies to him on the 14 March 1997, with no indication of the activity of the Promoter of Justice at that time as is required by the same canon - yet again a procedure, *sui generis*, is operative, and

whereas such procedure led to the Decree of the Ordinary of 17 July 1999, against which hierarchical recourse has been lodged, and

whereas the Ordinary continues to uphold the removal of faculties, *sine die*, citing *remedial considerations*, despite the resignation of the priest from the office of Pastor or his advanced age. He is not seeking restoration to active pastoral office, merely the restoration of full faculties of the Archdiocese. If remedial concerns are what motivate the continuation of the withdrawal of faculties then it would appear that such "remedial" expiation has already reasonably occurred since the first imposition of this situation by the Most Rev. Ordinary on 14 March 1997 and which continues, without suspension, despite the matter of a pending appeal, until the present time, and

whereas the Dicastery has already indicated that it tried, unsuccessfully, on many occasions to have Diocesan authority enter into negotiations with the recurrent; that the procedures followed in this case are a confused mixture of canon law, civil law, procedures, *sui generis*, but leading to the effective deprivation of priestly ministry of Fr. Searson,

whereas a judicial process was sought by the priest but was not granted in violation of canon 221 §1,

whereas the accusations involved were constantly changing, others being added or not mentioned any more, seemingly at will and not according to any mode of canon law,

whereas, as far as the Dicastery can determine, such accusations, were they true, were prescripted,

whereas canons 1717 §2 and 220 were violated by information circulated by the Archdiocese,

whereas the decree of the 17th July 1998, against which recourse has been taken does not meet the requirements of canon 51, nor was it arrived at following an appropriate canonical process,

whereas canon 1722 was improperly applied and outside of a recognisable process thereby violating 221 §3 as well,

Therefore this Dicastery, taking into account all of the foregoing, and aware of the discipline of canons 47 and 57 decrees:

that the Decree of the Most Rev. Ordinary of the Archdiocese of Melbourne dated 17th July 1998 and addressed to the Rev. Peter Searson, is null and void and without juridical effect because of serious flaws, *de procedendo* in this particular case.

Given at the Seat of the Congregation for the Clergy

Vatican City

On 23rd August 2001

Whereas on 3rd September 1998, the then Ordinary of the Archdiocese of Melbourne, the Most Re. George Pell, indicated by the communication of a Decree to the Rev. J.B. Whelan, a priest of the Archdiocese of Melbourne, that his pastoral office requires that he *protect the unity of the people of God and the building up of the body of Christ... Remedial considerations arising from that responsibility lead me to derogate from the normal diocesan custom and withdraw as from this date your faculty to celebrate the Eucharist publicly, to hear confession and to preach,*

whereas on 18th September 1998 petition was lodged before the same Ordinary requesting amendment of the time period involved from 12 months to 3, or the revocation of the aforesaid Decree, and this was refused by a Decree dated 9 October 1998, and

whereas on the 12th October 1998, the Rev. Whelan entered hierarchical recourse against the aforementioned decrees of his Most Rev. Ordinary indicating the grounds for the recourse are that no motives were expressed in the Decree, that no canonical process had taken place, he requested costs and damages as well as restoration of faculties, and

whereas this Dicastery requested the Acta from the Most Rev. Ordinary and were duly received and studied by this Dicastery, and

whereas this recourse has been subjected to much delay in hope that accord could be reached between the parties, and,

whereas, despite the many failed attempts on the part of this Congregation to have the matter resolved outside of this forum, it is constrained, by virtue of its entrusted responsibilities, to render decision in the matter, and

whereas the Rev. Whelan has had his faculties restored as of 3rd September 1999, he is *still desirous* that the action proceed as he maintains his innocence of the charge leveled, and

whereas the Dicastery finds much confusion within the Acta between civil and canonical processes and local ecclesiastical procedures unknown to canon law, which were used to arrive at "findings", (which is in practice a "finding of fact"), upon which the Most Rev. Ordinary based his actions;

whereas the unverified allegations of sexual abuse of [REDACTED] against the priest are alleged to have occurred in the 1960's, thus well outside any possible interpretation of prescription, and

whereas these allegations form the heart of the reason for the actions of the Most Rev. Ordinary, and

whereas there are many other procedural irregularities which are of grave concern to this Dicastery in the local process on the matter of prescription having precluded any valid subsequent canonical action, therefore, the Decree of the Most Rev. Ordinary of 3 September 1998, lacks a basis in law or in fact and furthermore it does not meet the requirements of canon 51 which states: *Decretum scriptum feratur expressis, saltem summarie, si agatur de decisione, motives, and*

whereas, the Dicastery has already indicated that it tried, unsuccessfully, on many occasions, to have Diocesan authority enter into negotiations with the recurrent; that the procedures followed in this case are a confused mixture of canon law, civil law, procedures, *sui generis*, but which lead to the practical deprivation of priestly ministry from Fr. Whelan, or at least its severe limitation, and

whereas a judicial process was sought by the priest but was not granted in violation of canon 221 §1,

whereas the decree of the 3rd September 1998, against which recourse has been taken does not meet the requirements of canon 51, nor was it arrived at following an appropriate canonical process, in violation of canon 221 §3,

Therefore, this Dicastery, taking into account all of the foregoing, and aware of the discipline of canons 47 and 57 decrees:

that the decree of the Most Re. Ordinary of the Archdiocese of Melbourne dated 3rd September 1998 and addressed to the Rev. J. B. Whelan, is null and void and without juridical effect because of serious flaws, *de procedendo et de decernendo* in this particular case and, as the procedure *sui generis* was imposed without option by the Archdiocese, and due to its peculiar nature, required the employment of civil advocacy for an adequate defense of the accused, the Archdiocese is ordered to pay the costs of Fr. Whelan in this matter, and the assessment of further damages are not deemed appropriate, and lastly, as to the incidental question posed regarding suspension of the execution of a Decree during pending appeal, canon 1353 indicates its granting by the law itself.

Given at the Seat of the Congregation for the Clergy

Vatican City

On 23rd August 2001

AS.CANONICAL:SCPC.DECREES.ABUSE

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

March 14, 2003

Rev. Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

Dear Bob:

I realize you must have many questions about what is happening with regard to your situation. I have appreciated your patience and understanding, and I thank you again for agreeing not to exercise ministry while your case is pending. As you know, the Dallas Charter and Norms created a canonical difficulty. They required bishops to act immediately, but Church law prohibited us from taking any action under the Norms until they received the approval of the Holy See. I am very grateful to each of you for cooperating in the implementation of the Charter and Norms, even though that cooperation has taken a toll on you.

The Holy See approved the revised Norms on December 8, 2002, and Bishop Gregory indicated they would go into effect March 1, 2003. I want you to be aware of the implications of this, so that at least you will understand how we will be proceeding in the Archdiocese of Chicago. There are still some aspects of the process that the USCCB Committee on Canonical Affairs is working on, so some part of the process are less clear than others.

In the near future, I will be submitting each of your cases to the Congregation for the Doctrine of the Faith, as required by the Norms that Congregation issued in 2001. At that time, I will ask the Congregation for a dispensation from the statute of limitations so that we are free to conduct a trial according to the Code of Canon Law.

The reason for my request will be that the seriousness and the nature of the matter demand it. The sexual misconduct of clergy has caused great harm to the Church in the United States. Unless the Church appears to be taking these allegations seriously, we will lose the confidence of our faithful people and the Church in the United States will no longer have a credible voice.

Moreover, the nature of sexual abuse is such that those who are abused often repress the memory of these actions for many years. It has taken great courage on the part of many of them to come forward with these accusations. I can assure you that they did not make their decisions easily. Whether these actions took place, who was involved, and other such matters are things that are to be dealt with in a canonical trial. But I do not doubt for a moment the sincerity of those who have claimed to be victimized.

At the same time I submit the case to the Congregation for the Doctrine of the Faith, I will make formal what up to now has been simply an agreement between you and me. The

AOC 015935

Essential Norms for the United States require that at this time I issue a decree, in virtue of canon 1722, prohibiting you from exercising sacred ministry and directing where you are to reside.

If the Congregation for the Doctrine of the Faith dispenses from the statute of limitations and directs me to conduct a trial here in Chicago, I will then submit all the material from your case to Father Bill Woestman, the Promoter of Justice, who will then present a petition to the Metropolitan Tribunal. The petition will ask the Tribunal to decide two issues: Did you commit an act of sexual misconduct, as described in canon 1395? If the answer to that is affirmative, shall the penalty of dismissal from the clerical state be applied to you?

At this point, if you have not already engaged the services of a canonical advocate, you will be required to do so. Your advocate's job is to ensure the protection of your rights and to raise any issues with regard to the above questions.

According to the wishes of the USCCB, the judges for the trial will be chosen from a pool of judges who will be trained in Washington during the last two weeks of February. This will ensure that no Archdiocesan priest will be deciding your case.

The judges will use the information that has been gathered by the Fitness Review Board Administrator, the Vicar for Priests, the Victim Assistance Minister, and your own personnel file. They may also ask for additional information in the case, as they see fit. You or your advocate can also propose other questions to the judges that would assist them in their investigation.

After the judges have collected all the information in the case, you and your advocate will be allowed access to all of the information that the judges will be using in making their decision. You will also be allowed to comment on the information you review, and your advocate will be given an opportunity to present arguments in the case.

At the conclusion of the process, both the Promoter of Justice and you can appeal the decision of the Tribunal. The appeal can be based upon the procedures that were followed during the course of the trial or upon the merits of the decision that was handed down. According to the 2001 Norms of the Congregation for the Doctrine of the Faith, these appeals are to be directed to the Supreme Apostolic Tribunal of that Congregation.

I believe that this is the most effective way to ensure that justice is served in the Church. By using our legal system, the rights of all parties are guaranteed and decisions are made on the basis of correct jurisprudence. Regardless of the outcome, the decisions will not only *be* just, but they will also *appear* just in the eyes of our people. This will demonstrate that decisions are not made in an arbitrary manner in the Church, but are made in an orderly and well-reasoned manner.

It is for this reason that I will not make any administrative decisions about the disposition of your case. I believe the judicial process will allow you and your advocate to present arguments concerning the substance of the case and the procedures that have been followed. The judges will then be able to render a decision on this matter which is consistent with our jurisprudence and canonical practice.

I am very much aware of the pain that you have gone through during these months. While this has been personally painful for you, I believe this time has also given our people an opportunity to look at this issue more thoroughly and realize its complexity. Some of the stridency has lessened, and people seem to be reassured that the cases will be handled in a just and equitable manner.

You have been in my prayers each day, and I ask that you continue to keep me in yours.

Fraternally yours in Christ,

Francis George

Francis Cardinal George, O.M.I.
Archbishop of Chicago

*You did a major inquiry of the police and
but the names are approved by the Chicago State
the police as we had in the name. Still,
we'll pursue the inquiry, specially because
the names are valid only for 5 years.
FR.*

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

March 31, 2003

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

Dear Father Kealy,

I was somewhat surprised by your letter of March 24, 2003, because you interpreted a personal note put at the end of a letter on another subject as an official response to your critique of our Archdiocesan policies. The postscript was intended only to encourage you in a difficult situation and express my appreciation of the extensive work that you did.

Your interpreting it as an official response has now brought the process one step farther, and I suppose that can be a good thing, both in the long and in the short run. There is some irony in the fact that our policies were, as I have been told, greatly influenced by your own work when you were Chancellor. The situation has now, of course, radically changed.

This is not in any sense an official response to your letter of March 24. It is merely an acknowledgement that that letter has been received, along with your earlier critique. The official response will follow according to the canonical procedures, as will all our communications from now on.

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Francis Cardinal George".

Francis Cardinal George, O.M.I.
Archbishop of Chicago

cc: Reverend Patrick Lagges

AOC 015938

ARCHDIOCESE OF CHICAGO


Vicar General



Post Office Box 1979
Chicago, Illinois 60690-1979

(312) 751-8271
Fax: (312) 337-6379

MEMORANDUM

DATE: APRIL 21, 2003
TO: FRANCIS CARDINAL GEORGE, O.M.I.
FROM: BISHOP RAYMOND GOEDERT 
RE: LETTER OF APRIL 14, 2003 FROM FATHER KEALY

I am returning Bob's letter which you asked me to read. As I have mentioned to you, I agreed with several of the revisions Bob recommended to make our Archdiocesan policies consistent with the requirements of Canon Law. That is the reason why I convened a meeting of Tom Paprocki, Pat Lagges and myself on April 11. Tom Paprocki is going to make the necessary changes in the policies, discuss them with the other members of his committee and bring them back to you, the Presbyteral Council and the Archdiocesan Pastoral Council before they are promulgated.

cc: Most Reverend Thomas Paprocki
Reverend Patrick Lagges

AOC 015939



IMMACULATE CONCEPTION PARISH

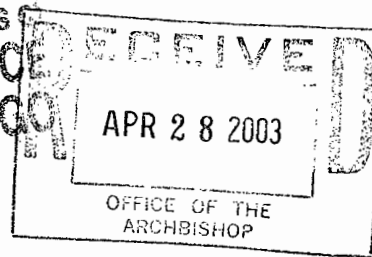
770 West Deerfield Road, Highland Park, Illinois 60035

Phone: (847) 433-0130 • Fax: (847) 433-0669

April 23, 03

His Eminence
Francis Cardinal George
Archbishop of Chicago
155 E. Superior St
Chicago, IL 60611

COPY
of an original document from the files
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO
This is a red ink stamp!
DO NOT COPY



Your Eminence,

Greetings of Easter Season. Thank you for all that you do to lead the People of God to greater heights of holiness. Wish you the best. This letter comes to you as a sign of my great appreciation and praise for Rev. Robert L. Kealy, who was my pastor for four years. There is no saint without a past and no sinner without a future. Ever since I have known him, he has been an exemplary priest. I like to call him a gentleman priest. There is such nobility in his conduct and behavior when it comes to dealing with people. He is liked by all the parishioners. Himself a devout and conscientious priest, he leads people to greater heights of sanctity. He is a great pastor, who knows his people by name. He is a priest available to his people. Disciplined and highly organized as he is that everything about him is perfect. He loves the church and is very faithful to the teachings of the church. He is a very trustworthy man who tries his best to hand down the faith of the church in tact. In short, he is a man of God, a great priest and an effective pastor. May God bless him.

I wish him well and pray for a speedy resolution of the situation he is in. The church is losing so much of his valuable services and we cannot afford to forfeit that at this time and in this age. With much prayers for him and you,

Yours filially in Christ

Rev. George Velloorattil



IMMACULATE CONCEPTION PARISH

770 West Deerfield Road, Highland Park, Illinois 60035

Phone: (847) 433-0130 • Fax: (847) 433-0669

April 24, 03

His Eminence
Francis Cardinal George
Archbishop of Chicago
155 E. Superior St
Chicago, IL 60611

Your Eminence,

This is just a word of commendation of my good friend Father Robert Kealy. I have known him since he was just a kid at St. Gertrude's parish, Chicago. The pastor of the parish was his uncle, Msgr. J. Gerald Kealy, who was Rector of Mundelein Seminary during my study there, 1930-36. (Good Friday this year, April 18, was the 67th anniversary of my ordination there at the Seminary). Four years ago Fr. Bob Kealy invited me to come here to live at Immaculate Conception Rectory when I was looking for a retirement home. I have always considered him as a saint. I know the people of this parish would fully agree. I have served under half a dozen pastors and he was the best.

With great respect,

Sincerely

Rev. Edward Norkett

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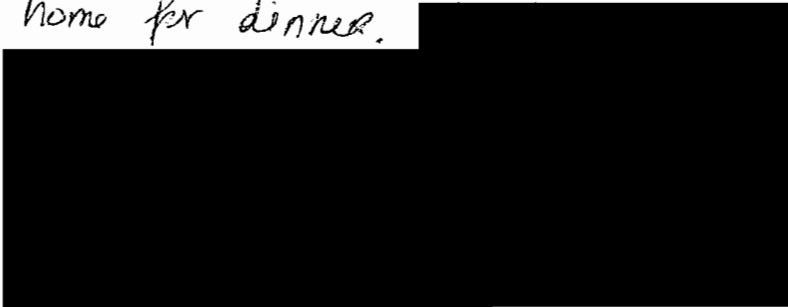
Fr. Kozminski acked.

April 26, '03

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DO NOT COPY

Dear Cardinal George,

I am writing you about a wonderful human being, an extraordinary priest and a true follower of Christ. I have known Father Bob Kealy for eleven years, since he came to Immaculate Conception Parish in Highland Park. Through the years, Father Kealy, my husband and I became good, close friends and he would come often to our home for dinner.



[REDACTED]

I have been a member of Immaculate Conception Parish since 1961.


[REDACTED]

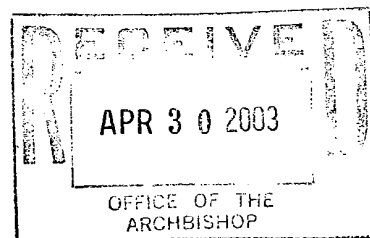
I can truthfully say that it was a pretty dismal and uninspiring parish up to the time Father Keely came. There are no words to explain nor express what Father Keely did with this parish. He infused it with life, joy, vitality, beauty and excitement. He brought beautiful music and made the church an inspiring place in which to worship and pray. He made people, both young and old, want to be involved with the parish; from

servers at Mass to deacons, Eucharistic Ministers and Ministers of Care. His warmth, humor and caring has touched us all; it was a very, very sad day when he left. He is as sorely missed now as he was when he left.

For me, Father Kealy is the embodiment of all that a priest and the priesthood is, and represents. I truly believe that if there were more priests that came even close to what Father Kealy is, we, the Church, would be blessed beyond belief.

Sincerely yours in Christ,





Subj: **Bob: my letter to Cardinal George -** [REDACTED]
Date: 6/2/2003 9:49:33 PM Central Standard Time
From: [REDACTED]
To: [REDACTED]

[REDACTED]

April 27, 2003

His Eminence Francis Cardinal George, OMI
155 E. Superior
Chicago, IL 60611

Dear Cardinal George: I am writing on behalf of Fr. Bob Kealy and for his reinstatement to the full duties and privileges of the priesthood. I have known Fr. Bob for over twenty years. He has been a close family friend all these years just like his uncle before him, the late Monsignor Jerome Kealy. Fr. Bob has been at [REDACTED] family gatherings for many years, from birthdays, baptisms, weddings, Christmas, Easter, holidays and at my Dad's funeral in 1999. In all these years, I have never seen Fr. Bob at any time acting in any way that would bring discredit to the priesthood.

As an involved Catholic in many parish, school and charitable activities [REDACTED]
[REDACTED] I have had the pleasure of knowing many wonderful priests. I think I know a good priest when I see one. Everything I know and have experienced about Fr. Bob is that he is a wonderful man, he is a dedicated priest and he has a great deal to offer to this vocation that defines his very core.

Cardinal, George, you may recall that I have been one to speak out when I have seen abuse within the church. I do not want any man who is unqualified to serve the church I love. I know that Fr. Bob is not such a person. He has my unqualified support and that of my family. Please work to restore him to the position he loves so much and to which he is so well suited.

Sincerely,

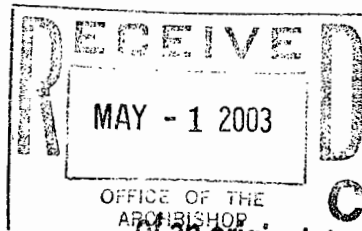
[REDACTED]

*ack'd.
Fr. Joe Kealy*



April 27, 2003

His Eminence Francis Cardinal George, OMI
155 E. Superior
Chicago, IL 60611



COPY

**VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO**

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Dear Cardinal George:

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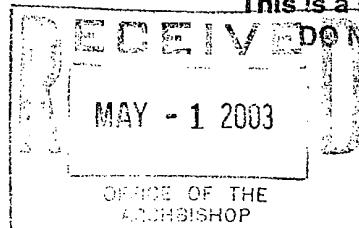
Sincerely,



ackd.
F. Kealy
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ARCHDIOCESE OF CHICAGO

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April 28, 2003

Francis Cardinal George, OMI
Archdiocese of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence:

I am an active member of St. Michael's Parish in Orland Park. [REDACTED]



[REDACTED] I am writing this letter as a testament to a very close friend of mine, Father Bob Kealy.

Having been part of St. Germaine Parish for my entire parochial school life, I met Father Kealy upon graduation from St. Germaine, prior to the start of my high school years at [REDACTED] High School. He was recently ordained and had just been appointed as the new Associate Pastor. Before he arrived at St. Germaine, there were no activities for the teens. Seeing this need, he founded our Teen Club, which became very active and successful. [REDACTED]

[REDACTED] During that time, Father Kealy and I worked closely together in crafting the start-up of the group and building its foundation. The many hours spent with Father Kealy during those years gave me a great degree of insight as to his faith, kindness, generosity and value-based character. He was highly respected and well-liked by the teens of which a number of them remain friends of his to this day.

[REDACTED] For myself, he has been priest, friend, and mentor over the years. He has played a vital role in my personal development. In addition, he has been a part of my entire family's life. Whether it was celebrating the life of my father at his burial service or celebrating the baptism of my [REDACTED] daughters, Father Kealy has remained a vital link as part of the entire [REDACTED] family. Not only spiritually, but also in a much broader role as the link between generations for my family and a great many other families.

Serving as a counselor of sorts on behalf of both parents and children can be an arduous task but Father Kealy repeatedly proved quite capable of the task. In retrospect, I would imagine that this beginning was one of the many tests where Father Kealy's spirituality, character and understanding were proven.




Over the years, I was able to continue to be a part of his life. Meeting a great number of his parishioners over the years, I can attest that his ministry continued to be exceptionally effective. Meeting with numerous young people from these various parishes, I continued to hear a reaffirmation of what I knew years earlier. Father Kealy was and is truly a fine priest, a terrific leader of a parish and unparalleled as a leader and teacher of young Catholic families.

I know that I speak on behalf of a great number of families that have been touched by Father Bob Kealy when I say that, in my experience, there is no priest who has so dedicated his life to the spiritual betterment of families within the various parishes in which he has served. His ability to galvanize a family, a parish, a community is beyond question.

I respectfully appreciate your consideration in reading this note and pray that Father Kealy is able to return to active ministry within our Archdiocese sometime in the very near future.

Respectfully yours,





IMMACULATE CONCEPTION PARISH

770 West Deerfield Road, Highland Park, Illinois 60035
Phone: (847) 433-0130 • Fax: (847) 433-0669

May 6, 2003

PERSONAL AND CONFIDENTIAL

His Eminence Francis Cardinal George
Archbishop of Chicago
Archdiocese Pastoral Center
155 East Superior Street
Chicago, Illinois 60611

Dear Cardinal George,

I'm sure you are aware I am the pastor who replaced Father Robert L. Kealy at Immaculate Conception Parish in Highland Park, Illinois when Father Kealy was transferred to SS. Faith, Hope and Charity in Winnetka, Illinois. He was subsequently removed because of alleged sexual misconduct.

In replacing Father Kealy, I believe I am specially qualified to recommend every consideration and opportunity to be given to Father Kealy in regards to reviewing his case. The reason I recommend a review of Father Kealy's present situation is the vast majority of parishioners do stand behind him one hundred percent. It is their opinion, nothing of this sort has ever happened in this parish and they have the utmost confidence and admiration for Father Kealy. I am in total agreement.

Personally, I would humbly suggest every consideration be granted Father Kealy. I have served in a number of parishes as Pastor and Associate Pastor. I have never served in a parish as organized and ministerial effective.

Simply, Immaculate Conception parish is in excellent condition physically, ministerially and spiritually because of Father Kealy's leadership.

My sincerely prayers and hope is Father Robert L. Kealy will be able to continue to serve the church.

Sincerely,

Rev. Terrence A. McCarthy
Reverend Terrence A. McCarthy
Pastor

TAM/ii

AOC 015950

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

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May 15, 2003
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Reverend Patrick M. Lagges
Vicar for Canonical Services
Archdiocese of Chicago
P.O. Box 1979
Chicago, IL 60690

Re: Confidentiality of Vicar's Files

Dear Father Lagges:

In Cardinal George's letter of March 14, 2003 to all of the priests who have been removed from active ministry, he stated that included in the information which would be used in a canonical penal process would be that "gathered by ... the Vicar for Priests."

I strenuously object to the use of any files or statements from the Vicar for Priests being used in any canonical penal or disciplinary proceedings against me. In my conversations with the Vicar for Priests, it was my understanding that these conversations were confidential communications with the surrogate of my ordinary, in his role as pastor to his priests. Canon law, moral theology, and civil law preclude the use of the Vicar for Priests's files or statements in an ecclesiastical penal or disciplinary proceeding.

1. Canon Law Requires the Confidentiality of Communications Between a Priest and His Bishop or the Vicar for Priests.

Canon 384 states:

"With special solicitude, a diocesan bishop is to attend to presbyters and listen to them as assistants and counselors. He is to protect their rights and take care that they correctly fulfill the obligations proper to their state ..."

The CLSA's "*Guide to the Implementation of the U.S. Bishops' Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*" says:

"The bishop is a pastor or a father to his priests. Their relationship is rooted in the sharing of orders and a common mission. Ordinarily, a priest's personal disclosures to his bishop would be considered confidential communications (*CIC* c. 1548, §2, 1°; *CCEO* c. 1229, §2,

1^o).” (p. 29).

With one inconsistency, which will be discussed below, this principle is reflected in our Archdiocesan policies.

In the Archdiocese of Chicago, prior to 1992, the Vicar for Clergy acted as the investigator of allegations of misconduct against clerics. In the Archdiocesan policies for dealing with allegations of clerical sexual abuse of a minor, created in 1992 and followed with minor adaptations since then, the duty of investigating allegations of sexual abuse of minors was assigned to the Administrator of the Review Board and to the Review Board itself. The Vicar for Priests is to exercise a pastoral function as the Archbishop’s surrogate as pastor to Archdiocesan priests. The Vicar for Priests is to offer confidential counsel, guidance, and support to priests. In the case of accusations of misconduct, the Vicar for Priests is to serve as an advocate for the accused priest in the process.

- In Policy §1102 of the Archdiocese of Chicago Policies effective July 1, 2000 (the policies in effect at the time of the allegation made against me), the Vicar for Priests is described as a “pastor to the priests of the Archdiocese.”
- In Policy §1102.4, sentence 2, it says: “These vicars are the representatives of the Archbishop who minister to the clergy of the Archdiocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals.”
- Policy §1104.4.3, Procedure (A) says, “ ... The Vicar for Priests is primarily responsible for pastoral and spiritual life concerns and treatment questions that require a sensitivity to confidences.”
- A letter sent by the Vicar for Priests on August 26, 2002 to the priests of the Archdiocese says: ‘The Vicars for Priests serve as advocate, liaison, and counsel for priest.’

The Vicar for Priests represents the ordinary in his pastoral care for his priests. In a canonical proceeding, bishops and priests are exempt from testifying “regarding what has been made known to them by reason of sacred ministry...” (c. 1548, §2, 1^o). This canon also covers physicians, advocates “and others bound by professional secrecy.” The reason for this exception is that the special nature of these roles requires that persons in need of their professional guidance be able to confide in them with the assurance of confidentiality.

Archbishop Julian Herranz, the President of the Pontifical Council for Legislative Texts, gave an interview to Zenit New Service on November 14, 2002, in which he addressed this issue:

“Q. What problem did the original U.S. norms pose for bishop-priest confidentiality?

“A. From the perspective of the Church, the relationship between a diocesan bishop and his priests is likened to that shared by a father and his sons. The richness of the theological reality

is impoverished if we see the relationship solely in the secular terms of employer and employee or, even worse, as adversaries. For the good of the Church, a priest has to be free to approach his diocesan bishop and to speak to him with honesty and openness.

“With that in mind, the Church recognizes an exemption from testifying in ecclesiastical proceedings for bishops and other clerics with respect to those matter that were ‘revealed to them by reason of their sacred ministry’ (cf. Code of Canon Law, can. 1548 §2, 1”).

“Sadly, the civil laws do not always recognize that important need and, instead, sometimes foster an attitude of fear and suspicion. We would do well to bring to the attention of those responsible for civil legislation the importance of recognizing the unique nature of the pastoral dialogue shared by diocesan bishops and their priests, which certainly merits at least the same kinds of protection that are given to communications between lawyers and their clients or physicians and their patients.

“Even in the absence of such protections, it is my hope that the revisions to the norms which were recently accepted by the USCCB will – because of their increased clarity, their greater certainty, and their insistence on basic fairness – significantly reduce the tension that has been reported between some priests and their bishops.”

Archbishop Herranz underscores the profound ecclesiological reality which is the theological foundation for the confidentiality of communications between a priest and his ordinary. By incardination, a spiritual and canonical bond is established between a priest and his bishop. The priest promises respect and obedience to his bishop and the bishop adopts the priest as his spiritual son. By incardination, a mutual bond is created by which the priest commits himself to life-long service of the diocese and the bishop commits the diocese to life-long acceptance of the priest and his service.

When a bishop or his Vicar asks a priest to open his soul to his spiritual father, the priest does so with the expectation that these conversations are sacred communications in the internal, non-sacramental forum. That was certainly my understanding, and my expectation, in my conversations with Father Kaczorowski, the Vicar for Priests, and with Cardinal George.

It should be pointed out that the first sentence of Policy §1102.4 of the Archdiocesan Policies, effective July 1, 2000 is grossly inconsistent with the above principles and, so, is inconsistent with the universal law of the Church. This policy states:

“In the case of any disclosure of sexual abuse by a cleric with a minor, the Vicar for Priests or Vicar for Deacons shall report the fact to the Professional Fitness Review Administrator.”

Policy §1102.4 is an overly-broad statement of the exceptions to the principle of confidentiality. The exceptions will be explained below, in the section on moral theology. In my case, there is certainly nothing which would allow an exception to the principle of confidentiality of my communications with the Vicar for Priests.

When a bishop or his Vicar talk with a priest in the pastoral context of the sacred relationship between a cleric and his ordinary-as-pastor, they reasonably expect and deserve openness and honesty from the priest. The priest understands their expectation and, in turn, the priest reasonably expects that they will treat the information he discloses to them as confidential and secret. It is understood, according to the overwhelming weight of Catholic tradition, canon law, and the Archdiocesan policies, that these conversations are in a pastoral, not a penal context. That was my understanding in my conversations with the Vicar for Priests and with Cardinal George.

To require the Vicar to report on such conversations is no more appropriate than requiring the bishop to do so. It makes the Vicar an arm of the canonical investigation and the civil prosecutor. If that is to be his role, then the cleric should be given a 'Miranda' warning before talking with his ordinary or Vicar (i.e., "You have a right to remain silent. You have the right to counsel. Anything you say can and will be used against you in a court of law and in an ecclesiastical proceeding."). If that is to be the role of the Vicar then his conversations with an accused cleric should observe the canonical formalities and the Archdiocese should make no pretense that the Vicar's role is to be an "advocate" for clerics. Without observing those canonical formalities, the likelihood increases that casual comments may be misrepresented and that testimony could be distorted. However, for the Archdiocese to take the position that these conversations are not confidential, would be to eviscerate the sacred relationship between a bishop or his Vicar and the clergy of the diocese.

In addition, the Vicars for Priests are bound to maintain the confidentiality of their communications with priests when talking with other officers or agents of the Archdiocese, such as the Review Board; the Administrator of the Review Board; the Promoter of Justice; the Vicar for Canonical Services; diocesan lawyers; insurance companies; and members of the Professional Conduct Administrative Committee (PCAC), which is referred to in policy 1104.3.7 (8), footnote 3.

2. Principles of Moral Theology Require the Confidentiality of Communications Between a Priest and His Bishop or the Vicar for Priests.

Attached to this letter is a memorandum by Father Patrick Boyle, S.J., the highly respected professor of moral theology at Mundelein Seminary. Father Boyle's memorandum is entitled, "The Moral Principles Governing the Confidentiality of Communication between a Priest and His Ordinary or the Vicar for Priests."

Father Boyle situates the principles governing confidentiality in the right to privacy, a basic human right. Applying general principles governing the confidentiality of communications to the specific case of communications between a priest and his ordinary or the Vicar for Priests, Father Boyle says that the threshold question is the understanding which the priest had as to the nature of the communication. Father Boyle differentiates between a situation in which the Vicar for Priests office was an investigative arm of the bishop and a situation in which "the common understanding of the Vicar for Priests office was that it is priest-friendly and the Vicar was the advocate for priests." When I met with the Vicar for Priests, it was my understanding that the nature of the Vicar for Priests office

was the latter. This understanding is supported by the Archdiocesan policies quoted above on page two.

Father Boyle says that in this case “the presumption has to be given to the accused individual’s right to privacy and confidential information many not be divulged without his knowledge and consent.”

Father Boyle mentions two exceptions to this presumption of confidentiality. Neither applies in my case. One exception would be “if the Vicar for Priests advised the accused individual at the time of his interview that the information in the interview was matter for public domain and could possibly be used against him in a judicial proceeding.” Although Father Kaczorowski, the Vicar for Priests, had advised me in general about my right to canonical and legal counsel in regard to the accusation against me, it was my understanding that he could disclose my communications with him only to the Archbishop, whom the Vicar was representing in his pastoral capacity, and no one else.

Father Boyle says that, when the communication with the Vicar for Priests is understood by a priest to be confidential, “then the only reason which justifies the revealing of confidential information is if withholding the information poses a serious danger to an innocent person or to society.” He adds, “There has to be moral certitude that the danger truly exists.” In my own case, Father Kaczorowski already had seen a psychological evaluation which determined that I did not pose a risk to others and there was no need to impose restrictions on my ministry (see attached transcript of Psychological Evaluation Reference, a form filled out by Father Kaczorowski, summarizing the recommendations given in my psychological evaluation). Indeed, my exemplary reputation for decades in positions of trust in parish ministry and in diocesan administration indicates the validity of the finding that I pose no risk to others or to society. Thus, as Father Boyle concludes, “If such certitude (of danger) is absent, the information must remain confidential. It would be morally unacceptable to divulge it.”

3. Civil Law Respects the Confidentiality of Communications Between a Priest and His Bishop or the Vicar for Priests.

Many dioceses in the United States have gone to great efforts and great expense to defend the confidentiality of the files of Vicars for Priests. If the Archdiocese of Chicago intends to use the files of the Vicar for Priests in any ecclesiastical disciplinary process, it could well be waiving the confidentiality of all of the files of the Vicars for Priests in any criminal or civil proceedings brought against a priest or against the Archdiocese.

In an excellent scholarly presentation on April 4, 2003 at a symposium at Boston College, Professor Norman Abrams of the UCLA law school addressed, “The Dual Nature of the Clergy Privilege in State Statutes and the Statutory Duty to Report Child Abuse.” (The talk will be printed in the Fall issues of the Boston College Law Review and is available now in draft form from the Boston College Law School). Professor Abrams described the relevant confidential communications of clergy as falling into two broad categories: religious confessions and spiritual advice and counsel. Abrams gave an extended analysis of a New Jersey decision, *Corsie v. Campanalongo*, a civil suit brought by two

brothers against a priest and against the Archdiocese of Newark, alleging sexual molestation by the priest. Abrams wrote:

"Plaintiffs requested that the Archdiocese produce all documents contained in the file of the Vicar for Priests relating to the defendant Campanalongo and all files regarding sexual misconduct by any priest since 1960 and any documents regarding any law suit arising from sexual misconduct. As part of his response at the trial level, the Vicar certified that he 'serves as a confidant to priest in need. Accordingly, priests who confide in the Vicar ... do so with an expectation of privacy and confidentiality. The relationship is the same as a confessional matter with any other penitent. Through the Vicar for Priests, priests in distress seek counsel and support regarding matters related to the stresses and tension involved in Ministry.'

"On appeal, the plaintiffs only sought production of documents related to Campanalongo. The court found that it was undisputed that the Vicar was acting in his 'professional character, or as a spiritual advisor' when, or if, Campanalongo confided in him respecting the alleged sexual assaults or any other personal or professional matter'; that 'so long as ... (the) communications to the Vicar were 'confessions' or otherwise made with an expectation of confidentiality,' the documents were protected against disclosure.

"The Vicar, of course, had tried to put his files in the same category as confessional material. Because the New Jersey privilege statute applied as well to spiritual advice, the court did not have to resolve the question of whether the communications of individual priests to the Vicar were equivalent to communications in the confessional.

"Plaintiffs also sought other documents relating to Campanalongo in the Archdiocese's possession unrelated to the Vicar's files. This material did not raise questions under the clergy privilege, but the Archdiocese claimed confidentiality directly under the First Amendment ... The lower court had ruled that these files were protected under the Constitution. The appellate court, however, rejected the Constitutional claim ...

"The Corsie case, of course, ... involves larger questions since it was not simply access to the Vicar's Campanalongo file that was at issue. If his file was required to be disclosed, all of the Vicar's files would seem to lose privilege protection."

This conclusion of Professor Abrams implies that if the files of the Vicar for Priests are used in a canonical penal or disciplinary process, which by its nature is in the external forum, we could lose the protection of the files of the Vicar for Priests as legally privileged documents.

In another prominent case, the Connecticut Court of Appeals is about to issue a ruling in a lawsuit brought against the Diocese of Bridgeport by the New York Times, the Washington Post, and the Hartford Courant seeking disclosure of all of the diocese's clergy files involving allegations of sexual abuse. The Diocese of Bridgeport has vigorously defended the confidentiality of its files.

Of course, the Archdiocese of Chicago, itself, successfully argued the confidentiality of such files before the Supreme Court of Illinois in 1992. The files of priests accused of abuse had been subpoenaed by the State's Attorney of Cook County. While I am not familiar with all of the details of the ruling of the Illinois Supreme Court, it would seem that if the Archdiocese were to use the files of the Vicar for Priests in a canonical penal or disciplinary proceeding, the files and the conversations between an accused priest and the Vicar for Priests could lose their status as privileged communications. These broad legal ramifications should be considered by the Archdiocese, if it contemplates using the Vicar for Priest's files in a canonical proceeding.

I respectfully submit that, in my case, the proper position for the Archdiocese is to maintain the confidentiality of my conversations with the Vicar for Priests and the files he generated and to exclude them from use in any canonical penal or disciplinary proceeding or any administrative proceeding. They should not be included in any form in any information or material submitted to the Review Board, the Administrator of the Review Board, the Congregation for the Doctrine of the Faith, the Promoter of Justice, or a judicial process. This would also be true in other cases in which the two exceptions explained by Father Boyle do not apply.

Sincerely yours in Christ,

Reverend Robert L. Kealy

cc: Rev. James Kaczorowski, Vicar for Priests



THE MORAL PRINCIPLES GOVERNING THE CONFIDENTIALITY OF COMMUNICATION BETWEEN A PRIEST AND HIS ORDINARY OR THE VICAR FOR PRIESTS

Most moralists consider the right to privacy a basic human right. They root it in the equality between human beings which every human person possesses, being created in the image and likeness of God. Confidential information about oneself and other confidential facts that one possesses are part and parcel of that right. This right creates in others an obligation to respect that right and keep confidential all the private information which a person may choose to reveal to another. All secrets, whether natural, promised, or entrusted, enjoy this confidentiality and morally bind the recipient of the information to use it only according to the dictates of the revealer.

This right of privacy is not absolute. It is a limited right. Love of self and love of neighbor limit the extent of that right. This means that there are times when it is morally acceptable to reveal a secret of another and is not considered a violation of that person's right of privacy. Examples of such times are listed as follows:

- The disclosed information poses a serious harm to the revealer of the information, suicide for example.
- The disclosed information poses a serious harm to the recipient of the information, for example, a threat of bodily harm to the recipient.
- The disclosed information poses a serious harm to an innocent third party, for example, threats against the life of a third party.
- The disclosed information poses a serious threat to society, for example, planting a bomb on a school bus.

Revelation of such information falls outside the purview of the right and may be divulged only to those who can remedy the situation. Thus, love of self and love

of neighbor limit one's right to privacy. This is not an exception to the right; the circumstances rather push the information beyond the parameters of the right.

In the case of one accused of a crime, if at the time of the investigation by the diocese it was commonly understood that the Vicar for Priests office was an investigative arm of the bishop and that the one accused of the crime knew this, then the information revealed by him to the Vicar is not considered confidential and can be revealed. On the other hand, if the common understanding of the Vicar for Priests office was that it was priest-friendly and the Vicar was the advocate for priests, then the presumption has to be given to the accused individual's right to privacy and confidential information may not be divulged without his knowledge and consent. However, even in this understanding of the Vicar for Priests office if the Vicar for Priests advised the accused individual at the time of his interview that the information in the interview was matter for public domain and could possibly be used against him in a judicial proceeding, then the information is no longer considered confidential.

If no such warning was forthcoming from the Vicar and the Vicar for Priests office is priest friendly, then the only reason which justifies the revealing of confidential information is if withholding the information poses a serious danger to an innocent person or to society. The acknowledgement of such a danger should not be interpreted loosely. Since a human right is in the balance, this danger has to be based on fact, not on presumption. There has to be moral certitude that the danger truly exists. If such certitude is absent, the information must remain confidential. It would be morally unacceptable to divulge it.

Patrick J. Boyle, S.J.
Associate Professor
Christian Life Department
University of St. Mary of the Lake

Note: I transcribed this text on 10/14/02
when I was allowed to review my files and to make
handwritten notes, but not to photocopy anything.
It is a summary by Father Kaczorowski of the pertinent
recommendations contained in my [REDACTED]
- Robert L. Kealy

Archdiocese of Chicago
Vicar for Priests Office
645 N. Michigan Avenue, Suite 543
Chicago, IL 60611

[REDACTED]

[REDACTED]

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

P R E C E P T

Bishops "have been designated by the Holy Spirit to take the place of the apostles as pastors of souls and, together with the Supreme Pontiff and subject to his authority, they are commissioned to perpetuate the work of Christ, the eternal Pastor." (*Christus dominus*, n.2b) However, since the pastors of the Church can never be expected to carry the burden of pastoral ministry alone (*Lumen gentium*, n. 30), they have been given the order of priests to cooperate in shepherding and guiding God's people. Indeed, bishops, "because of the gift of the Holy Spirit that has been given to priests at their ordination, will regard them as indispensable helpers and advisers in the ministry and in the task of teaching, sanctifying and shepherding the People of God." (*Presbyterorum ordinis*, n. 7)

Because of this common task, "bishops are to regard their priests as brothers and friends, and are to take the greatest interest they are capable of in their welfare, both temporal and spiritual. For on their shoulders particularly falls the burden of sanctifying their priests." (*Presbyterorum ordinis*, n. 7b)

Moreover, the *Directory on the Pastoral Ministry of Bishops* states, "In the same way as Jesus showed his love for his disciples....so also a bishop....can hardly fail to realize that he should show his greatest love and chief concern for priests....Led by a sense of duty and sincere and invincible charity he gives willing assistance in every way to help priests to esteem the loftiness of their priestly vocation, to live serenely, to spread joy to those about them and to fulfill their duties faithfully." (n. 107a)

This same document urges bishops to do "everything possible to prevent the troubles his priests could have....To keep them safe from trouble he takes prompt and prudent measures." (n. 112)

The Code of Canon Law has described precepts as a means by which ecclesiastical authority "directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law" (c. 49).

Therefore, I issue this precept, in accordance with c. 49, to urge **Reverend Robert Kealy** to fulfill the obligations which were placed upon him at the time of his ordination. Because some suspicion has arisen about his fidelity to the sacred promises he made at his ordination, I urge him in particular to lead a life which is in keeping with the holiness of his vocation. Although he is not presently exercising public ministry in the Church, he ought to pursue holiness of life in the way that he lives. He is also still bound to the obligation to pray the liturgy of the hours daily, to set aside time for spiritual retreats, to engage in mental prayer, to approach the sacrament of penance frequently, to honor the Virgin Mother of God with particular veneration as Queen of Priests, and to use any other means of sanctification which he finds helpful (c. 276).

Because of the obligation to observe perfect and perpetual continence for the sake of the kingdom of heaven, **Father Kealy** is to act with due prudence toward persons who could endanger the obligation to observe continence (c. 277§1), and to observe the particulars of the attached Individual Specific Protocol (c. 277§3) which I have established in consultation with him.

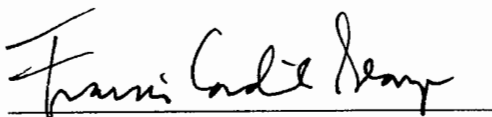
He is to avoid all those things which are unbecoming the clerical state, or those things which are foreign to the clerical state (c. 285), especially those things which are set forth in the attached Individual Specific Protocol which I have established in consultation with him.

Father Kealy is hereby dispensed from his obligation to wear ecclesiastical garb (c. 284), and is strongly urged not to do so until such time as the case against him can be resolved and more permanent determinations can be made. Although not removed from office, he is nonetheless urged not to exercise the rights of any ecclesiastical office, in accordance with the Individual Specific Protocol which I have established in consultation with him.


In order to ensure that these obligations are met, I have delegated **Ms. Leah McCluskey** to receive information regarding **Father Kealy's** fulfillment of this precept and his Individual Specific Protocol. She is to submit a report to me no less than quarterly regarding this matter, and may report to the Professional Fitness Review Board more frequently as needed or requested.

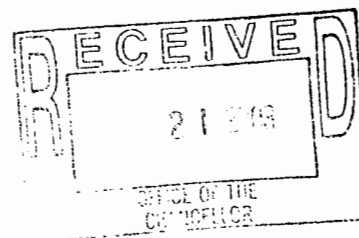
I am establishing this precept in a spirit of fraternal charity, mindful of my responsibility to encourage my priests to remain faithful to the obligations of the clerical state. Because the attached Individual Specific Protocol has been established in dialog between **Father Kealy** and the Vicar for Priests, I accept the provisions of this document, and urge **Father Kealy** to fulfil them in accordance with the obedience he is to show to me as his ordinary (c. 273), and which he promised at his ordination.

Given in Chicago, Illinois on the 23rd day of May, 2003.


Francis Cardinal George, O.M.I.
Archbishop of Chicago




Ecclesiastical Notary



ARCHDIOCESE OF CHICAGO

Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

May 23, 2003

Ms. Leah McCluskey
Professional Fitness Review Administrator
676 North St. Clair
Chicago, IL 60611

RECEIVED

MAY 29 2003

ARCHDIOCESE OF CHICAGO
PROFESSIONAL FITNESS REVIEW

Dear Ms. McCluskey:

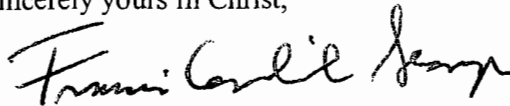
Accompanying this letter is a decree which appoints you as the investigator into an allegation of sexual misconduct with a minor that was made against **Rev. Robert Kealy**. The terms of this investigation are spelled out in the decree.

At the same time, I am designating you as the person who is to supervise the "monitoring protocol" which has been established for Father Kealy. I ask that you report to me on a regular basis, but no less than quarterly, on Father Kealy's compliance with this protocol. You may also wish to report more frequently to the Professional Fitness Review Board so that they can make further recommendations to me on this matter.

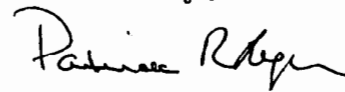
In order to ensure confidentiality in this matter, I ask that you perform this task personally and not designate anyone else for this purpose. Should there be periods of time when you will not be able to perform this task personally, please refer the matter to the Vicar for Priests.

Thank you for agreeing to take on these additional tasks.

Sincerely yours in Christ,

A handwritten signature in cursive script, reading "Francis Cardinal George".

Francis Cardinal George, O.M.I.
Archbishop of Chicago

A handwritten signature in cursive script, reading "Patricia Rieger".
Ecclesiastical Notary

AOC 015963

Marine Unit cops gain duties after terror alert rises

By Rick Jervis
Tribune staff reporter

Capt. Dave Strandberg starts his workday with 57 miles of responsibility shimmering in front of him.

A patrol captain with the Chicago Police Marine Unit, Strandberg will look for the usual things along Lake Michigan's shoreline and the Chicago River: boaters without life jackets, stranded fishing boats, someone speeding through a no-wake zone.

But with the launch of the summer boating season, which opened May 15, and the country's newly raised "orange" terror threat level, his



Capt. Dave Strandberg, a 30-year Police Department veteran, says the Marine Unit is "just keeping a keener eye out."

task list will include a few extra duties, such as monitoring the city's water filtration plant and looking for suspicious divers near tour boats.

His vessel, a 48-foot off-

shore patrol boat, still carries extra life jackets for stranded swimmers and scuba tanks for underwater searches—right next to the newly installed chest of M-16 rifles and

gas masks.

"We're really not doing anything too much differently," Strandberg, 56, said Saturday afternoon, as his boat eased through the lime green waters of DuSable Harbor and out into Lake Michigan. "Just keeping a keener eye out."

The Marine Unit uses 43 officers and seven boats to patrol 27 miles of lakefront and 30 miles of the Chicago River year-round. The officers spend eight-hour shifts mostly ticketing speeding boaters, diving for guns or bodies during homicide investigations, or towing in broken-down boats.

But since the terror attacks of Sept. 11, 2001, the unit has been peppered with "special alert" intelligence reports from federal agencies, faxed to the Marine Unit via Chicago

PLEASE SEE MARINE, PAGE 6

Group of 15 embraces new life in priesthood

By Gayle Worland
Tribune staff reporter

"We shall be changed" went the words of the hymn as Chicago's 15 newest Catholic priests—the largest class for the archdiocese since 1986—began their ordination mass Saturday morning.

Gone were the polo shirts and jeans of their seminary life, replaced by the white robe, or alb, of the men's new vocation. For the next two hours, an invitation-only crowd of more than 1,000 would witness a series of centuries-old rites—the laying on of hands, the anointing with oil—that bridge ancient tradition and hope for a fresh start in the church.

In his homily, Cardinal Francis George spoke of peace and mercy. "Much is discouraged or even forbidden" in the church, he said from the altar at Holy Name Cathedral. "But



Priests at Holy Name Cathedral ordained 15 new priests Saturday, including (from left) Edgar Rodriguez-Quintana, Elmer Romero, Ismael Sandoval-Manzo, Waldemar Stawarski and Robert Stuglik. The Class of 2003 is the largest class for the Chicago archdiocese since 1986.

in the end, everything, everything can be forgiven."

The cardinal told the men that the public role of a priest "demands a personal discipline of the soul." He urged them to turn to confession and the spiritual guidance of experts, "especially in life's demanding moments."

The relatively large size of

the Class of 2003—the largest class of new priests in the nation this year—is good news for the Chicago archdiocese, which like the entire Catholic Church has been hit hard by the revelation of child sex abusers among its clergy.

According to its own report issued in January, the archdiocese has confirmed accusa-

tions against 36 diocesan priests—with none of the abuse occurring in the last decade—and has poured \$16.8 million into victim settlements and related costs. None of the 36 priests remains in ministry.

Publicity about the abuse

PLEASE SEE PRIESTS, PAGE 4

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"And you her life star him."

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WEATHER

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

May 27, 2003

Rev. Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

Dear Bob:

I am again writing to you to give you an update as to what is happening concerning the allegations of sexual misconduct with a minor which have been made against you. I am extremely grateful to you for your patience in this matter. As you know, the Dallas Charter required me to act quickly in cases involving allegations of clerical sexual misconduct with a minor to ensure that no priest with a credible accusation was engaged in public ministry. However, because the accompanying Norms had not been approved by the Holy See, I have not been able to act as quickly as I would have liked in getting your case resolved.

With the Norms having gone into effect on March 1, 2003, along with further instructions which came from the Holy See in February, we are now in a position to begin referring our cases to the Congregation for the Doctrine of the Faith. Before I make such a referral, I will gather any additional information that seems necessary and review the matter once again. I will then send your advocate a copy of the letter I will be sending to the Holy See, and allow him or her the opportunity to offer an opinion as well. I anticipate this being done by the middle of July.

To that end, I have delegated Ms. Leah McCluskey to review each of the cases to see if more information needs to be gathered. I have asked her to report back to me within one month so that I can make a determination about referring the case to the Congregation for the Doctrine of the Faith. According to the recommendation of the Canonical Affairs Committee of the United States Conference of Catholic Bishops, if the Congregation for the Doctrine of the Faith directs me to begin a penal trial, the judges to be used will not be priests serving in the Archdiocese of Chicago. They will be chosen from a list of priests who have been trained to hear cases of clerical sexual misconduct.

In referring your case to the Congregation for the Doctrine of the Faith, I will also consult with the Promoter of Justice and issue a decree which formalizes those things which I asked you to do for the good of the Church and under your promise of obedience to me. The imposition of this decree is required by Norm 6 of the Essential Norms established by the United States Conference of Catholic Bishops.

AOC 015965

I have also designated Ms. McCluskey as the person to ensure that the "monitoring protocol" which you signed is being followed. She will report to me and to the Professional Fitness Review Board concerning your compliance with this protocol. I have asked that she perform this function personally, with the Vicar for Priests doing so in her absence. This will ensure the confidentiality and professionalism of this monitoring.

The protocols which you sign from time to time are not to be considered as penalties imposed on you. Instead, they are ways in which I exercise my responsibility to ensure that you fulfill the obligations which you received when you were ordained. I am establishing these protocols as individual precepts, which canon 49 describes as "a decree which directly and legitimately enjoins [you] to do or omit something, especially in order to urge the observance of law." You will receive a copy of my precept at the same time you receive a copy of your protocol.

I hope this clarifies the process somewhat for you. I am grateful that we can finally begin a process for the resolution of your case. I know this has been a very difficult period of time for you in your priesthood. You have always been in my prayers during this time. I ask that you continue to keep me in yours.

Sincerely yours in Christ,

Francis Cardinal George, O.M.I.
Archbishop of Chicago

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

D E C R E E

Having received the recommendation of the Archdiocesan Professional Fitness Review Board that there is "reasonable cause to suspect" that **Reverend Robert L. Kealy** engaged in sexual misconduct with a minor, I have concluded that this constitutes information which "at least seems to be true" (c. 1717).

Therefore, in accordance with the aforementioned canon, I decree that an inquiry be done into the facts and circumstances of this accusation, as well as its imputability to **Father Kealy**.

Since my other duties prevent me from conducting this investigation personally, I hereby appoint **Ms. Leah McCluskey** to act as the investigator in this matter. In carrying out these duties, Ms. McCluskey will have all of the authority of an auditor, in accordance with cc. 1428 and 1717. She is to collect any additional proofs she deems necessary in accordance with the norm of law as they relate to the present allegation. She is delegated to take testimony from the accused and from any witnesses (cc. 1530 – 1538 and 1547 – 1573), to obtain any necessary documents (cc. 1540 – 1546), to enlist the services of any experts deemed necessary (cc. 1574 – 1581), and to have access to places or things which she deems necessary for her investigation.

In conducting her investigation, Ms. McCluskey is to take care that such an investigation does nothing to harm **Father Kealy's** name or to violate his right to protect his privacy. Nor may he be asked to do anything which violates his conscience or is morally unacceptable according to the Church's moral teachings.

After she has concluded her investigation, Ms. McCluskey is to make a written report to me, no later than thirty days from the date of this appointment. This report is to address the facts, circumstances, and imputability concerning the alleged offense.

Given on 23 May, 2003 at Chicago, Illinois.

Francis Cardinal George, O.M.I.
Archbishop of Chicago

Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Office of the Metropolitan Tribunal

Reverend Alec J. Wolff, STL, JCL
Judge



155 East Superior Street
Chicago, Illinois 60611

312.751.8279 • FAX: 312.751.8314
EMAIL: awolff@archchicago.org

PROT: T.CORR.GF280503

28 May 2003

His Eminence,
Francis Cardinal George, OMI
Archbishop of Chicago
Archdiocese of Chicago
155 East Superior Avenue
Chicago, Illinois 60611

Your Eminence:

I have been asked by Father Robert Kealy to offer a letter attesting to Father's character. I have had the privilege of knowing Father Kealy for over ten years. In the early 1990s I worked with him, when he was Chancellor, on the Mass-for-Shut-Ins as the diocesan representative to WGN television. Beginning in 1994, I was his associate pastor at Immaculate Conception Parish, Highland Park for five years. Thus, I see myself as having some credible and useful insight into Father's character.

What strikes me most is Father's attitude and vision towards ministry. From him I learned the importance of respecting those whom I serve, accepting their praise and criticisms with grace and humility, and the utmost importance of gathering the community around the Eucharist. While other parishes would be scaling back Mass schedules, Father added an afternoon Mass as a convenience for those returning from work. It continues to be well attended. He began an aggressive program to reach out and provide services for our growing Hispanic community. And, he continued to see the importance of religious education, reflected in his many decisions for the direction of parish services. Above all, he did all this in a truly collaborative style which accounts for the respect and friendships he enjoys among the parish staff, even to this day. It is difficult to see how he could be seen in any other light than that of a fine priest, dedicated to his flock.

Most of Father's "innovations" in the parish community were centered around making the Eucharistic experience more transparent and prayerful. His renovations of the church, which you kindly dedicated in 1997, the focus on a Eucharistic chapel, and the overall renovations of the parish facility all point to this conviction and vision. Notably, while one would expect parishioners to have serious reservations over such changes, the parish was overwhelmingly positive and most supportive of his efforts. Even the most reluctant or critical person cannot ignore the many circumstances of his priestly and personal life which point to this probity of character. Time and again, I am asked by parishioners to extend their greetings and prayers for his return to ministry. Their generosity and concern continue to impress me that Father is still regarded with fondness and respect.

Father's reputation as an outstanding pastor and priest also extended to the community at large. He began a concerted effort to communicate with the many synagogues and several Protestant churches in Highland Park as they celebrated important days of worship. He instituted a weekly pra-

yer, by name, for each of these congregations in the Prayers of the Faithful. And, he actively sponsored ecumenical celebrations at the parish. Indeed, he had led the parish, known to be somewhat insular, to become known for its ecumenical openness and hospitality.

On a personal note, I wish to direct your attention to the matter of Father's character observed from my experience of living and working with him for over seven years as a colleague. In essence, I found a remarkable congruence between his public and private persona. His kindness and pastoral concern towards me was both as a priest who is still learning and as a friend whose encouragement was heartfelt. There was a gentleness in his honesty and in his fraternal corrections of my work. I found in him a prayerfulness and centeredness around the Eucharist.

With respect, and heeding the call for true justice which we are bound to observe, I would ask Your Eminence to consider how Father may have his good name restored and be returned to the priestly life in which he has flourished — sharing it selflessly and without reproach for our people. Certainly, the fact of over thirty years exemplary service to the diocese ought not be dismissed without the clearest evidence of a grievous breach of priestly conduct or service. Nor would it seem an observance of justice to ignore the genuine respect and love Father enjoys from the people whom he has served. Additionally, there is the matter of our unwavering witness to forgiveness and to the exercise of Christian charity for all, whether convenient or inconvenient.

I thank you for your prayerful consideration of this letter. And, I continue to offer own my prayers of gratitude for your most challenging service to our people. I am,

Sincerely yours,

Reverend Alec J. Wolff



[REDACTED]

May 28, 2003

[REDACTED]

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, Illinois 60690

Your Eminence:

I have had the privilege of meeting you on a number of occasions, most of which have involved events sponsored by the Saint Joseph College Seminary. [REDACTED]
[REDACTED] I consider it an honor to write you a letter to offer a character reference for Reverend Robert L. Kealy.

I have been a member of Sacred Heart Parish in Winnetka since 1956. Indeed, I served my first mass for Monsignor Hillenbrand. [REDACTED]

This background is not intended for self-aggrandizement, but rather to assure you, I hope, of the importance our family places on Catholic education and institutions, and the priests and religious who administer them. I have entrusted each of my [REDACTED] children to the care of priests often. The ability to do that is essential if they are to receive the Catholic training they need. Today, as in the past, I would entrust each of them to Father Kealy at any time under any circumstances.

I have known Father Bob for at least 10 years. We met when I would "sneak" up to morning mass at Immaculate Conception Parish. Immaculate Conception's masses were earlier than Sacred Heart's and fit my train schedule better! The mutual affection and respect between Father Bob and his parishioners was evident and obvious from the first time I attended mass at IC.

I never expected that, in addition to the grace I hoped to receive from mass and communion, I would also meet a role model, friend and shepherd. Since those first meetings, we have become close friends and have shared a professional, social and, most importantly, religious

AOC 015970

relationship that has meant a great deal to my family and me. It was Father Kealy who introduced me to Father Presta, which led to the small role at St. Joseph's I cherish so much.

Father Bob and I share a great many common friends and parishioners. Their and my feelings for him as priest, pastor and confessor are unqualifiedly firm and unshaken by the current allegation for the very basic reason that it is utterly inconsistent with all of our experiences with him. The support Father has in Immaculate Conception Parish, Saints Faith Hope and Charity Parish and Sacred Heart Parish, where he has preached, is extremely strong simply because of the reputation he built for honesty and holiness long before this allegation arose.

In addition, and of great significance to me, Father Bob is a fellow attorney. Consequently, I feel an added, professional responsibility to be certain of his veracity. That faith in Bob's word is as strong as it ever was, and, I can assure you that every attorney I know who knows Father shares that trust.

Your Eminence, Father Kealy's reputation for honesty, holiness and priestliness everywhere he has served our Archdiocese remains strong. Among those who know him, it has not wavered in the least. We all pray for and eagerly await the day when he can fully resume his priestly duties.

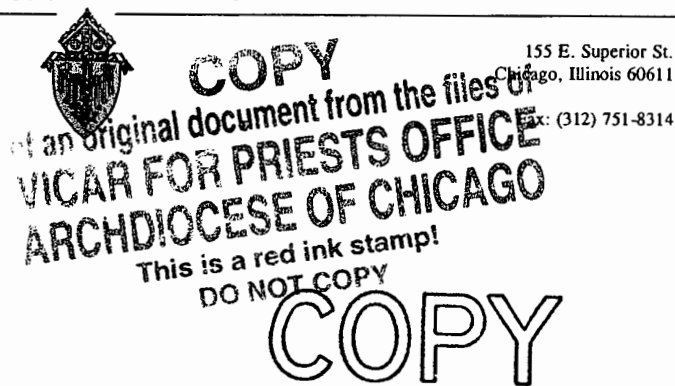
Certainly, if you or anyone has any questions or would like to discuss my reference of Father Kealy, you or they should not hesitate to call me at any time.

Respectfully,

A solid black rectangular box used to redact the signature of the sender.

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
Rev. Patrick R. Lagges, J.C.D., Vicar
Phone: (312) 751-8384
e-mail: plaggess@archchicago.org



28 May, 2003

Rev. Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

Dear Father Kealy:

I received your letter of May 15 in which you voiced your objections to any material from the Vicar for Priests file being used in any canonical procedures against you.

While I can make note of your objections, I cannot answer your specific concerns since at the present time there is no material being released from any of your files in any canonical procedure. Moreover, since I will not be involved in the adjudication of any cases of priests of the Archdiocese of Chicago, I do not have any control over what proofs are to be collected. If the Congregation for the Doctrine of the Faith permits a penal trial to be conducted in your case, it will be up to the judges of the tribunal to determine what proofs are to be collected.

It would seem to be more appropriate if you or your advocate would raise these questions at that time and before those judges. Questions can be posed as an "incidental case" after the trial has begun, according to the norms of cc. 1587-1591 and 1656-1670. This would require the matter to be resolved in a judicial manner, either before or at the time of a definitive sentence. It would also allow the judges to gather more evidence about the internal/external forum issues related to the Vicar for Priests Office and to make an informed decision.

I am sorry I cannot give you a more definitive answer at this point. I hope the question can be resolved in a more judicious manner in the context of a trial. I will also share your concerns about the legal ramifications of the release of information with our Legal Services office.

Sincerely yours,

(Rev.) Patrick R. Lagges
Vicar for Canonical Services

cc: Rev. James Kaczorowski
Mr. John C. O'Malley



IMMACULATE CONCEPTION PARISH

770 West Deerfield Road, Highland Park, Illinois 60035

Phone: (847) 433-0130 • Fax: (847) 433-0669

May 30, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, Illinois 60690

Dear Cardinal George,

Currently I am employed by Immaculate Conception Parish as Pastoral Associate. This is a position I have been blessed with for the past twelve years and I am certified as such by the Archdiocese. I was privileged to serve in this capacity during the years Father Robert Kealy served Immaculate Conception as Pastor. Our professional and personal relationship was exemplary. As my immediate boss he was both mentor and teacher and always available. He encouraged and supported programs that he felt would benefit the spiritual and temporal life of our parishioners. Once, however, something was initiated, he willingly stepped back and let his staff, with his blessing, carry the ball. He was a joy to work with for you knew that as long as you worked in harmony with the parish goals, you had his total support and affirming guidance.

I feel that I am in an excellent position to evaluate the impact Father Kealy has had on the lives of our parishioners. As I visit the sick and homebound or work with the many active groups within our parish, most of which he began, they tell me how much they love and miss him and how much he helped them grow in their faith. Not only do they realize and feel grateful for his intelligent and caring leadership but they also know the example of his deep spirituality and reverence helped nurture their own relationship with God.

As a member of the South East Clergy Association, comprised of the local religious leaders in Highland Park and Deerfield, both Christian and Jewish he was considered an ecumenical priest, able to bring together in prayer and dialog their commonality while honoring their differences. He began the Spanish ministry in this parish and shortly before he left he encouraged me to work toward developing a Peace and Justice committee at Immaculate Conception. This committee continues to flourish and is actively involved in the community. He also put his full support behind an inter parish program called Simply Spiritual that each fall serves many members from here, St. James, Holy Cross and St. Mary's. He was always open to our looking for new and better ways to serve the spiritual needs of God's people.

There is much more I could say about this multi-talented and deeply spiritual man but in summary I want you to know, Cardinal George, that I consider it both an honor and a blessing to have been his colleague and friend. I, and the people of this parish, are closer to the Lord because of his time among us.

Sincerely,

Ann Moorman
Pastoral Associate

AM/i

AOC 015973

*Fa. J. Kealy
B. J. Kealy
J. Kealy*

May 30, 2003

Francis Cardinal George
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

COPY
of an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO - 4 2003
This is a red ink stamp!
DO NOT COPY

Dear Cardinal George:

I am writing to you to express our deep concern for the future of our former pastor,
Father Robert L. Kealy.

As a lifelong member of Immaculate Conception Parish in Highland Park, (graduate of
our grammar school [REDACTED] during the tenure of Reverend James David O'Neill) I feel
qualified and compelled to offer you some of my thoughts and feelings about Father
Kealy.

In all the years that I have lived in Highland Park and been involved in our parish, I can
tell you that Father Kealy was the best pastor we have ever been blessed to have.

I was fortunate to serve as [REDACTED] for four of the nearly ten years that
Father Kealy was our pastor. We worked together on many projects for the parish and
for the community. He was always ready to take on challenges, entertain ideas from
other people, and most importantly, make intelligent decisions.

Immaculate Conception parish had the good fortune to have Father Kealy come to us in
the early 1990's, at a time that the parish was floundering and there was little or no
enthusiasm for anyone to get involved.

During the next ten years he energized the entire parish, started over twenty new
ministries, brought countless number of "disinterested" Catholics back into the fold, and
raised mass attendance over 50% during his tenure. In addition, he was inspirational in
bringing new converts into the church.

Father Kealy was actively involved in and developed strong bonds with the clergy of the
various Protestant and Jewish denominations within Highland Park.

He was responsible for instituting our very first Parish Council. He pursued re-opening
our elementary school, and provided leadership in a cooperative effort with St. James
parish in Highwood.

Father Kealy encouraged interest in the Equestrian Order of the Holy Sepulchre, and
instigated the forming of the Midwest chapter of Patrons of the Vatican Arts.

[REDACTED]

Father Kealy has touched so many lives and has created a bond of love and admiration within this parish, that we hope and pray he will be allowed to continue his priestly duties and use his talents for the benefit of the Church.

Sincerely yours,

[REDACTED]

**THE REVEREND RONALD T. KUNKEL, S.T.L.
HOLY NAME CATHEDRAL
730 NORTH WABASH AVENUE
CHICAGO, ILLINOIS 60611
(312) 573-4438**

May 31, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence:

I am writing this letter on behalf of the Reverend Robert L. Kealy. I have been asked to offer a testimony to his character and I am very pleased to do so.

I am a priest of the Archdiocese of Chicago, having been ordained to the priesthood on May 20, 2000. I currently serve as Associate Pastor and Director of Liturgy at Holy Name Cathedral, as well as serving as an adjunct faculty member at both Mundelein Seminary and the Liturgical Institute.

I have had the privilege of knowing Father Kealy for the past seven years. We first met when I was in my first year of theological studies as a seminarian. During the summer of 1998, Father Kealy welcomed me to Immaculate Conception Parish in Highland Park, Illinois, where he was serving as Pastor. I spent approximately two months at Immaculate Conception, living in the rectory and carrying out various duties and projects as a seminarian intern. At the invitation of Father Kealy, I served as a resident priest at Immaculate Conception for three months during the summer of 2000 prior to my return to Rome for completion of advanced theological studies. In addition, Father Kealy served as my official mentor in my first year of full-time parish ministry, in accord with the requirements for newly ordained priests set out by the Archdiocese of Chicago. I have thus known Father Kealy as a supervisor and a mentor, as a brother priest and a friend.

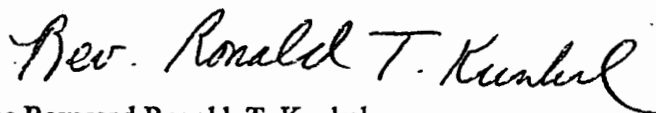
In my opinion, Father Kealy was very highly regarded and respected by the parishioners and staff of Immaculate Conception Parish in Highland Park. His reputation in the community was that of a dedicated and caring pastor, a man of honesty and integrity.

Having lived with Father Kealy in the same rectory for several months as both a seminarian and a priest, I can testify that he was a model of priestly conduct. I know Father Kealy to be a man of prayer, dedicated to daily celebration of the Mass and the Liturgy of the Hours. In all aspects of his conduct and priestly ministry, I found him to be an individual of virtue and high moral character. I have never witnessed any behavior on the part of Father Kealy that I would consider to be improper or inappropriate. On the contrary, I believe that the witness of his life and ministry was exemplary.

Father Kealy has been of great benefit to me in my own vocational discernment and in my early years as a priest. Both by word and example, he has inspired me to be a dedicated and prayerful priest, focused on building up the Body of Christ in holiness. From the many conversations I have had with parishioners from both Immaculate Conception, Highland Park, and Saints Faith, Hope and Charity, Winnetka, I know that Father Kealy has had a profound, positive impact on both of those parish communities. Finally, Father Kealy is well-respected by his brother priests, both in the Archdiocese of Chicago and elsewhere. Many who have worked with him, both in parish ministry or in various settings related to his work as a canon lawyer, have expressed highly positive opinions of him.

I am grateful to have had this opportunity to express my respect, admiration and affection for Father Kealy. Please let me know if I can be of any further assistance in this matter.

Sincerely in Christ,

A handwritten signature in cursive script that reads "Rev. Ronald T. Kunkel". The signature is written in dark ink and is positioned above the printed name.

The Reverend Ronald. T. Kunkel

Francis Cardinal George, O.M.I.

Archbishop of Chicago

P.O. Box 1979

Chicago, Ill. 60690

May 31, 2003

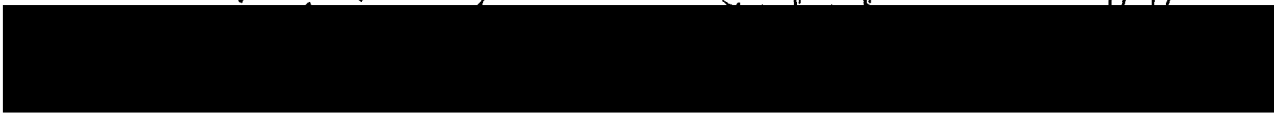
Your Eminence,

The purpose of this letter is to offer a character reference for Reverend Robert L. Kealy, former pastor of Sts. Faith, Hope, and Charity Parish of Winnetka, Ill.

First, I would like to describe my own background.



It was during my time at St. Paul that I met Father Kealy and became closely associated with him in working on the problems of, and plans for, the New World Catholic newspaper.



- a - (Re: Father Healy)

Father Healy helped officiate at our daughter's wedding, and was a guest in our home a number of times. Thus his resignation as the pastor of Saints Faith, Hope, and Charity Parish left the [REDACTED] family broken-hearted. For this reason I wrote to [REDACTED]

that I had known and worked with Father Healy for over 25 years and had found him to be one of the most compassionate, saintly, faith-filled, sensitive, caring, serving and capable human beings I had ever known.

The letter concluded with the statement that it would be sad if such ability and virtues would go unutilized. Since I have been a member of Sts. Faith, Hope and Charity parish for over 50 years, I felt compelled to write about how distressed I was over Father Healy's resignation.

And I was pleased that so many of my fellow parishioners agreed with me.

Sincerely yours,
[REDACTED]

*Fr. Kealy
John J. Clarke
Betsy Doherty*

May 31, 2003

His Eminence Francis Cardinal George, O. M. I.
Archbishop of Chicago
155 E. Superior
Chicago, IL 60611

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of an original document from the files of
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JUN - 6 2003

Your Eminence,

This is a red ink stamp!
DO NOT COPY

I am writing you regarding Father Robert L. Kealy, a priest of the Archdiocese of Chicago. I am writing this letter as a personal recommendation for Fr. Kealy.

I have nothing but the highest regard for Father Kealy. He was the pastor of Immaculate Conception Parish in Highland Park, Illinois where I served as a transitional deacon and newly ordained priest from December 1993 until June 1995. During that time I lived in the rectory and assisted Father Kealy with various parish responsibilities.

Based on my experience at the parish, I consider Father Kealy an outstanding priest. He is faithful to praying the Liturgy of the Hours and offering Mass daily. During his pastorate at Immaculate Conception Fr. Kealy strengthened the parish by the reverent celebration of the sacraments, the renewal of religious education and his warm pastoral presence. In addition, I was impressed by Father Kealy's sensitivity to Catholic/Jewish relations, particularly in Highland Park, a predominantly Jewish community. The people of the parish benefited tremendously from Father Kealy's leadership during his pastorate.

I also know Father Kealy as a devoted friend of nine years. We led a pilgrimage to the Holy Land together in November 1999 and have visited Rome together twice. Over the years we would see each other socially several times per month, plus we participated together in a prayer group for priests. I have always been impressed by Fr. Kealy's prayerfulness and his integrity as a priest. He has sound judgement and always displays a healthy balance of work, prayer and recreation in his life.

Fr. Kealy has also been a wise mentor for me, providing good advice in my early years as a priest. He is a generous person, always offering me help when I needed it. Fr. Kealy also has a good sense of humor, and an intelligent mind. He works very hard because he has a strong sense of vocation. Fr. Kealy has applied his many talents to various projects, all of which have benefited the church.

Thank you, Your Eminence, for the opportunity to offer this recommendation for Fr. Robert L. Kealy. I will remember you in my prayers; please remember me in yours.

Sincerely yours in Christ,

Michael G. McGovern

Reverend Michael G. McGovern

[REDACTED]

June 2, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Dear Cardinal George:

I'm writing to offer you a character reference for Father Bob Kealy, whom I have known and admired for eight years. I met Father Kealy when he served as pastor of Immaculate Conception Church in Highland Park. [REDACTED]

[REDACTED] I had a great deal of interaction with Father Kealy. We often met socially at parish functions, both formal and informal, and, since my wife spent a great deal of time at Immaculate Conception, so did I. Father Kealy and I enjoyed each other's company and found we both enjoyed opera and public relations, a field in which I make my living as a consultant.

Father Kealy served the people of Immaculate Conception with great distinction. When he left us for Sts. Faith, Hope and Charity, [REDACTED] and I felt a great loss. Like everyone else in the parish, we were shocked and saddened by the news that he had been placed on administrative leave for alleged acts committed some years ago.

Father Bob Kealy is a diligent, prayerful, caring man, who worked harder than any priest I have known. He was pragmatic when the situation required, but always acted in the spirit of his beliefs. He cared about the details that make a parish a second home to its people.

Father Kealy was a spiritual role model for many. Under his administration, four new deacons were trained and ordained. And he always went considerably out of his way to befriend and support the seminarians who came to the parish to teach religious education.

Many parishioners loved Father Kealy and I believe he earned that love. He was always available and counted people from every sector of our parish among his friends.

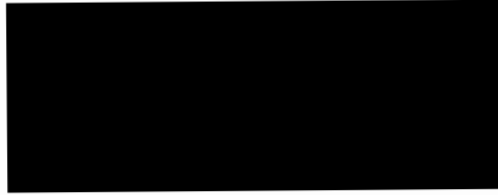
It has been and will continue to be my great fortune to know Father Bob. He strengthened my faith in the priesthood. I ask that you give him every consideration as you decide his future.

Sincerely,
[REDACTED]

Box 100
Father Kealy
John Kealy

2011 - 5 27

OFFICE OF
ARCHBISHOP



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of an original document from the files of
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ARCHDIOCESE OF CHICAGO

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June 2, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Dear Cardinal George:

I am writing this letter to offer a character reference for Father Robert L. Kealy. I have known Father Kealy for over thirty years since he came to St. Germaine as an associate pastor and I was in high school. At that time, Father Kealy started the teen club at St. Germaine to encourage teenagers' participation in parish life. As it happened, Fr. Kealy became very involved with my group of friends, and I saw him a great deal in a variety of situations.

At all times, Fr. Kealy was the model priest who was thought of very favorably by all members of the St. Germaine family. He was young and energetic, full of ideas and able to connect to parishioners young and old. I always heard people speak of Father Kealy in the highest of terms, not only in my circle of acquaintances, but also my parents' friends. Father Kealy was liked as a person and respected as a priest, sought after as a spiritual counselor for whatever needs people had. He was there as a consoler in people's time of grief and as a celebrant at joyous occasions such as weddings and christenings.

Father Kealy had a profound impact on my life as well. As I stated, I spent a great deal of time with him, especially in my younger years from ages 14 to 20. Father Kealy encouraged and helped me get into the [REDACTED]. At the time, I thought that was a dream beyond my reach, but he helped me to believe in my abilities and to realize that dream. As you might know, Father Kealy went to law school

several years after his ordination. His example was a factor in my decision to go to law school [REDACTED]

[REDACTED] Father Kealy was one of the co-celebrants of our wedding Mass. Part of my current success can be directly attributed to the influence that Father Kealy has had on my life and the choices he helped me to make.

In summary, I would like to say that Father Kealy is one of the finest persons whom I have ever known. I have benefited from his guidance and am proud to consider him a friend.

Sincerely,

[REDACTED]

[REDACTED]

June 2, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Dear Cardinal George:

[REDACTED] In this capacity, it was my good fortune to work for eight of those years with Fr. Bob Kealy at Immaculate Conception Parish in Highland Park. I am writing you to offer a character reference for him. He has had a strong, positive impact on both my ministry as a religious educator and as a parishioner in the pew. I consider Fr. Kealy a good friend.

Whenever Fr. Kealy preached or celebrated the sacraments, he always impressed me with his sincerity and goodness of heart. He was able to connect the Word and its message to our daily life. It was evident that his concern for our spiritual needs was genuine. He provided so many prayerful occasions for us to deepen our faith. I am especially grateful for the Eucharistic Adoration Chapel the parish now has because of him and for our experience of Taize Prayer. Coupled with prayer though was his outreach to the poor, making us move from "our own small box" to reach out to our brothers and sisters in need.

Working on the parish staff gave me a true picture of collaborative ministry. Fr. Kealy valued the role of the laity and was very inclusive. He recognized the individual gifts of our staff, while encouraging us to serve as a team. His organizational skills were excellent! He never missed a meeting or forgot to return a call. Most importantly, he knew how to listen well, question wisely and be a co-worker. I grew personally from his willingness/challenge to try new approaches – be more effective. I would say strong leader, community builder and motivator are all adjectives that describe him well.

Because he modeled his faith for us; because his spirituality was real; because he cared about all of us; and because he respected the cultural diversity in our parish – I know Fr. Kealy is loved and is missed very much.

[REDACTED]

I believe forgiveness is central to our Catholic faith. It restores us to a good relationship with God by allowing us to accept his unconditional mercy. I think Fr. Kealy should be given this forgiveness for whatever happened 30 years ago. It's who he is now, as he serves the Church with compassion and grace, that is most important to me.

Sincerely,

[REDACTED]

ARCHDIOCESE OF CHICAGO

Office of Professional Fitness Review




Post Office Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM


To: File - PFR-83



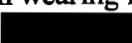

From: Leah McCluskey, Professional Fitness Review Administrator 


Re: **Kealy, Robert [Withdrawn]**

Date: June 4, 2003

PFRA received a phone call on June 3, 2003 from an anonymous individual who requested that their gender not be disclosed as well.

This individual voiced concerns regarding 

This individual has also seen Fr. Kealy at masses celebrated by Fr.  at . As per this individual, Fr. Kealy has been seen wearing his collar as well. It is the opinion of this individual that both Fr. Kealy and Fr.  are "rude and arrogant" and feels that being a practicing priest, Fr.  "should go on a retreat" in order to address his rudeness and arrogance.



PFRA informed the caller that this information would be documented and forwarded to Fr. James Kaczorowski of the Vicar for Priests office. The caller declined to leave a contact number and stated that a follow up call would be placed to PFRA.

Cc: Rev. Daniel Smilanic, Archbishop's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests

AOC 015985

[REDACTED]

June 5, 2003

Dear Cardinal George,

I am writing to offer a Character Reference for Father Bob Kealy. We have been Parishioners of Immaculate Conception for almost forty years. Since that time we have chaired many events and have been on numerous committees. [REDACTED]

One of the best things that have happened to us in our involvement with Immaculate Conception, is the arrival of Father Kealy. He came to Immaculate Conception when we were in need of leadership. At this time, many Committees had fallen by the wayside. We decided to have Father come to our home and we invited many people from the Church to meet him. Everyone was immediately drawn to him, as we were.

Before long the Parish community was back on track. He not only brought the structural systems up to where they should be, but also restored many of the Spiritual traditions that had been ignored for many years. Father Kealy was always at the doors of the church greeting people and even calling them by their first names. It was easy to see that his focus was Immaculate Conception and its parishioners.

To this day we can walk into the church and see father's influence everywhere. We feel that we are able to speak with authority about Father Kealy due to the many times we worked side by side with him while he spent time at our Parish. We truly feel blessed that he was assigned to our Parish, even though it was not a long period of time.

Sincerely
Yours in Christ [REDACTED]

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

June 6, 2003

His Eminence
Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Re: Issues raised in your letter of May 27, 2003

Your Eminence:

Thank you for your letter of May 27, 2003, which was received on May 31, 2003. In your letter you inform me:

(a) that you have delegated Ms. Leah McCluskey, the Administrator of the Review Board, "to review each of the cases to see if more information needs to be gathered"; and

(b) that you have designated Ms. McCluskey as the person to ensure that the monitoring protocol which I signed is being followed.

(c) that:

"The protocols which you sign from time to time are not to be considered as penalties imposed upon you. Instead, they are ways in which I exercise my responsibility to ensure that you fulfill the obligations which you received when you were ordained. I am establishing these protocols as individual precepts, which canon 49 describes as 'a decree which directly and legitimately enjoins [you] to do or omit something, especially in order to urge the observance of the law.' You will receive a copy of my precept at the same time you receive a copy of your protocol."

I am writing in response to the issues raised by your decisions. I believe that the Archdiocese continues to build practices based on improper policies.

I. The Gathering of Information

With all due respect to you and Ms. McCluskey, it is not proper to appoint her "to review each of the cases to see if more information needs to be gathered." In the pending cases, the Review Board made a determination that there was "reasonable cause to suspect" sexual misconduct with a minor. Once the decision of the Review Board has been reached, the Administrator of the Review Board

should play no further role in the investigation of the case. — why?

Under canon law, if the ordinary agreed with the advice of the Review Board, he should initiate a canonical preliminary investigation, following canonical procedures. (c. 1717-1722) However, no canonical preliminary investigations have been conducted.

To my knowledge, no decrees initiating investigations have been issued (c. 1719); there has been no appointment of an investigator (c. 1717 §1) with the powers and duties of an auditor (c. 1717 §3); there has been no appointment of a canonical notary (cc. 1437 §1 and 1561); the ordinary has not exercised his role as judge to oversee the collection of proofs by the investigator-auditor (c. 1428 §3), to ensure that testimony is collected in a canonically proper manner (cc. 1530, 1558, 1560, 1563, et. al.), to determine the trustworthiness of testimonies (c. 1572), to personally view the canonically obtained evidence (c. 1428 §3), to personally decide that there is sufficient evidence of the alleged delict (c. 1718 §1), and to issue a decree closing the preliminary investigation (c. 1719).

Even though no canonical process was followed, based on a judgment by the Review Board that there was "reasonable cause to suspect" sexual misconduct with a minor, the Archdiocese issued a statement by the Chancellor proclaiming the guilt of each of the priests (January 16, 2003 report of the Chancellor, *Ten Year Report on Clerical Sexual Abuse of Minors in the Archdiocese of Chicago*).

The information contained in the files which *have* been created, has been collected in a canonically improper manner and in a manner contradictory to the standards for proper collection of evidence under any recognized judicial system; and therefore must be disregarded. There are no sworn accusations, nor any verbatim statements, for example.

Now the appointment of the Administrator of the Review Board "to review each of the cases to see if more information needs to be gathered" is a further violation of the canonical process. First of all, the Administrator of the Review Board can be given no authority broader than the Review Board itself. The Review Board has no investigatory role (cf. CLSA, *Guide to the Implementation of the U.S. Bishops' Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, p. 27).

Secondly, Ms. McCluskey is not a canonist and has no qualifications to determine what canonical evidence needs to be collected in a case, nor how it should be collected. The canonically required procedure is to conduct a formal canonical preliminary investigation, as detailed in the paragraph above and explained in detail in my legislative Recourse Petition filed with you on March 7, 2003.

Third, noted canonists hold that in initiating the canonical preliminary investigation, the auditor and the notary who are appointed must be priests, unless a dispensation is obtained from the Congregation for the Doctrine of the Faith (*Sacramentorum Sanctitatis Tutela*, Art. 12). However, even if a lay person is directly appointed without a dispensation, it seems essential, logical, and immensely practical that the lay auditor be a degreed canonist, in order that she/he be able to appreciate the canonical procedures and rules of evidence. (For example, Sr. Joyce Hoban, J.C.L.,

of the Tribunal staff is an ~~6~~eminently qualified person).

II. Protocols & Monitoring

Your letter also raises issue regarding the protocols which priests are compelled to sign, under duress, and the monitoring of those protocols. The policies related to protocols and to monitoring in both the present Archdiocesan policies and the proposed Archdiocesan policies (§1104.12 of the 5-5-03 Draft Revision) are not in keeping with the universal law of the Church. The decisions which you announced in your letter of May 28, 2003 are also not in keeping with Church law.

Your letter of May 28, 2003 presents, as the canonical rationale for these restrictive protocols, canon 49, which provides for individual precepts. However, this is not a correct application of canon 49. Canon 49 can be used when a priest is failing to observe a law or is violating a law. (See CLSA, *New Commentary on the Code of Canon Law*, pp. 109-110). It has no application to protocols restricting a priest's legitimate freedom.

I agree that monitoring protocols are not penalties. However, they are restrictions on legitimate personal freedoms. As such, they may be imposed only insofar as the law allows (c. 18).

Monitoring in Archdiocesan Policy and Practice

In both the present and the proposed Archdiocesan policies, Policy §1104.12.1 says:

“Monitoring protocols and programs for those who have been accused or who have engaged in sexual abuse of minors must reflect the primary goals of protecting children and the integrity of the church. Monitoring is implemented when deemed appropriate at an Initial Review, when a cleric has been temporarily withdrawn from ministry pending further inquiry or when a cleric has been permanently removed from ministry but allowed to remain a cleric when sexual abuse by the cleric is admitted or is established after an appropriate investigation in accord with canon law.”

The “Procedure” under this policy includes the following statement about monitoring protocols:

“...They must be consistent and fair, and the application in a given case not be arbitrary, but recognize individual circumstances.”

In both the present and the proposed Archdiocesan policies (Policy §1104.12.3 and the Procedure under this policy), the components which must be included in all cases include:

“A provision requiring clerics who use the Internet to provide the Review Board Administrator with a monthly printout of Internet sites visited.”

In practice, individual monitoring protocols for even an accused priest often include the following:

- Residence in a “restricted, monitored setting.”
- Prior approval required from the Administrator of the Review Board for vacations and nights spent away from the residence.
- Call in to the Administrator of the Professional Fitness Review Board once daily between 9:00 a.m and 4:45 p.m.
- Pre-approval of the Vicar and the Administrator of the Professional Fitness Review Board for any public celebrations of the sacraments.
- Meet with the Administrator of the Professional Fitness Review Board twice annually.
- Completion on an hour-by-hour log of daily activities submitted monthly.
- [REDACTED]
- Refrain from the use of alcohol and drugs.

These policies and practices raise these important issues:

- (1) What restrictions may be legitimately and appropriately imposed upon the ministry and freedoms of a priest?
- (2) Who has the authority to impose restrictions?
- (3) Who may be given the authority to monitor a priest’s compliance with the restrictions imposed upon him?

(1) What restrictions may be legitimately and appropriately imposed upon the ministry and freedoms of a diocesan priest?

The starting principle is that a priest enjoys the free exercise of his priestly faculties and his freedoms unless they have been legitimately restricted. Canon 18, in the section on General Norms of the Code of Canon Law states:

“Laws which establish a penalty, *restrict the free exercise of rights*, or contain an exception from the law are subject to strict interpretation.”

This ecclesial principle is in keeping with the basic notion of human freedom contained in various public statements of human rights. Our Constitution guarantees the rights to “life, liberty, and the pursuit of happiness.” One Supreme Court opinion described “the right to be left alone” as a basic Constitutional right. This same idea is enshrined in various international declarations on human rights. For example, the United Nations’ Universal Declaration on Human Rights says:

“No one shall be subjected to arbitrary interference with his privacy, family, home, or

correspondence, nor to attacks upon his honor and reputation.”¹

Writing about the Universal Declaration on Human Rights and subsequent similar documents, Cardinal Avery Dulles commented:

“The remarkable consensus reflected in these documents was the product of generations of political thought in which the medieval natural law tradition interacted with modern democratic theory and 20th century personalism. The atrocities of totalitarian dictatorships gave strong motivation to spell out binding norms that would limit the naked power of the state.”²

With all due respect, one might add that the canonical protection of human rights is designed to avoid an authoritarian exercise of power in the Church.

The Second Vatican Council affirmed the fundamental liberty of every person. For example, *Gaudium et spes* said:

“For its part, authentic freedom is an exceptional sign of the divine image within man. For God has willed that man be left ‘in the hand of his own counsel’ so that he can seek his Creator spontaneously...” (Par. 17).

The Second Vatican Council’s Declaration on Religious Liberty (*Dignitatis Humanae*) begins:

“A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man. And the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty. The demands is also made that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations.”

Other declarations of human liberty are contained in *Dignitatis humanae*, par. 2, 3; *Gaudium et spes*, par. 27; *Inter mirifica*, par. 5, 8; *Optatum totius*, par. 6; *Perfectae caritatis*, par. 18, 28; One might also cite *Redemptor hominis*, par. 17.

An element of the inalienable right of liberty of the human person is the right of privacy enshrined

¹United Nations, *Universal Declaration of Human Rights*, Article Twelve, in I. Brownlie (ed.), *Basic Documents on Human Rights*, p. 23; quoted in Michael Bradley, “*Nemini licet ... ius cuiusque personae ad propriam intimitatem tuendam violare*,” Doctoral dissertation, Lueven University, 2002, p. 11.

²A. Dulles, *Human Rights: Papal Teaching and the United Nations*, in *America* 179, (December 5, 1998), pp. 14-15; quoted in Bradley, *op. cit.*, p. 10

in canon 220:

“No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.”

Furthermore, canon 384 places a special duty on bishops to protect the rights of their priests.

Father Michael Bradley, of our Metropolitan Tribunal, has recently completed an excellent doctoral dissertation on the right to privacy³. (Many of these citations are drawn from Father Bradley’s dissertation.) In his work, Father Bradley also offers these salient quotes:

- An official of the Congregation for the Clergy, Msgr. J. Anthony McDaid, has stated that “it is necessary to ensure that a proper and dignified approach to the human person be assured under all circumstances.”⁴
- This same official of the Congregation for the Clergy has also written that “in attempting to deal with one set of victims care must be exercised so as not to create a new group of victims, namely those whose fundamental human rights regarding privacy are denied them in practice by those exercising authority, while at the same time, the law of the land and of the Church proclaim such rights as inalienable.”⁵

In addition, canon 218 guarantees the Christian faithful the right to intellectual inquiry. This, too, is considered a fundamental human right protected by the Church.

Another basic principle is the right to autonomy of life for the diocesan priest. There is a critical and fundamental difference between the *vow* of obedience made by members of religious communities and the *promise* of obedience made by a diocesan priest.

Religious take a *vow* of obedience, by which they forego their autonomy of life and subject themselves completely to their superiors.

The *promise* of obedience made at ordination by a diocesan priest to his bishop and his successors⁶

³Bradley, *op. cit.*

⁴Bradley, *op. cit.*, p. 126.

⁵Bradley, *op. cit.*, p. 132

⁶Canon 273.

“refers to the duties of office, but a cleric’s personal life is left basically undisturbed.”⁷ Thus inquiries by a diocesan priest’s superiors into how he spends his time, what movies he sees, what Internet sites he uses, what friends he associates with, what his personal finances are, and so on, are inappropriate intrusions into the diocesan priest’s autonomy of life.

The fundamental freedoms which belong to the diocesan priest, as they do to any Catholic or any citizen, may be limited only to the extent allowed by law. The moral law would allow restrictions only where there is danger to others.

According to one psychological expert in this field, there are only two reliable indicators of risk to minors: the *frequency* of sexual contact with minors and the *recency* of sexual contact with minors. In other words, on the spectrum of risk, the high end would be a priest against whom there were many allegations of recent sexual contact with minors. At the other end of the spectrum of risk, would be a priest against whom there was a single allegation of sexual contact with a minor many decades ago. The proper way of determining whether such a risk exists would be to try to obtain a risk assessment in each case from a reputable psychologist who has professional knowledge of the priest.

It might be noted that in the criminal justice system, even a convicted sexual offender is not required, after serving his sentence, to do anything other than register with the local police. His behavior is not monitored. Society considers registration of a convicted sex offender to be sufficient protection.

Once an accused priest has been legitimately restricted from active ministry and from residence in a parish (c. 1722), and from being alone with a minor under the age of 18 (c. 222 §3), it is hard to imagine how the accused priest would be pose a risk to minors, unless there is evidence that he is a sexual predator.

I do not know of another diocese which imposes the monitoring restrictions which the Archdiocese of Chicago routinely imposes on priests accused of sexual misconduct with a minor. In most dioceses, while the canonical process is pending, the accused priest is free to live on his own and come and go as he wishes, without reporting to anyone.

Given the lack of monitoring of accused or convicted priests in other dioceses and in the criminal justice system, it would be hard to argue that the restrictions imposed by the Archdiocese of Chicago are necessary or legitimate. If they are reasonable, they would be normative in all or most dioceses.

The Archdiocese of Chicago, however, in announcing an accusation against a priest, states that the priest is living in “a restricted, monitored setting.” This announcement by the Archdiocese of Chicago is tantamount to stating that the Archdiocese has determined that the priest is a serial predator who presents a substantial risk to minors.

⁷J.F. Reinhardt, *Die heiligen Diener oder Kleriker*, in *Munsterischer Kommentar*, p. 273/2, quoted in Bradley, *op. cit.*, p. 26.

(2) Who has the authority to impose restrictions?

Clearly the Review Board does not have the authority to impose monitoring restrictions upon a priest. According to the *Essential Norms* (Norm 4), the Review Board is a “confidential consultative body.” It does not have any other authority, nor can it be given any other authority.

Contrary to what is stated in our Archdiocesan Policy §1104.12, neither the Review Board nor the Administrator of the Review Board can be given authority to determine monitoring restrictions. ✓

Canon 1722 does allow the ordinary to impose certain restrictions upon the ministry and freedoms of a priest, after consulting the Promoter of Justice and after having issued a canonical citation:

- to exclude him from the ministry or from some office or ecclesiastical function
- to impose or forbid residence in some place or territory
- to prohibit public participation in the Eucharist

The restrictions allowed by canon 1722 do not include the type of monitoring restrictions commonly imposed by the Archdiocese of Chicago. And, as cited above, canon 18 says that laws which restrict one’s personal freedom must be interpreted strictly.

Furthermore, nothing in the *Essential Norms* grants the diocesan bishop the right to impose the range of restrictions on personal privacy and autonomy claimed by the Archdiocese.

Given the very elastic interpretation of the common good (c. 223 §2) used by the Archdiocese in removing many priests from ministry after the Dallas USCCB meeting last June, I can imagine that some might argue that canon 223 §2 provides a basis for these restrictions. However, canon 223 §2 gives the ordinary the authority to direct the exercise of rights in view of the common good. It does not give him the authority to deny the exercise of rights.

Because, as canon 18 points out, limitations on human liberty have to be interpreted narrowly, in order for a diocesan bishop to impose such restrictions there must be a reasonable basis for determining that they are necessary. Canon 223 §2 would give the ordinary the authority to decree that an accused priest may not be alone with a minor under the age of 18. This would be prudent until the truth of the accusation is determined. Not only does this protect minors; it also protects the priest and the Archdiocese from the risk of “copy-cat” accusations.

However, the other monitoring restrictions cited above are of a far different nature and are intrusions into a priest’s legitimate privacy and autonomy of life.

For example, the blanket requirement of the Procedures under the present and the proposed Policy §1104.12.3 that “clerics who use the Internet” are required “to provide the Review Board Administrator with a monthly printout to Internet sites visited,” is illegitimate. It would be legitimate

only where there evidence that an accused priest constitutes a current risk to minors or where a cleric is known to have accessed child pornography on the Internet. Otherwise, such a restriction is an illegitimate restriction of a priest's personal freedom and his freedom of intellectual inquiry as guaranteed by the Code of Canon Law.

(3) Who may be given the authority to monitor a priest's compliance with the restrictions legitimately imposed upon him?

The provisions of Archdiocesan Policy §1104.12, give such monitoring authority to the Administrator of the Review Board is invalid. It is not within the scope of authority granted to the Review Board by the *Essential Norms*.

Monitoring is an exercise of jurisdiction. In canon law, jurisdiction may only be delegated to a cleric. The monitoring function might appropriately be assigned to the Vicar for Priests in his pastoral role or any other responsible priest, such as the on-site monitor at the retreat house.

Conclusion

I respectfully ask for reconsideration of the decisions announced in your letter of May 27, 2003. I ask that all accused priests be afforded the canonical due process to which they are entitled. I also respectfully ask that the Archdiocesan policies and practices regarding protocols restricting a priest's freedoms and the monitoring of those protocols be brought into compliance with the universal law of the Church, the Code of Canon Law, and fundamental principles of human dignity.

Sincerely yours in Christ,

Reverend Robert L. Kealy

cc: Most Reverend Raymond Goedert , Vicar General
Reverend Patrick Lagges, Judicial Vicar
Reverend Daniel Smilanic , Adjutant Promoter of Justice
Ms. Leah McCluskey, Administrator of the Review Board
Rev. James Kaczorowski, Vicar for Priests
Rev. Thomas Tivy, Vicar for Priests

June 6, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence:

■ and I are writing to you today about our former pastor, Father Robert Kealy.

We have been members of Immaculate Conception Parish in Highland Park since 1986.

■
We first met Father Kealy when he became the pastor at Immaculate Conception over 10 years ago. We have had the privilege to know Father Kealy as priest, pastor and friend. Father Kealy was responsible for encouraging and nurturing our vocation
■

There is much to be said about the character of Father Kealy. As a pastor and priest his actions were always fair and above reproach. He treated everyone with respect, especially the retired associates who lived in the parish. His life is an example of priestliness to parishioners and to other priests and clergy. Every parishioner will attest that Father Kealy had a tremendous impact on them somewhere in their lives, not only as Catholics but as human beings. We are certain that if you asked any parishioner they would tell you that Father Kealy's care and concern touched each of us in some way.

As far as his ministry, Father Kealy always gave his best to the parish, the parishioners and the church. He always seemed to be able to see beyond the local parish to the greater church, recognizing the need to establish a Spanish community in the parish. No doubt his example is the reason that even after he departed, the parishioners welcomed a Korean community in the parish also.

It was through his leadership and care that parish life at Immaculate Conception was revitalized and has continued at the same pace even after his departure. When we first came to I.C. very little happened except on Sunday. Nowadays, it is difficult to find a night when every room in the Parish Center is not in use and there is not some kind of devotion, be it Adoration of the Blessed Sacrament or the Rosary in the church as well.

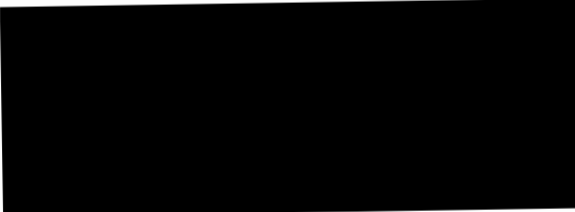
Having lived in a number of places both in the United States and in foreign countries and having come to know a number of priests during that time, ■ and I can say unequivocally that Father Kealy is truly the finest priest and pastor we have ever had

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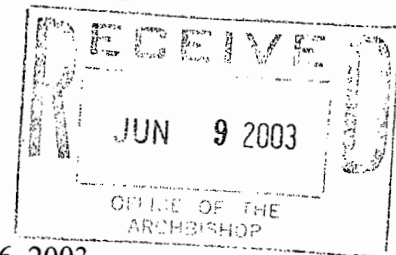
the privilege of knowing. In our case, he was the one who helped us recognize our vocation and nurtured us not only during formation, but after ordination ensuring that the parish community understood the importance of deacons to the church and to parish life.

But perhaps, the real test of a priest's impact on a parish is seen after he leaves. How that parish continues and how the people show their Christianity to others are indications of the character and holiness of their pastor. In this case, almost two years after Father Kealy's departure, the parish continues to be spiritually vital and strong. The parishioners make a sincere effort to model those Christlike traits that they saw in Father Kealy.

In closing, let us say two final things about Father Kealy. First, amongst his many exceptional attributes, Father Kealy is a real gentleman of impeccable character. Second, if you decided to return Father Kealy to I.C., it would be a joyous day for every parishioner. He is deeply loved by those humble, faithful people; People who saw and met their God in and through Father Kealy. And perhaps in the final accounting, that says everything about who this man is, that we call Father.



Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060



June 6, 2003

His Eminence
Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence:

Attached is a copy of an article which appeared in the *Chicago Tribune* on Sunday, May 25, 2003, on the first page of the Metro section. The article was about the ordination of priests for the Archdiocese of Chicago, which occurred the day before. The article states:

“According to its own report issued in January, the archdiocese has confirmed accusations against 36 diocesan priests – with none of the abuse occurring in the last decade – and has poured \$16.8 million into victim settlements and related costs. None of the 36 priests remains in ministry.”

As you know, I wrote to you on January 21, 2003 to protest the defamatory statements made by Mr. Jimmy Lago, the Chancellor of the Archdiocese, in his report entitled “*Ten Year Report on Clerical Sexual Abuse of Minors in the Archdiocese of Chicago*,” which was publicly released on January 16, 2003. The Chancellor stated in that report:

“...the underlying sad fact remains: three dozen priests have abused children (in some cases more than one), betrayed their vocations, damaged the mission of this local church, and caused many individuals to question the ministry of priesthood and bishop.”

In the report, the Chancellor also referred to these accusations as “substantiated” (p. 2) and “founded” (pp. 2, 6).

This statement by the Chancellor was a violation of the right of an accused priest to be considered innocent until proven guilty. The burden of proof rests upon the person who makes an allegation (c. 1526). An allegation must be proven with moral certitude (c. 1608 §1). The Chancellor gratuitously proclaimed the guilt all of the priests about whom the Review Board had found that there was “reasonable cause to suspect” sexual misconduct with a minor. This finding of the Review Board constitutes a basis for beginning a canonical investigation, not for concluding one. In none of these cases has any canonical preliminary investigation been conducted. Yet the Archdiocese has already pronounced everyone to be guilty.

Furthermore, the Chancellor's report suggests that he is privy to the evidence in these cases, which would be improper. Although he holds a canonical office, he is not a canonist. He should not have any role in these cases, nor should he be given confidential information about these cases. That would be a violation of the pontifical secrecy which is to govern these cases.

On February 11, 2003, you responded to my letter and you defended the Chancellor's comments. You declined my request that you offer a public correction of his remarks.

This article in the *Chicago Tribune* accurately presents the substance of the Chancellor's statements. It is an indication of the continuing damage unjustly caused to the reputations of the accused priests by the failure of the Archdiocese to issue a correction of the Chancellor's remarks. This is an on-going violation of canon 220 ("No one is permitted to harm illegitimately the good reputation which a person possesses...").

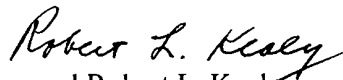
The defamatory misinformation propagated by the Archdiocese makes it difficult for an accused priest to receive a fair trial or to vindicate his good name. By putting the moral authority of the Church behind the statement that the accusations against the priests have been confirmed or substantiated, the Archdiocese has polluted the well of public opinion and polluted the minds of potential witnesses.

Also, the Archdiocese has created a situation in which it is all the more difficult to restore to the ministry a priest who is found not guilty at the conclusion of a canonical process.

I respectfully reiterate my request that you correct this grave injustice.

With the assurance of my prayers, I remain

Sincerely yours in Christ,


Reverend Robert L. Kealy

encl: copy of *Chicago Tribune* article of May 25, 2003

cc: Most Rev. Raymond Goedert, Vicar General
Rev. Patrick Lagges, Vicar for Canonical Services
Rev. William Woestman, O.M.I., Promoter of Justice
Rev. Daniel Smilanic, Adjutant Promoter of Justice
Rev. James Kaczorowski, Vicar for Priests
Rev. Thomas Tivy, Vicar for Priests

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Tuesday, June 10, 2003

Your Eminence:

I am a parishioner of Immaculate Conception Parish (IC) and I have been a parishioner most of my life. [REDACTED]
[REDACTED]

My involvement in the parish grew [REDACTED]

[REDACTED] I'd like to think this was partly due to my spiritual growth but I truly believe that it was greatly influenced by my mentor, pastor and friend Father Bob Kealy.

I have known Fr. Kealy ever since he was assigned to our parish. He was my mentor for the [REDACTED] program; he encouraged and enabled me to grow in this ministry. He has allowed the [REDACTED] to be visible and perform all the duties of our ministry. He is responsible for revitalizing our parish with programs such as Renew, Taize', Eucharistic Adoration, CRHP. He formed a Finance Committee & Pastoral Council. He recognized the different gifts of the parishioners and encouraged participation. He established neighborhood meetings in order to introduce himself and field any questions as the new pastor.

He is highly respected not only by our parish community but also by the greater Highland Park Community as well, a diverse community of social, religious, and economical backgrounds. He is welcoming and engaging with great personal skills.

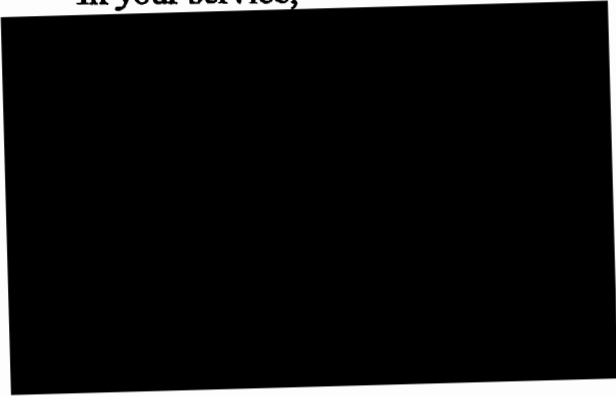
I know him to be a priest who loves his priesthood; his spirituality is clearly visible in all that he does.

He has profoundly influenced my life and that of my family. [REDACTED]
[REDACTED]

[REDACTED] He always remembered us on special occasions, such as Thanksgiving, Easter and Mothers day with flowers or a card.

Immaculate Conception was truly blessed to have a Godly man, a man who communicated well with all his parishioners, a sensitive man, a leader who inspired and challenged us to move away from our comfort zone and to step out in faith. He is greatly missed by me, and if it were up to me, he would be back here at IC in a heartbeat. There are many more parishioners that feel the way I do. He is a gifted and blessed man, and those gifts and talents, must be used

In your service,



ELEMENTS TO BE CONSIDERED IN DETERMINING ACTIONS REGARDING PRIESTS ACCUSED OF SEXUAL MISCONDUCT WITH MINORS

TYPES OF CASES

- A. Those in which it has been determined that **sexual abuse** with a minor **occurred**
- B Those which must be **processed or reviewed to determine** whether there is a **credible accusation** of sexual abuse.

- **Age of the minor:** For those actions which allegedly occurred before April 25, 1994, the canonical penal process can only be instituted if the minor was under 16 years of age. For those actions which allegedly occurred after April 25, 1994, the canonical penal process can be instituted if the minor was under 18.

- **Prescription (Statute of Limitations).** *"It must be noted that the criminal action on delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by a prescription of ten years...however, in the delict perpetrated with a minor by a cleric, the prescription begins to run from the day the minor has completed the 18th year of age."*
(*Sacrosanctum Santitatis Tutela*)

- C. Those in which the allegation of sexual abuse is **determined not to be credible**, but in which **some inappropriate behavior** occurred.
- D. Those in which the allegation is deemed to **have no basis**.

THE DEFINITION OF SEXUAL ABUSE

The *Charter* gives two major elements to defining sexual abuse:

A. Reference to canon 1395, §2

Canonical Delicts says the "norm is whether the act in question is an external act that qualifies as an **objectively grave violation of the sixth commandment**. If there is doubt about whether a specific act fulfills this definition,consult the writings of recognized moral theologians and, if necessary, obtain the opinion of a recognized expert." In other words, the act must be an external act which would objectively be a mortal sin.

Canonical Delicts also says the action must be **imputable** to the accused. "The traditional rules about the requisites for personal culpability (full use of reason and full consent of the will) must be addressed ..." (p. 38). It goes on: "The external act alone does not suffice. It must be a human act, posited with sufficient internal deliberation and freedom to be gravely

imputable...” (p. 39)

B. The Canadian definition

“Sexual abuse (includes) contacts or interactions between a child and an adult when the child is being **used as an object of sexual gratification** for the adult.” The intent of sexual gratification is an essential element of the Illinois statutes on criminal sexual abuse.

It should also be noted that canon 18 states: “Laws which establish a penalty ... are subject to a strict interpretation.” In other words, they are **to be interpreted narrowly**, i.e, in a way most favorable to the accused.

THE ROLE OF THE REVIEW BOARD

(See memo on Implementation of USCCB Norms and Charter)

SOME PERTINENT CANONICAL PROCEDURES

A. Removal of a pastor

The canonical process of canons 1740-1747 must be followed

B. “Administrative Leave”

According to canon 1722: “To preclude scandals, to protect the freedom of witnesses and to safeguard the course of justice, having heard the promoter of justice and having cited the accused, the ordinary at any stage of the process can remove the accused from the sacred ministry or from any ecclesiastical office or function, can impose or prohibit residence in a given place or territory, or even prohibit public participation in the Most Holy Eucharist; all these measures must be revoked once the reason for them ceases; they also end by the law itself once the penal process ceases.”

Such measures could be imposed administratively while a case is being investigated or reviewed.

C. The Imposition of Expiatory Penalties

If the initial investigation determines that there is credible evidence that a cleric has committed an imputable delict which is not prescribed, the diocesan bishop is to submit the case to the CDF. It seems that the bishop could conduct an administrative process to impose temporary expiatory penalties, such as those mentioned in canon 1722 and denial of the right to

wear clerical garb (cf. *Canonical Delicts*, pp. 19-21). If expiatory penalties are imposed through an administrative process, however, the cleric may initiate recourse against the decree and the penalties are suspended while the recourse is pending. (c. 1353) The permanent imposition of expiatory penalties requires a judicial process (c. 1342, §2).

COMMENTARY
ON THE
5-5-03 DRAFT REVISION
OF
ARCHDIOCESAN POLICIES, SECTION §1100

Rev. Robert L. Kealy
June 11, 2003

MEMORANDUM

TO: Policy Revision Committee
FROM: Father Robert L. Kealy
RE: Attached Commentary
DATE: June 11, 2003

I am grateful for the opportunity to offer the attached comments on the 5-5-03 draft revision of the Archdiocesan policies, Section §1100.

My comments should be understood in the context of the arguments I presented in my Legislative Recourse petition of March 7, 2003. I have tried to avoid lengthy repetition of those arguments in this commentary, but the Legislative Recourse petition can be consulted for a fuller explanation of the premises underlying these comments.

Attached to this commentary is a copy of my June 6, 2003 letter to Cardinal George. This letter provides more extensive argumentation about monitoring issues.

Rev. Robert L. Kealy
June 11, 2003

**COMMENTARY
ON THE 5-5-03 DRAFT REVISION
OF ARCHDIOCESAN POLICIES, SECTION §1100**

Preliminary Comment regarding Promulgation

It seems that policies are being put into effect without promulgation:

- A revised Policy §1100, dated August 7, 2003, was posted on the Archdiocesan website, but no notification was given to priests or to the public that the policies had been revised.
- The March 1, 2003 revision of Policy § 1100 was not announced and was not even posted on the Archdiocesan website.

Canon 8 §2 says: "Particular laws are promulgated in the manner determined by the legislator and begin to oblige a month after the day of promulgation unless the law itself established another time period."

Thus, there is some latitude as to how diocesan policies are promulgated, but it would seem that, at a minimum, for policies affecting priests, there should be a notice in the *New World*, the policies should be posted on the Archdiocesan website, and priests should be sent a letter informing that the policies have been revised and can be found on the Archdiocesan website. This promulgation should indicate the date on which the new policies will become effective.

§1101.1 Establishment of Policy

(1) says: "The primary purposes of these policies and procedures are the safety of children, the well being of the community, and the integrity of the Church. The policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community, and the cleric."

Comments:

1. The policy should state that one of the primary purposes of the policies is to ensure canonical due process, in compliance with the universal law of the Church and the Code of Canon Law, to determine the truth of accusations.
2. References to "the victim" and "the victim's family" imply that the accusation is true. It would be more accurate to say "the accuser."
3. While it is nice that the policies and procedures attempt to be "fair and responsive to the pastoral needs of ... the cleric," it is more important to the accused cleric that the policies and procedures provide for the rights of the accused cleric through canonical due process.

§1101.4 Review and Amendment

Comment: The Archdiocesan Pastoral Council and the Presbyteral Council should participate in the periodic review of the policies. The policies should also be reviewed periodically by canonists with specialized expertise in this field.

§1102 Assistance to Those Affected

Comments:

1. I was informed that the title "Victim Assistance Minister" will be changed to "Assistance Minister." This is a significant improvement because it recognizes the all-pervasive importance of the presumption of innocence.
2. The initial reference is to "alleged sexual abuse," but then it falls into saying "abuse" and "victims."

§1102.2 Assistance to Alleged Victim/Survivor

Comments:

1. The policy says: "The first obligation of the Church with regard to the victims is for healing and reconciliation." It should say: "The first obligation of the Church is to determine the truth of an accusation through canonical due process. When an accusation is proven, the Church will help the victim to find healing and reconciliation."
2. While the title of this policy says "alleged victim/survivor" there are 5 references in this policy to "victim" or "victims." This logical inconsistency must be corrected.
3. The policy states that the Archbishop or his delegate will meet with victims and their families and to share "the profound sense of solidarity and concern." This seemingly innocuous policy is fraught with dangers. The investigation of an accusation must be impartial. The Archbishop has a canonical role as judge in the canonical preliminary investigation. It is improper for a judge to show support for one side in a dispute. Also, the policy implies that the accusations have been deemed to be true, or else the accuser is not truly a victim. If the Archbishop or his representative expresses "solidarity" with an accuser, before the determination of the truth of the accusation, he is giving credibility to the accusation. If the accusation is false or inaccurate, he is reinforcing that false or inaccurate accusation.
4. The policy says that "the pastoral outreach by the Archbishop or his delegate will also be directed to faith communities in which the sexual abuse occurred." Again, there is an implied

assumption that the accusation is true. It is inappropriate for the Archbishop or his delegate to make any statements at a parish which would pronounce or imply that the accused is guilty. The presumption of innocence must be honored by the Archdiocese in compliance with the Code of Canon Law. According to the Code, guilt must be proven with moral certitude at the conclusion of a canonical process. Privacy and confidentiality need to be protected to ensure the integrity of the process and to protect the reputation of the innocent.

§1102.4 Assistance to Clergy

Comments: The first sentence of this policy states: "In the case of any disclosure of sexual abuse by a cleric with a minor, the Vicar for Priests or Vicar for Deacons shall report the fact to the Review Board Administrator." This statement raises profound issues about the role of the Vicar for Priests.

As a statement of policy, this sentence is fatally flawed because it is impermissibly ambiguous and it ignores canon law, moral theology, and civil law regarding the confidentiality of communications with the Vicar for Priests.

A) The Policy Is Impermissibly Ambiguous.

This policy statement could apply to at least four very different situations. It is unclear as to how this policy is intended to apply to each of these possible situations:

1. One situation would be if someone (other than the accuser or the accused priest) tells the Vicar about sexual abuse of a minor by a cleric. In the State of Illinois, even a psychologist is not required to report "third party accusations."
2. A second situation is that a cleric could self-report to the Vicar that he had sexual contact with a minor in the past, but that person is now an adult. In the State of Illinois, even a psychologist does not have a legal duty to report this. The premise is that there is no evidence that minors are currently at risk and a perpetrator should be able to seek needed professional or spiritual help, in such a situation.
3. A third situation is that a cleric could confide in the Vicar that he had sexual contact with a minor, that person is still a minor, and the sexual contact was previously unreported. In this situation, in the State of Illinois a psychologist would be required to report this to the State Department of Children and Family Services. However, a Vicar for Priests, or any priest for that matter, would not be obligated to report this if the information was confided to the priest in the context of his ministry. Furthermore, as will be explained below, principles of moral theology would require the Vicar for Priests to maintain the confidentiality of this communication unless he had moral certainty that minors were currently at risk.

4. Finally, there is the complex situation of a cleric who speaks with the ordinary or his Vicar *after* the cleric has been accused of the sexual abuse of a minor. The accusation has already been made and reported to the civil authorities and the Administrator. In this situation, the appropriate authorities are already ensuring that minors are not at risk. Therefore, the confidentiality of the communication to the Vicar for Priests must be maintained. The sacred relationship between a cleric and his ordinary-as-pastor, and the Vicar who represents the ordinary, should encourage openness and honesty in a pastoral context.

The ambiguities in this policy create unnecessary burdens and conflicts for the Vicars and the clerics to whom they minister; they eviscerate the sacred relationship which is the context for such communications; and they jeopardize the civil and canonical rights of priests.

B) Canon Law Requires the Confidentiality of Communications Between a Priest and His Bishop or the Vicar for Priests.

Canon 384 states:

“With special solicitude, a diocesan bishop is to attend to presbyters and listen to them as assistants and counselors. He is to protect their rights and take care that they correctly fulfill the obligations proper to their state ...”

The CLSA’s “*Guide to the Implementation of the U.S. Bishops’ Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*” says:

“The bishop is a pastor or a father to his priests. Their relationship is rooted in the sharing of orders and a common mission. Ordinarily, a priest’s personal disclosures to his bishop would be considered confidential communications (*CIC* c. 1548, §2, 1°; *CCEO* c. 1229, §2, 1°).” (p. 29).

In the Archdiocesan policies for dealing with allegations of clerical sexual abuse of a minor, created in 1992 and followed with minor adaptations since then, the duty of investigating allegations of sexual abuse of minors was assigned to the Administrator of the Review Board and to the Review Board itself. The Vicar for Priests is to exercise a pastoral function as the Archbishop’s surrogate as pastor to Archdiocesan priests (hence his title, “Vicar for Priests.”) The Vicar for Priests is to offer confidential counsel, guidance, and support to priests. In the case of accusations of misconduct, the Vicar for Priests is to serve as an advocate for the accused priest in the process.

This understanding of the Vicar’s role is substantiated by these other official statements:

- The introduction to Policy §1102 says that the Vicar for Priests is a “pastor to the priests of the Archdiocese.”
- In Policy §1102.4, sentence 2 says: “These vicars are the representatives of the Archbishop who minister to the clergy of the Archdiocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals.”
- Policy §1104.4.3, Procedure (A) says, “ ... The Vicar for Priests is primarily responsible for pastoral and spiritual life concerns and treatment questions that require a sensitivity to confidences.”
- A letter sent by the Vicar for Priests on August 26, 2002 to the priests of the Archdiocese says: ‘The Vicars for Priests serve as advocate, liaison, and counsel for priest.’

The Vicar for Priests represents the ordinary in his pastoral care for his priests. In a canonical proceeding, bishops and priests are exempt from testifying “regarding what has been made known to them by reason of sacred ministry...” (c. 1548, §2, 1°). This canon also covers physicians, advocates “and others bound by professional secrecy.” The reason for this exception is that the special nature of these roles requires that persons in need of their professional guidance be able to confide in them with the assurance of confidentiality.

Archbishop Julian Herranz, the President of the Pontifical Council for Legislative Texts, gave an interview to Zenit New Service on November 14, 2002, in which he addressed this issue:

“Q. What problem did the original U.S. norms pose for bishop-priest confidentiality?

“A. From the perspective of the Church, the relationship between a diocesan bishop and his priests is likened to that shared by a father and his sons. The richness of the theological reality is impoverished if we see the relationship solely in the secular terms of employer and employee or, even worse, as adversaries. For the good of the Church, a priest has to be free to approach his diocesan bishop and to speak to him with honesty and openness.

“With that in mind, the Church recognizes an exemption from testifying in ecclesiastical proceedings for bishops and other clerics with respect to those matter that were ‘revealed to them by reason of their sacred ministry’ (cf. Code of Canon Law, can. 1548 §2, 1°).

“Sadly, the civil laws do not always recognize that important need and, instead, sometimes foster an attitude of fear and suspicion. We would do well to bring to the attention of those responsible for civil legislation the importance of recognizing the unique nature of the pastoral dialogue shared by diocesan bishops and their priests, which certainly merits at least the same kinds of protection that are given to communications between lawyers and

their clients or physicians and their patients.

“Even in the absence of such protections, it is my hope that the revisions to the norms which were recently accepted by the USCCB will – because of their increased clarity, their greater certainty, and their insistence on basic fairness – significantly reduce the tension that has been reported between some priests and their bishops.”

Archbishop Herranz underscores the profound ecclesiological reality which is the theological foundation for the confidentiality of communications between a priest and his ordinary.

It is understood, according to the overwhelming weight of Catholic tradition, canon law, and the Archdiocesan policies, that these conversations are in a pastoral, not a penal context.

The first sentence of Policy §1102.4 is inconsistent with the above principles and, so, is inconsistent with the universal law of the Church.

To require the Vicar to report on such conversations is no more appropriate than requiring the bishop to do so. It makes the Vicar an arm of the canonical investigation and the civil prosecutor. If that is to be his role, then the cleric should be given a ‘Miranda’ warning before talking with his ordinary or Vicar (i.e., “You have a right to remain silent. You have the right to counsel. Anything you say can and will be used against you in a court of law and in an ecclesiastical proceeding.”) If that is to be the role of the Vicar then his conversations with an accused cleric should observe the canonical formalities and the Archdiocese should make no pretense that the Vicar’s role is to be an “advocate” for clerics. Without observing those canonical formalities, the likelihood increases that casual comments may be misrepresented and that testimony could be distorted. However, for the Archdiocese to take the position that these conversations are not confidential, would be to eviscerate the sacred relationship between a bishop or his Vicar and the clergy of the diocese.

In addition, the Vicars for Priests are bound to maintain the confidentiality of their communications with priests when talking with other officers or agents of the Archdiocese, such as the Review Board; the Administrator of the Review Board; the Promoter of Justice; the Vicar for Canonical Services; diocesan lawyers; insurance companies; and members of the Professional Conduct Administrative Committee (PCAC), which is referred to in policy 1104.3.7 (8), footnote 3.

C) Principles of Moral Theology Require the Confidentiality of Communications Between a Priest and His Bishop or the Vicar for Priests.

Father Patrick Boyle, S.J., the highly respected professor of moral theology at Mundelein Seminary, has written a memorandum entitled, “The Moral Principles Governing the Confidentiality of Communication between a Priest and His Ordinary or the Vicar for Priests.”

Father Boyle situates the principles governing confidentiality in the right to privacy, a basic

human right. Applying general principles governing the confidentiality of communications to the specific case of communications between a priest and his ordinary or the Vicar for Priests, Father Boyle says that the threshold question is the understanding which the priest had as to the nature of the communication. Father Boyle differentiates between a situation in which the Vicar for Priests office was an investigative arm of the bishop and a situation in which “ the common understanding of the Vicar for Priests office was that it is priest-friendly and the Vicar was the advocate for priests.” Father Boyle says that in this case “the presumption has to be given to the accused individual’s right to privacy and confidential information many not be divulged without his knowledge and consent.”

Father Boyle mentions two exceptions to this presumption of confidentiality. One exception would be “if the Vicar for Priests advised the accused individual at the time of his interview that the information in the interview was matter for public domain and could possibly be used against him in a judicial proceeding.”

Father Boyle says that, when the communication with the Vicar for Priests is understood by a priest to be confidential, “then the only reason which justifies the revealing of confidential information is if withholding the information poses a serious danger to an innocent person or to society.” He adds, “There has to be moral certitude that the danger truly exists.” Father Boyle concludes, “If such certitude (of danger) is absent, the information must remain confidential. It would be morally unacceptable to divulge it.”

D) Civil Law Respects the Confidentiality of Communications Between a Priest and His Bishop or the Vicar for Priests.

Many dioceses in the United States have gone to great efforts and great expense to defend the confidentiality of communications between priests and the Vicar for Priests. The first sentence of Policy §1102.4 could be construed as waiving the confidentiality of these communications in any criminal or civil proceedings brought against a priest or against the Archdiocese.

In an excellent scholarly presentation on April 4, 2003 at a symposium at Boston College, Professor Norman Abrams of the UCLA law school addressed, “The Dual Nature of the Clergy Privilege in State Statutes and the Statutory Duty to Report Child Abuse.” Professor Abrams described the relevant confidential communications of clergy as falling into two broad categories: religious confessions and spiritual advice and counsel.

Abrams gave an extended analysis of a New Jersey decision, *Corsie v. Campanalongo*, a civil suit brought by two brothers against a priest and against the Archdiocese of Newark, alleging sexual molestation by the priest. Abrams wrote:

“Plaintiffs requested that the Archdiocese produce all documents contained in the file of the Vicar for Priests relating to the defendant Campanalongo and all files regarding sexual

misconduct by any priest since 1960 and any documents regarding any law suit arising from sexual misconduct. As part of his response at the trial level, the Vicar certified that he 'serves as a confidant to priest in need. Accordingly, priests who confide in the Vicar ... do so with an expectation of privacy and confidentiality...

"On appeal, the plaintiffs only sought production of documents related to Campanalongo. The court found that it was undisputed that the Vicar was acting in his 'professional character, or as a spiritual advisor' when, or if, Campanalongo confided in him respecting the alleged sexual assaults or any other personal or professional matter'; that 'so long as ... (the) communications to the Vicar were 'confessions' or otherwise made with an expectation of confidentiality,' the documents were protected against disclosure...

"The Corsie case, of course, ... involves larger questions since it was not simply access to the Vicar's Campanalongo file that was at issue. If his file was required to be disclosed, all of the Vicar's files would seem to lose privilege protection."

This conclusion of Professor Abrams implies that if the confidentiality of communications to the Vicar for Priests or the Vicar for Deacons is breached through the disclosure required by Policy §1102.4, none of the communications to the Vicar for Priests or the Vicar for Deacons would be legally privileged as confidential communications.

Of course, the Archdiocese of Chicago, itself, successfully argued the confidentiality of such files before the Supreme Court of Illinois in 1992. The files of priests accused of abuse had been subpoenaed by the State's Attorney of Cook County. While I am not familiar with all of the details of the ruling of the Illinois Supreme Court, it would seem that if the Archdiocese were to create, by policy, an exclusion to the confidentiality of communications to the Vicar for Priests or the Vicar for Deacons, it is possible that all of the conversations between an accused cleric and the Vicar could lose their status as privileged communications. These broad legal ramifications should be considered by the Archdiocese.

Solution: This sentence in Policy §1102.4 should be deleted.

Policy §1103.2.2 Religious Communities and Clergy of Other Dioceses

Comment: The policy requires a Eastern rite eparch or a religious ordinary to inform the Archbishop of Chicago about any act of sexual abuse committed by a priest or deacon of their jurisdiction even if the cleric is not going to conduct any ministry in the Archdiocese and will simply be living in a religious community house. This seems to be a violation of the autonomy of religious communities of Pontifical rite or of Eastern rites *sui iure*.

Policy §1104 Review Process for Continuation in Ministry

Comments:

1. This section should have a different title. The current title (and the current process) puts the cart before the horse, by making a judgment about whether a priest is fit to remain in ministry or return to ministry before there is even proof that an offense occurred. This section could be called: "The Process for Investigating Allegations and Determining a Cleric's Fitness for Ministry."
2. The introduction to this policy states: "Allegations of sexual abuse by a cleric with a minor will initially be considered by a Review Board Administrator who will make a recommendation to the Archbishop." While it is canonically proper for the Administrator to receive the initial accusation and to convey to the Archbishop her impressions of the accuser, it is not canonically proper for her to offer an opinion as to the truth or falsity of the accusation. Nor is it canonically proper, at this stage, for her to make a recommendation regarding a priest's fitness for ministry. At the initial stage of an accusation being received, the task of the Administrator should be to obtain a written, verbatim statement of the accusation and the response of the accused in order to determine whether there is reason for the Archbishop to initiate a canonical preliminary investigation.
3. The introduction to this policy states that the Review Board "will review the initial recommendation" of the Administrator. The Review Board should review the statements collected by the Administrator and not just her recommendation. Because of the grave consequences of such an allegation, there is a serious danger if all the information the Review Board receives is filtered through the Administrator. If all they receive is the report of the Administrator, they are basing their advice to the Archbishop on hearsay.
4. The introduction to this policy states: "The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward pastoral reconciliation and healing." This fundamental statement is canonically erroneous and gives a false perspective on the nature of the process, which has to focus on facts not feelings. Feelings are important and are dealt with by the Assistance Minister and other pastoral outreach. However, given the enormous consequences of an accusation of sexual abuse, this process must be directed at determining the truth of the accusation. The process must respect the fact that the accused cleric enjoys the presumption of innocence and that an accusation must be proven with moral certitude.
5. The introduction to this policy states: "In this context the safety and well being of the community is of primary concern. Another concern is protecting the reputation of clerics who may be subjected to inaccurate or false accusations." This statement leads to an obvious bias towards believing an accusation. One newspaper account quoted a Review Board member (anonymously) as saying that the Review Board errs on the side of protecting the safety of children. In a matter of this gravity, there should not be any bias. A better formulation would be: "The primary concern of this process is to protect both the community and the accused cleric by providing a fair and thorough process for determining the truth or falsity of accusations and then taking the appropriate

steps indicated by these findings.”

Policy §1104.1 Establishment of Process

The policy states: “Determinations and recommendations regarding the continuation of ministry of any cleric who is the subject of an allegation of sexual abuse of a minor shall be made to the Archbishop according to the consultative and advisory process established in Section 1104.”

Comments:

1. At the initial stage of an accusation it is inappropriate for the Archbishop to remove an accused cleric from ministry, unless there is an accusation that the accused cleric is presently engaged in the sexual abuse of a minors and there is strong evidence to support the accusation.
2. It is inappropriate for the Administrator or the Review Board to make “determinations.” This is a judicial function and is incompatible with the advisory nature of the Review Board and its Administrator.
3. Because neither the Administrator nor the Review Board is likely to know the accused priest well, they are not in a position to determine whether he presents a risk to minors. The assumption must be that he does not present a risk until there is strong evidence to the contrary. It is inappropriate to make a recommendation when one does not have all of the information available. The Review Board should confine itself to offering its advice as to whether the accusation constitutes a reasonable basis for initiating a canonical preliminary investigation.

Policy 1104.2 Reporting Requirements, Compliance and Cooperation

The policy states: “These personnel [all Archdiocesan clergy and all religious, employees, and volunteers working for the Archdiocese] are expected to promptly report allegations of a cleric’s sexual abuse of a minor to the Review Board Administrator unless prohibited by applicable church law.”

Comment: This statement suffers from the same defects as Policy §1102.4. Archdiocesan personnel should not be required to report third party accusations. Confidential communications to an ecclesial minister would be governed by the same principles governing communications to the Vicar for Priests or the Vicar for Deacons (all of which are not contained in canon law; some are governed by principles of moral theology dealing with confidential communications). This sentence should be deleted or the ending of it should be changed to read: “...unless prohibited by principles governing confidential communications.”

Policy 1104.2, Procedure c)

Comments:

1. The qualifying phrase "To the extent possible" which begins this statement should be deleted. Considering the serious consequences of an accusation of sexual abuse, it is inappropriate to accept an accusation when the accuser is unwilling to meet in person with the Administrator. If the accuser lives a great distance away, arrangements can be made for the accuser to be interviewed by an official of his or her local diocese. I am familiar with a case in which a priest was removed from ministry based on an accusation made in a long-distance telephone call and the accuser was never interviewed in person. This is highly improper in a matter of such gravity.

Policy §1104.3.2 Review Board Appointments

Comment: There should be a provision that the Archbishop can terminate an appointment to the Review Board for cause, such as failure to attend meetings, a violation of confidentiality, or behavior which is detrimental to the workings of the Review Board. The Review Board should be warned that leaks could expose them to liability for money damages in law suits.

Policy 1104.3.4 Relationship with Archbishop

Comment: It is improper to state that the Review Board is the principal advisor of the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. It should say: "The Review Board acts in an advisory capacity to the Archbishop in his assessment of whether an allegation of sexual abuse constitutes sufficient reason to initiate a canonical preliminary investigation." Once the canonical preliminary investigation has begun, the investigator, with the powers and duties of an auditor, is to submit the evidence to the ordinary, acting as judge. The ordinary is then to judge whether the evidence is sufficient to initiate a penal process. In making that judgment, the ordinary may consult two experts in the law. The Review Board has no expertise in canon law and should play no role in judging the evidence collected. (See my Legislative Recourse petition, pp. 13-14).

Policy §1104.3.6 Review Board Meetings

Comments:

1. The policy states: "The meeting shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative." Again, this is a fundamentally erroneous characterization of the nature of the Review Board activity. Given the gravity of an accusation of sexual abuse and the necessity of providing canonical due process, the meetings of the review board cannot be described as the policy states. Also, the statement is contrary to the nature of the canonical process for determining the truth of an accusation. In practice, this

statement is also contrary to the way in which our Review Board operates. The policy sets up a standard of a pastoral process and then the Review Board acts as a tribunal, hearing testimony and making judgments.

2. The Review Board cannot “formulate ...determinations.” That is a judicial role, which belongs only to the ordinary.

3. The policy states: “The Board may in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.” This is appropriate only if the role of the Review Board is carefully circumscribed to advising the Archbishop as to whether there is sufficient reason to initiate a canonical preliminary investigation.

Policy §1104.3.6, Procedure a)

Given the gravity of an accusation of sexual abuse, the Board should be required to meet in person to discuss it. The provision that they could formulate their advice to the Archbishop based only on a telephone conference seems inappropriate and inconsistent with the principle of fundamental fairness.

Policy §1104.3.6, Procedure b)

The policy states: “After the Review Board process is completed and, if warranted by the outcome, after the Congregation of the Doctrine of the Faith is notified, the Promoter of Justice will proceed as instructed by the Archbishop in accord with directions from the Congregation for the Doctrine of the Faith, unless the Congregation calls the case to itself because of special circumstances.”

Comment: This statement is a massive violation of canonical due process! This statement completely overlooks the necessity of conducting a canonical preliminary investigation. It jumps right from the Review Board process to the CDF.

Policy §1104.4.1 Qualifications of Administrator

Comment: The policy should also state that the Administrator should be completely knowledgeable about the provisions of civil law and canon law regarding accusations of sexual abuse. The Administrator must also be aware of the obligation of impartiality in gathering information that is needed to make a determination as to whether to conduct a canonical preliminary investigation.

Policy §1104.4.2 Appointment of Administrator

Comment: Since the office of Administrator of the Review Board was created in 1992, there have been at least four persons appointed to that position. At least for the past three Administrators, I am unaware of any announcement of these appointments by the Archdiocese to the public at large or to the priests. The policy should state that the Archdiocese should make a public announcement of the appointment of an Administrator and publicly explain the qualifications and training of the person appointed.

Policy §1104.4.3 (5) and (6) Duties of the Administrator

Comments:

1. The provision that the Administrator is to prepare reports for the Review Board gives the Administrator an inappropriate role as a filter of information and evidence. This is one of the failures of the current practice. The advice of the Review Board often hinges on the Administrator's perceptions of the sincerity and credibility of the accuser and the accused.
2. In (6), the reference to "determinations" should be deleted. Making determinations is a judicial role and is beyond the scope of authority of the Review Board.

Policy §1104.3, Procedure a)

Comment: It is inappropriate for the Administrator to be responsible for monitoring clerics. (See the comments below regarding Policy §1104.12 on monitoring).

Policy §1104.3, Procedure b)

Comment: The policy states: "...the Administrator may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation." This policy invalidly creates an intrusion by the Administrator into the canonical preliminary investigation. Once the Review Board has given its advice to the Archbishop as to whether there is a reasonable basis for him to initiate a canonical preliminary investigation, the Administrator should have nothing to do with the investigation of the case. That is the responsibility of the duly appointed canonical investigator, who should be a canonist, and who should not be the Administrator.

Policy §1104.6, a) and b) Confidentiality and Disclosure of Information

Comment: This policy states that the Administrator is the custodian of all information described in Sections 1104.4 and 1104.5. This is a flawed policy. Once the Archbishop initiates a canonical preliminary investigation, the Administrator of the Review Board should turn over to the

canonical notary the information she has gathered.

Collecting and guarding the Acts of an investigation is the responsibility of the canonical notary appointed for the canonical preliminary investigation (cc. 484, 486). At the conclusion of the investigation, the canonical notary is to place "the Acts of the investigation, the decrees of the ordinary which initiated and concluded the investigation, and everything which preceded the investigation" in the secret archive of the diocese, unless necessary for the penal process (c. 1719).

Canon 489 §2 provides: "Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the condemnatory sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained."

Policy §1104.6, b), 2) Confidentiality and Disclosure of Information

Comment: Because the Review Board is a confidential advisory body to the Archbishop, it is improper for the Administrator or the Review Board to disclose to anyone the advice that the Review Board gives to the Archbishop. The ordinary, acting as judge, should take responsibility for the decisions made in a case, for ultimately they are his alone.

Policy §1104.6, b), 6) Confidentiality and Disclosure of Information

Comment: It is very difficult, if not impossible, to make a commitment to transparency and openness about a matter which falls under pontifical secrecy, the *Essential Norms* notwithstanding. In Canada, the law requires a news blackout on a case until it comes to trial. The reason is to avoid trial-by-media and to avoid polluting the minds of potential witnesses. Unfortunately, this practice is not followed in the United States, where cases become a media circus once an accusation is made. It is especially unfortunate that dioceses have fed that media frenzy, unfairly damaged the reputations of the accused, and undermining the right to canonical due process by making inappropriate announcements.

It is not permissible for the Archdiocese to announce that an accusation has been made against a priest. It is never permissible for the Archdiocese to announce the recommendations of the Review Board. Nor should the Archdiocese make any announcements about the status of cases.

If it is necessary to assist a parish community affected by an accusation against one of its priests, for example, because the accuser has made the accusation public, the Archdiocese should acknowledge that an accusation has been made and is being investigated and the accused should be presumed innocent until proven guilty. No further details should be given out.

(See my Legislative Recourse petition, pp. 21-24).

Policy §1104.7.1, Procedure Preliminary Actions and Inquiry

Comment: The procedure under this policy states: “The Administrator shall review the cleric’s files or background ...” The Administrator has no authority, and may be given no authority, to review any confidential files of a cleric, for example, those of the Vicar for Priests. The Administrator may review general personnel files.

Policy §1104.7.2, (4) Preliminary Actions and Inquiry

Comment: This policy states that ordinarily the Administrator shall: “assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.” Again, “assessment” is a judicial function and the administrator is not ordinarily in a position to know the accused priest or to make an adequate appraisal as to whether children are at risk, especially at this stage of the process. The Administrator should convey to the Archbishop the information she has about the case and the Archbishop must make the determination as to whether some interim action should be taken.

Policy §1104.7.2, Procedure c) Preliminary Actions and Inquiry

Comment: This procedure states: “Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric’s voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude.” This procedure is inappropriately placed here in the section of the policies dealing with the initial inquiry by the Review Board and the Administrator. It belongs at the conclusion of the canonical preliminary investigation. This statement is based on canon 1341; however, *Sacramentorum sanctitatis tutela* precludes the use of an administrative process.

Policy §1104.7.2, Procedure d) Preliminary Actions and Inquiry

Comment: This procedure refers to asking the accused priest to obtain a psychological evaluation. It seems inappropriate at this stage, even before a canonical preliminary investigation has been conducted.

Policy §1104.8.1, (3) and (4) Questions for Review

Comment: These two points say that the Review Board shall make recommendations “regarding the scope and course of the investigation” and “what further interim action should be taken with respect to the allegation.” These actions are completely beyond the competence of the Review

Board. They must be determined by the ordinary, acting as judge, and the investigator-auditor (c. 1428 §3).

Policy §1104.8.2 Determinations and Recommendations

Comments:

1. This title should be changed to "Recommendations." The Review Board has no competence to make "determinations." That is a judicial function.
2. Points (1) and (2) deal with a cleric being withdrawn from ministry. In almost all cases, this would be far too early to make such recommendations. Unless it is an egregious case, no recommendation about withdrawal from ministry should be made until the preliminary canonical investigation has been completed.

Policy §1104.8.3 Preliminary Investigation

Comment: This restatement of canon 1717 misrepresents the significance of an admission. With the issuance of *Sacramentorum sanctitatis tutela* (and the derogations of February 7, 2003) and the promulgation of the *Essential Norms*, it is clear that a cleric's admission of the accusation does not make a canonical preliminary investigation superfluous. Even if the ordinary petitions the Holy Father or the CDF to dismiss the accused from the clerical state, in keeping with the *Motu proprio* of February 7, 2003 the ordinary must submit proofs. For cases which go to a canonical trial, a preliminary investigation is needed to create the Acts on which the ordinary-as-judge and then the trial court can base their judgment. For all cases, various canons apply which indicate that an admission does not constitute conclusive proof of guilt (cc. 1535-38). In addition, the accused might be confused about the accusation or about the canonical elements of a delict against canon 1395 §2, such as the necessity of lustful intent and imputability.

Indeed, the unfortunate truth about the practical application of our procedures in Chicago has been that, all too often, a priest is blind-sided by an accusation out-of-the-blue and he is then induced to make nebulous statements which are inaccurately construed as an admission of some sort.

Policy §1104.8.3, Procedure a) Preliminary Investigation

Comments:

1. This procedure should state that, in the circumstances described, the Archbishop shall issue a canonical decree initiating a canonical preliminary investigation (c. 1719).

2. Rather than say that the Archbishop is to appoint an “auditor,” it seems more accurate to say that he is to appoint an “investigator” (c. 1718 §4), with the powers and duties of an auditor (c. 1718 §3). For clarity and convenience, we could refer to this canonical officer as the “investigator-auditor.”

3. It is improper to set, as a matter of policy, that the investigator-auditor be a lay person. Prominent experts in the penal law of the Church, such as Francis Morrissey, O.M.I. and Gregory Ingels, maintain that the investigator must be a priest if the accused is a priest. Their argument is based by analogy with canon 483 §2 requiring the notary in such cases to be a priest. One could also add that canon 1717 §3 says that the investigator has the powers and responsibilities of an auditor and canon 1428 §1 says that the auditor carries out the responsibilities of the judge in instructing the case and the CDF Norms for penal trials say: “... only priests can validly carry out the functions of judge, promoter of justice, notary, and patron” (Art. 11). The requirement that the canonical officers in a penal investigation be priests seems based on the Church’s concern for the confidentiality required in such cases and the potential for enormous damage to the reputation of an innocent priest if confidentiality is breached. The requirement of priesthood can be dispensed by the CDF (*Motu proprio*, February 7, 2003). It seems that if the ordinary wishes to appoint a lay investigator-auditor, he must obtain a dispensation from the Congregation for the Doctrine of the Faith.

4. The policy should state that the investigator-auditor is to be a degreed canonist who is familiar with the particular nature of a canonical penal investigation.

5. This policy should also state that the Archbishop is to appoint a canonical notary. In collecting the proofs, the judge or the investigator-auditor must be accompanied by and assisted by a canonical notary (cc. 1437 §1 and 1561). The role of the canonical notary is crucial in the canonical preliminary investigation because the notary documents and guards the record which is utilized ultimately to reach the decision called for at the conclusion of the canonical preliminary investigation stage and also, if necessary, at the trial stage. “A notary is to take part in any process, so much so that the acts are null if the notary has not signed them.”(c.1437 §1).

As with other officers whom the diocesan bishop appoints to take part in a canonical preliminary investigation, the notary is to be appointed to the case by a decree issued by the diocesan bishop (c. 48). This is extremely important because the integrity of the record (the Acts) upon which the whole process depends is entrusted to this one ecclesiastical officer.

The canonical notary must be “of unimpaired reputation and above all suspicion” (c. 483 §2). In cases involving accusations of clerical sexual abuse, the canonical notary must be a priest (c. 483 §2 and Congregation for the Doctrine of the Faith, Norms for penal trials, Art. 12), although this requirement can be dispensed by the CDF (*Motu proprio*, February 7, 2003).

The notary must be very knowledgeable about canonical penal procedures, especially the manifold duties of the notary, which are essential to establishing the official Acts of the preliminary

investigation.

The canonical notary is charged with performing the following duties:

- drawing up acts and instruments which require his action (c. 484, 1 °)
- witnessing the signature of the ordinary on all of the decrees issued in the penal process (c. 484, 2 °)
- being present at the taking of any statements made by the accuser or other persons in order to act as an official witness (c.1569 §2)
- being present to witness the administration of an oath, thereby insuring that the statement is sworn to (c. 1562 §2). The reasons for requiring sworn testimony by the accuser and by witnesses are not technical or frivolous. Sworn deponents can be punished for perjury. In all legal systems, the fact that a statement or testimony is sworn is an important criterion for weighing truthfulness and accuracy. Sworn testimony also provides a basis during the trial stage for cross-examination or impeachment.
- transcribing accurately or recording verbatim any statements or depositions taken from the accuser or other witnesses (c. 1567), "giving the witness the opportunity to add, suppress, correct or change it" (c. 1569 §1);
- signing the Acts of the deposition, at the end of a deposition, and seeing to it that it is signed by the deponent and the investigator-auditor (c. 1569 §2);
- assembling and guarding the Acts of the case (cc. 484, 486). This is of major significance because the penal process depends on the Acts. The importance of a proper record of both the canonical preliminary investigation stage and later trial stage can not be emphasized enough. It is from this information and this information alone, that all subsequent decisions are required to flow. An accurate record is an essential element not only of canon law, but of every respected system of law. The alternative is to disregard principles of law and justice and to run the risk of a sham legal proceeding – or a kangaroo court. Off-the-record information cannot be used in the penal process, because it deprives the accused of his right to confront all the evidence marshaled against him, thereby depriving him of his right to a defense. Obviously, the accused has no opportunity to confront information if the ordinary-as-judge receives that information outside the record.
- placing, at the conclusion of the investigation, "the Acts of the investigation, the decrees of the ordinary which initiated and concluded the investigation, and everything which preceded the investigation" in the secret archive of the diocese,

unless necessary for the penal process (c. 1719). This serves several greater purposes, discussed below.

Policy §1104.8.3, Procedure b) Preliminary Investigation

Comments: This procedure contains a garbled and totally confused understanding of the role of the investigator-auditor, to wit:

1. The investigator-auditor is not allowed to prepare any "reports." The investigator is to collect the testimony or proofs and present them, without filtering or comment, to the judge. Canon 1428 §3 says: "It is for the auditor, according to the mandate of the judge, only to collect the proofs and hand them over to the judge." The word "only" limits these duties to indicate that there is no judgmental, determinative, nor advisory role that is included in the auditor's responsibilities or powers. The powers and obligations of an auditor are also limited to only deciding "what proofs are to be collected and in what manner" (c. 1428 §3). Thus the ordinary retains his judicial role; he is not able to delegate it to the investigator-auditor, and he may not abdicate it. His role as judge requires that he view the canonically obtained evidence personally and make his decision based only on the written record before him.

2. The investigator-auditor is to present the proofs to the judge, i.e., the Archbishop, not to the Review Board. The Review Board has no role at this stage of the canonically prescribed investigation.

3. The last sentence of this procedure refers to the investigator-auditor preparing reports, which "should include descriptions of the actions taken by the Administrator, such additional inquiry as may be required, and identification or information that was not available to the Administrator and why that information was not available." The investigator-auditor begins with the informal statements collected by the Administrator and then proceeds to conduct a formal, canonical preliminary investigation. From that point on, the information collected by the Administrator is canonically irrelevant and should not be referred to.

The purpose of the canonical preliminary investigation is not to indict or try the accused at this stage but rather to gather facts, investigate the circumstances, and explore aggravating and mitigating factors, the question of imputability and the issue of prescription.

The significance here is that the investigator-auditor has the duty to collect evidence and facts in such a way as to not distort the evidence and to support both sides to the dispute completely. The clear intent of canon law is that without an oath no accusation regarding criminal conduct should be made. Failure to obtain a canonically valid statement of the accusation at the beginning of the preliminary investigation is also improper and unfair because it can result in accusations evolving and "constantly changing, others being added or not mentioned more, seemingly at will and not accord to any mode of canon law." (cf. Congregation for the

ogy, Prot. N. 2001.1099) (See my Legislative Recourse petition, pp. 14-18).

Policy §1104.9 Review for Cause

Comment: This whole section on Review for Cause makes no sense canonically and must be eliminated! Once the Ordinary has decided, after hearing the Review Board, that a canonical preliminary investigation should be conducted, the Review Board has no role in the process, unless the Ordinary chooses to present to them the results of the preliminary investigation and to discuss with them his decision as to whether there is sufficient evidence to submit the case to the Congregation for the Doctrine of the Faith.

When an accusation comes in, ordinarily the Administrator is to conduct her inquiries within a few days and present the evidence to the Review Board. Ordinarily, at the meeting of the Review Board, it makes a recommendation to the Archbishop as to whether there is reasonable cause to initiate a canonical preliminary investigation. This whole process might take a week or so. It might happen that the Review Board, at the Initial Review, feels that it needs a little more time or a little more information to formulate its recommendation.

There is no reason for the Review Board to conduct a hearing 30-180 days later. The whole notion of Review for Cause is an illegitimate carry-over of the canonically invalid procedures used in the diocese since 1992 until the present day, whereby the Review Board acts as a tribunal, performing judicial and investigatory functions. This whole notion of a Review for Cause must be eliminated because it is totally foreign to the process required by canon law and the *Essential*

04.11 Supplementary Review

The notion of a Supplementary Review does seem appropriate. One can envision, for example, the Review Board, at the Initial Review, advised the Archbishop that there was no need for conducting a canonical preliminary investigation, but later new information came to the Archbishop's attention and the Board must meet to consider whether a canonical preliminary investigation is warranted for.

determinations and Recommendations

of the Review Board making "determinations."

unless necessary for the penal process (c. 1719). This serves several greater purposes, discussed below.

Policy §1104.8.3, Procedure b) Preliminary Investigation

Comments: This procedure contains a garbled and totally confused understanding of the role of the investigator-auditor, to wit:

1. The investigator-auditor is not allowed to prepare any "reports." The investigator is to collect the testimony or proofs and present them, without filtering or comment, to the judge. Canon 1428 §3 says: "It is for the auditor, according to the mandate of the judge, only to collect the proofs and hand them over to the judge." The word "only" limits these duties to indicate that there is no judgmental, determinative, nor advisory role that is included in the auditor's responsibilities or powers. The powers and obligations of an auditor are also limited to only deciding "what proofs are to be collected and in what manner" (c. 1428 §3). Thus the ordinary retains his judicial role; he is not able to delegate it to the investigator-auditor, and he may not abdicate it. His role as judge requires that he view the canonically obtained evidence personally and make his decision based only on the written record before him.

2. The investigator-auditor is to present the proofs to the judge, i.e., the Archbishop, not to the Review Board. The Review Board has no role at this stage of the canonically prescribed investigation.

3. The last sentence of this procedure refers to the investigator-auditor preparing reports, which "should include descriptions of the actions taken by the Administrator, such additional inquiry as may be required, and identification or information that was not available to the Administrator and why that information was not available." The investigator-auditor begins with the informal statements collected by the Administrator and then proceeds to conduct a formal, canonical preliminary investigation. From that point on, the information collected by the Administrator is canonically irrelevant and should not be referred to.

The purpose of the canonical preliminary investigation is not to indict or try the accused at this stage but rather to gather facts, investigate the circumstances, and explore aggravating and mitigating factors, the question of imputability and the issue of prescription.

The significance here is that the investigator-auditor has the duty to collect evidence and facts in such a way as to not distort the evidence and to support both sides to the dispute completely. The clear intent of canon law is that without an oath no accusation regarding criminal conduct should be given credibility. Failure to obtain a canonically valid statement of the accusation at the commencement of the preliminary investigation is also improper and unfair because it can result in the accusations evolving and "constantly changing, others being added or not mentioned anymore, seemingly at will and not accord to any mode of canon law." (cf. Congregation for the

Clergy, Prot. N. 2001.1099) (See my Legislative Recourse petition, pp. 14-18).

Policy §1104.9 Review for Cause

Comment: This whole section on Review for Cause makes no sense canonically and must be eliminated! Once the Ordinary has decided, after hearing the Review Board, that a canonical preliminary investigation should be conducted, the Review Board has no role in the process, unless the Ordinary chooses to present to them the results of the preliminary investigation and to discuss with them his decision as to whether there is sufficient evidence to submit the case to the Congregation for the Doctrine of the Faith.

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There is no reason for the Review Board to conduct a hearing 30-180 days later. The whole notion of a Review for Cause is an illegitimate carry-over of the canonically invalid procedures used in the Archdiocese since 1992 until the present day, whereby the Review Board acts as a tribunal, exercising judicial and investigatory functions. This whole notion of a Review for Cause must be abandoned because it is totally foreign to the process required by canon law and the *Essential Norms*.

Policy §1104.11 Supplementary Review

Comment: The notion of a Supplementary Review does seem appropriate. One can envision, for example, that the Review Board, at the Initial Review, advised the Archbishop that there was no reasonable basis for conducting a canonical preliminary investigation, but later new information comes to the Board's attention and the Board must meet to consider whether a canonical investigation is called for.

Policy §1104.11.3 Determinations and Recommendations

Comment: Again, it is improper to speak of the Review Board making "determinations."

Policy §1104.12 Monitoring

Comment: The phrase “is admitted or”; should be deleted for the reasons mentioned in the comment on Policy §1104.8.3.

Policy §1104.12.2 Life-long Monitoring

Comment: This policy is based on a fallacious assumption. Every instance of sexual contact with a minor is sinful and illegal, but it may not represent a psychological dysfunction requiring or justifying life-long monitoring. A qualifying phrase, like “ordinarily,” should be put at the beginning of the policy.

Policy §1104.12.3 Monitoring Protocols

Comments:

1. Only the ordinary has the authority to impose monitoring restrictions on a cleric. Even the ordinary may impose restrictions on the freedoms or activities of a diocesan priest only when there is strong evidence that they are necessary, and only as allowed by law.
2. I contend that monitoring is an exercise of jurisdiction and so the monitoring function may only be delegated to a cleric (c. 129 §1). Thus, the Vicar for Priest could be an appropriate monitor or a priest with whom a priest being monitored is in residence, but not the Administrator of the Review Board or the Review Board itself. The monitor can send reports to the Review Board.
3. The blanket restriction on being alone with anyone under the age of 18 may not be imposed as a life-long restriction in every case. For example, could a priest under monitoring never babysit for his sibling’s grandchildren?
4. The provision on providing a printout of Internet sites visited is a canonically illegitimate restriction on a priest’s privacy and intellectual freedom, unless there was some evidence that this priest had accessed child pornography on the Internet.

(For more information on monitoring, see my June 6 letter to Cardinal George).

Policy §1105 Canonical Considerations

Comments:

1. This section needs a new title. The title implies that canonical considerations are reserved to this section. If the policies are properly revised, canonical considerations should permeate Section §1100. Perhaps this could be entitled: “Various Canonical Outcomes” or something like that.

2. The introduction to this section quotes the Holy Father in a one-sided way. It should be balanced by another statement he made in his April 23, 2002 address: "At the same time ... we cannot forget the power of Christian conversion, that radical decision to turn away from sin and back to God, which reaches to the depths of a person's soul and can work extraordinary change."

Policy §1105.1 Removal from Ministry, Penalties and Restrictions

Comments:

1. The phrase "is admitted or" should be deleted for the reasons cited above in the comment on policy §1104.8.3.
2. The phrase "the safety of children requires certain measures to be taken even after there is forgiveness" is a gratuitous assertion implying that in every case children are at risk.
3. Section A doesn't fit in here. It belongs in policy §1104.8.3. Leaving it here makes this whole policy appear to be an afterthought, as though Norm 8 of the *Essential Norms* was just tacked-on to the old policies.

Policy §1105.2 Executive Power of Governance

Comment: I recognize that this policy is a quotation from Norm 9 of the *Essential Norms*, but it must be balanced by other canonical provisions. The bishop, for example, cannot apply the Norms retroactively (*CLSA Guide*, p. 2). The bishop cannot remove a cleric from ministry if a judicial sentence determines that he should remain in ministry (*CLSA Guide*, p. 36). The bishop cannot remove from ministry one whose action was not imputable (*CLSA Guide*, p. 16).

Policy §1105, Procedures Executive Power of Governance

Comments:

1. Procedure A ignores the qualifying phrase in canon 1341 and policy §1105.1: "if the case so warrants."
2. The requirement in Procedure A that the priest live in a supervised setting cannot be made a blanket requirement. There must be strong evidence that others are at risk.
- 3.. In Procedure B, I again point out that the Administrator may not be delegated to monitor compliance protocols (c. 129 §1).

Policy §1106 Priest Personnel Records

Comment: The general provision for a unified priest personnel record and the three policies thereunder are violations of canon law, as will be explained below.

Policy §1106.1 Priest Personnel Records

Comment: Canon law requires that several kinds of records be segregated and not included in a general file. For example, the records of the Vicar for Priests are confidential and must remain so. In the case of an accusation of sexual misconduct, "the Acts of the investigation, the decrees of the ordinary which initiated and concluded the investigation, and everything which preceded the investigation and the subsequent process are to be maintained in the secret archive of the curia, if they are not necessary for the penal process." (c. 1719).

Canon 489 §2 provides: "Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the condemnatory sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained."

Policy §1106.2 Transfer of Records

Comment: The records of the Vicar for Priests are confidential and may never be transferred. When a priest dies they are to be destroyed. In keeping with canon 489 §2, in matters related to accusations of sexual abuse, after ten years they are to be destroyed.

Policy §1106.3 Confidentiality of Records

Comment: The records of the Vicar for Priests or the records of an accusation of sexual abuse may not be shared with the Priest's Placement Board nor with the Administrator of the Review Board. They are not canonical officers with a duty to know that information and they are not entitled to it. To release that information to them is a violation of confidentiality.

Francis Cardinal George, O.M.I.,
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

June 11, 2003

Dear Cardinal George:

I am writing this letter to offer a character reference for Rev. Robert L. Kealy. Please, give me a few moments to express my feelings.

I have known Rev. Kealy for approximately ten years and I feel honored and proud to be his friend. My husband (now deceased) and I were privileged to meet him through [REDACTED] and we developed a friendship, which we both treasured, and I continue to treasure. [REDACTED]

The funeral mass was officiated by Rev. Kealy, and his touching words will be remembered by me and my family forever.

Some of the most memorable days are those of the Pilgrimage to the Holy Land in 1999, with Father Kealy being one of the priests on that journey. Most of my fellow travelers were from the Immaculate Conception Church in Highland Park, which was at that time Father Kealy's parish. [REDACTED]

[REDACTED] Watching Father Kealy daily with his absolute devotion to his church [REDACTED]
He is so greatly admired, not only by me and my family, but by so many people for his priestliness, his honesty, his complete integrity.

Very truly yours,

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

June 12, 2003

Rev. Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

Dear Father Kealy:

I received your letter of June 6 in which you asked me to reconsider the decisions I announced in my letter to you of May 27, 2003.

While I respect your opinion on these matters and your right to make such a request, I will not change the provisions I have made in your case. The issues which you raise are more appropriately handled during the course of a trial. Either you or your advocate could bring such matters before the judge so that an interlocutory decision can be made. The matter could also be brought before the Congregation for the Doctrine of the Faith in any appellate process.

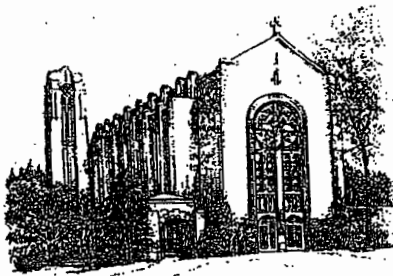
In the meantime, I ask that you comply with my directives.

Sincerely yours in Christ,

A handwritten signature in cursive script, reading "Francis Cardinal George".

Francis Cardinal George, O.M.I.
Archbishop of Chicago

AOC 016033



SAINT JOSEPH RECTORY

1747 Lake Avenue • Wilmette, Illinois 60091-1537

(847) 251-0771

June 12, 2003

His Eminence, Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence:

I am writing to offer a character reference for Reverend Robert L. Kealy.

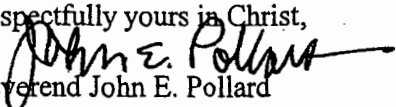
I have been a priest of the Archdiocese of Chicago for 29 years and have served as associate pastor of two parishes, the director of DePaul University's Center for Church/State Studies, the director of the Office for Catechesis in the Archdiocese, the director of the United States Bishops' Office for the Catechism and the director of the Department of Evangelization and Catechesis in the Archdiocese. I am presently pastor of St. Joseph Parish, Wilmette, IL.

I have known Father Kealy for over thirty years as a fellow seminarian, a priest, a pastor and a friend. I worked closely with him during his tenure as Chancellor of the Archdiocese. I have served on many committees and task forces with him over the years and have enjoyed a warm and cordial relationship. He, a few other priests and I have been members of the same prayer group for over fifteen years.

In my view Father Kealy is a man of exemplary virtue, superior character and admirable integrity. His priestliness is characterized by sincere fidelity and moral honesty. He celebrates the Eucharist and Liturgy of the Hours daily and has a genuine devotion to the Blessed Virgin Mary. He has a deep sense of conviction and carefully adheres to the doctrine and Magisterium of the Church. He is loyal to the Holy See. He consistently demonstrates good general pastoral abilities in preaching, teaching and in the administration of the sacraments. He is perceived as a leader, is open to dialogue and an effective collaborator. He has been an extremely successful pastor. He is well-liked and respected by his peers, the lay faithful, the general public and civic authorities.

With gratitude for your consideration of this letter, I am

Respectfully yours in Christ,


Reverend John E. Pollard
Pastor

AOC 016034

CHURCH OF ST. MARY
175 E. Illinois Road • Lake Forest, IL 60045-1998
(847) 234-0205 • Fax (847) 234-9860

June 16, 2003

His Eminence, Francis Cardinal George, OMI
Archbishop of Chicago
P.O. Box 1979
Chicago, Illinois 60690

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ARCHDIOCESE OF CHICAGO

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Dear Eminence:

I respectfully write to you to express my most sincere and unqualified support of Reverend Robert Kealy. I do so as one who has been in the unique position of having been privileged to know Bob for nearly all of my life and for the entirety of his priesthood. I do so as one who knows Bob as a mentor, confidant, brother priest and close friend. Never, in any context, have I ever known Bob to be anything less than a faithful, committed, inspiring witness to priestly life lived with the greatest depth and integrity. Never have I personally heard or otherwise been made aware of anyone, other than the individual making the present allegation, who considers Bob less than an exemplary priest. He has enjoyed the love and respect of parishioners and clergy alike for 31 years of priesthood and I am deeply saddened by the turn of events over the past 15 months and his removal from priestly ministry. I pray for the day when this matter can be resolved.

When Bob was newly ordained, he was assigned to St. Germaine parish where my family and I were parishioners. My two brothers and three sisters and I (currently ages 39 to 46) came to know Fr. Kealy in many contexts. He taught us in the school, celebrated Masses at which we served, and moderated the Teen Club to which we belonged. We lived across the street from the church and rectory and saw Fr. Kealy frequently. I also had the additional privilege of working in the rectory where Bob worked and lived. I answered the phones and the door and was in a position to witness the comings and goings of both Fr. Kealy and visitors. All of us, as well as our network of friends dating from that time, remain dumbfounded about the allegation levied against him. Bob never acted any way but professionally and priestly, nor did his actions attest to anything but that he was a holy and devoted priest. Indeed, my interest and desire to later pursue priesthood was in many ways inspired by what I observed in Fr. Kealy.

When I was a young adult, I specifically sought out Fr. Kealy [REDACTED]
[REDACTED] In the countless spiritual conversations that would follow, both formal and informal, I came to know in a personal way the depth of his spiritual insight and pastoral integrity. During my seminary years, I continued to benefit from this as I lived and worked with him for a summer at Immaculate Conception Parish where he served as pastor. I continued to assist at the

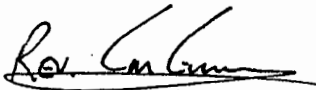
parish throughout the following year helping with religious education and youth ministry. I came to know so many of the parishioners of all ages at the parish and all loved and respected Bob without qualification. I know this to be true to this day. As a priest I also lived and worked with Bob for a 3 month period. My convictions about the health and integration of his life and ministry were nothing but strengthened and were very helpful for me to witness and from which to learn.

Throughout my priesthood I have enjoyed the mentoring, guidance and support of Bob. We often share our free time together and have often vacationed together. I suspect that I know Bob better than anyone else on earth. He is all priest. He is a man of prayer who reflects deeply on the blessings and challenges of his own life and the lives of others. He is utterly devoted to God and the Church. Never have I had the slightest inkling that there was something lacking in his character or development or his life and ministry.

I have also observed with the greatest admiration and respect the manner in which Bob has embraced this trial in his life. It has been a powerful witness to his tremendous trust in the Lord and his deep desire to grow in holiness. Without bitterness, he has accepted this trial and sought the blessings hidden within for him and for his priesthood. He has never wavered in his love and respect for you, Your Eminence, and for the Church.

Thank you for your kind consideration of my thoughts. I continue to pray daily for you and for the Church, that as the burden of this crisis weighs heavily, you will always have the wisdom, the strength, and the love of God to guide and support you.

In Christ,

A handwritten signature in dark ink, appearing to read "Rev. Chris Gustafson", written in a cursive style.

Reverend Christopher M. Gustafson

DEPAUL UNIVERSITY



Office of Catholic Collaboration
1 East Jackson Boulevard
Chicago, Illinois 60604-2287
312/362-8397
FAX: 312/362-6637

June 18, 2003

His Eminence
Francis Cardinal George
Archbishop of Chicago
155 East Superior Street
Chicago, Illinois 60611

Your Eminence:

My priestly service to the Church of Chicago has brought me to parish ministry, chancery work, and missionary activity through Catholic Extension and now responsibilities at a major Catholic institution, DePaul University.

I have been privileged to work closely and enjoy the friendship of talented and generous priests.

At the top of this group I list Father Robert Kealy. I have known Bob Kealy for nearly forty years. Our paths first crossed at the college seminary where we were both studying for the Archdiocese. Although there has been close contact all throughout these past four decades, we collaborated most when he served as Chancellor and I was in the Office of the Archbishop, as Executive Assistant to Cardinal Bernardin.

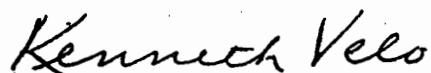
Bob is a talented, skilled, generous and caring priest of the Archdiocese. While everyone understood and appreciates his ability for administration, his reputation and credibility soared when he assumed the office of pastor and exhibited great strength and wisdom. He was truly successful in his leadership of a parish, which until his arrival, languished with pastors who suffered ill health and/or lacked relational skills.

My diaconate in 1972 was at Immaculate Conception, Highland Park, where Bob later served as pastor. My knowledge and friendship with parishioners allowed me to hear firsthand of his compassion, care, and most of all, clarity with which he proclaimed the Gospel to these people. I was always edified by the witness he rendered to his people.

For the past eighteen years Bob has been a key figure behind the effort of a group of priests to gather for prayer on a regular basis. In these moments as we articulated insights and shared vulnerabilities, I always found Bob to be a humble and faith-filled servant of the Lord. I left those gatherings with renewed spirit and deeper appreciation of the faith and priesthood with which we have been gifted.

Through these past months I have tried to journey with Bob at a time in his life when he is being "tested in fire". I have found his deep faith and love of the priesthood to be alive and filled with hope. My fervent prayer is that he can resume his ministry in the Church which he loves so much and has served so well.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth Velo".

Reverend Monsignor Kenneth Velo
Senior Executive

[REDACTED]

June 18, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, Illinois

Your Eminence:

I am writing this letter of character reference for Father Robert L. Kealy

I first met Father Kealy [REDACTED] when I was a seminarian [REDACTED] at Mundelein. I had entered the seminary after graduating from the [REDACTED]. Father Kealy was very supportive of vocations to the priesthood and had a number of seminarians working in his parish, Immaculate Conception in Highland Park. Each year, a seminary deacon was assigned to his parish. There were a number of seminarians teaching in the religious education program.

Father Kealy and I had a number of mutual friends and acquaintances. When we got to know each other, he invited me to work in the parish on weekends doing youth ministry. [REDACTED]

[REDACTED] I stayed at the rectory on weekends and over breaks when I was working at the parish. [REDACTED]

[REDACTED] We worked and prayed together, took meals together, sought each other's counsel, and, in short, we became a cohesive community.

I have always been a gregarious person, and when at Immaculate Conception, I enjoyed many a long and ranging conversation with Father Kealy. We discussed history, canon law, scripture, his experiences as a priest over the years, and many more things. Father Kealy always made time for me in what I knew were very busy days and evenings. As often as we could, we prayed Vespers together in the rectory chapel.

All through my experience at Immaculate Conception Parish, Father Kealy conducted himself in

an exemplary and admirable manner. He was very strict about visitors to the rectory. He made it clear that the house was a shared and private residence and that it was not appropriate to invite guests other than family beyond the first floor sitting room or dining room.

In every way, Father Kealy was a mentor to me. Especially in spiritual matters, Father Kealy taught me much in the time I was living in the rectory. He especially taught me how to pray through scripture and how to be a man of action and still a man of contemplation.

In time, I realized that I did not have a vocation to the priesthood; however, had I continued on to ordination, I would have asked Father Kealy to be present and to participate in every ritual of Holy Orders. He was the model of the priest I wanted to be and he is the finest priest I have ever known.

When I decided to leave Mundelein, Father Kealy was very supportive. He continued to mentor me toward being a Catholic layman of prayer and spirituality.

Eventually, I took a full-time [REDACTED] job and frequently found myself using the knowledge that Father Kealy taught me, or imparting pieces of advice that he had once imparted to me. Now as I prepare to enter law school this fall, it is with the hope that I will gain the comprehensive knowledge of the law and the compassionate sense of justice that I admire in Father Kealy.

[REDACTED]

I hope that this letter is of assistance to you, Your Eminence, and to Father Kealy. The people of the Archdiocese are missing a man of tremendous goodness.

Sincerely,

[REDACTED]

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

June 30, 2003

Ms. Leah McCluskey
Administrator
Office of Professional Fitness Review
Suite 1910
676 N. St. Clair
Chicago, IL 60611

Dear Leah:

I guess these daily logs go to you now, although I have not yet received formal notice of when the new procedures go into effect.

Since you do not know me, I thought it would be helpful to send you also the enclosed sampling of letters of character reference which were sent to the Cardinal about me. I am also enclosing the

[REDACTED]

I look forward to meeting you.

Sincerely yours,



Reverend Robert L. Kealy

RECEIVED

JUL 07 2003

**ARCHDIOCESE OF CHICAGO
PROFESSIONAL FITNESS REVIEW**

AOC 016041

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, IL 60611



(312)751-5205
1-800-994-6200
Fax (312)751-5279

July 8, 2003

Fr. Robert Kealy
PO Box 455
Mundelein, Illinois 60060

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Dear Fr. Kealy,

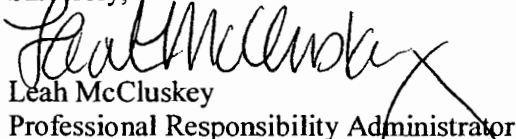
Enclosed you will find documentation regarding the newly revised Monitoring Protocols. Fr. James Kaczorowski will be contacting you in the near future to schedule a meeting so that the three of us may discuss and review the enclosed information. Fr. Daniel Smilanic, Promoter of Justice and Delegate to the Cardinal, will also be present at the meeting to address any canonical questions.

I have also enclosed a copy of the most recent policies and procedures, *1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry*. A newly revised copy of the policies and procedures are to be effective on July 15, 2003 and as a result, are not yet available.

Please feel free to contact me with any questions or concerns:

Leah McCluskey
Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611
312 751-5205, office
312 751-5279, fax
lmcccluskey@archchicago.org

Sincerely,


Leah McCluskey
Professional Responsibility Administrator

Enclosures

Cc: Rev. Daniel Smilanic, Archbishop's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests

AOC 016042

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JUL 08 2003

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60061

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Reverend James Kaczorowski
Vicar for Priests
645 N. Michigan Ave., St. 543
Chicago, IL 60611

Re: Out of town travel

Dear Kaz:

This letter is for your records. You have approved the following two trips which I will be taking out of town:

Sunday, July 19 - Tuesday, July 21: I will be attending a conference for Opus Bono Sacerdotii in Detroit. I will be flying up on United Airlines #1583, leaving Chicago at 1:20 PM and arriving in Detroit at 3:34 PM. I will be returning on United Airlines #775, leaving Detroit at 10:50 AM and arriving at O'Hare at 11:02 AM. I don't know yet what hotel they will be putting us up in, but Msgr. Bill Varvaro will be my monitor and he will have the room next door to me.

Saturday, August 2 - Sunday, August 3: I will be attending the 80th birthday celebration of my aunt, [REDACTED], in St. Louis. I will be staying with her. She will be my monitor. I will leave O'Hare at 1:15 PM on United #5565 and arrive in St. Louis at 2:30 PM. I will return on Sunday at 1:40 PM on United #7774, arriving at O'Hare at 3:05 PM.

Thank you very much. I understand that in the future I am to make arrangements for permission for out-of-town travel with Leah McCluskey.

I look forward to seeing you Thursday.

Fraternally yours in Christ,

Reverend Robert L. Kealy

cc: Leah McCluskey

AOC 01604

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, IL 60611



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1-800-994-6200
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July 9, 2003

Rev. Robert L. Kealy
P.O. Box 455
Mundelein, IL 60060-0455

Dear Fr. Kealy,

Enclosed you will find copies of the Travel/Vacation Agreements that I completed upon receiving your letter dated July 6, 2003 regarding your vacation plans.

I appreciate you writing a letter prior to your departure and wanted you to have copies of the aforementioned agreements that will be placed in your file. I assume that your monitor Fr. Anthony Talarico is aware of your travel plans. I do understand that you will be traveling with Msgr. Bill Varvaro and will act as your monitor from July 19, 2003 until your return on July 21, 2003. I also understand that your aunt [REDACTED] will act as your monitor when traveling to St. Louis from August 2, 2003 until your return on August 3, 2003.

Take care and I wish you safety in your travels.

Sincerely,


Leah McCluskey
Professional Review Administrator

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ARCHDIOCESE OF CHICAGO
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Enclosures

Cc: Rev. James Kaczorowski, Vicar for Priests

AOC 016044

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, IL 60611




(312)751-5205
1-800-994-6200
Fax: (312)751-5279

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MEMORANDUM

To: File - PFR-83

From: Leah McCluskey, Professional Responsibility Administrator [PRA] 

Re: Kealy, Robert

Date: July 10, 2003

PRA, Fr. James Kaczorowski [Vicar for Priests], and Fr. Daniel Smilanic [Promoter of Justice, Delegate to the Cardinal] met with Fr. Robert Kealy on July 10, 2003 to review Fr. Kealy's new monitoring protocols. PRA informed Fr. Kealy that he would be receiving copies of the monitoring protocols as well as the most recent *1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry* via mail. PRA informed Fr. Kealy that the same information was mailed to his canonical advocate, Rev. Francis G. Morrissey.

PRA reviewed the Individual Specific Monitoring Protocol with Fr. Kealy, as well as the "Clergy Daily Log" and "Travel/Vacation Agreement" forms. At Fr. Kealy's request, PRA initialed all applicable monitoring protocols detailed on his Individual Specific Protocol form. Fr. Kealy was provided a copy of the aforementioned form so that he would be able to discuss the information with Fr. Morrissey.

Fr. Kealy agreed that he would speak with Fr. Morrissey within the next 10 days to discuss the monitoring protocols presented to him. PRA and Fr. Kaczorowski discussed with Fr. Kealy scheduling a time to meet in Mundelein to sign the protocols after Fr. Kealy has had the opportunity to speak with Fr. Morrissey. Fr. Kaczorowski will be in contact with Fr. Kealy to schedule the meeting to take place in approximately two weeks.

PRA provided Fr. Kealy with the aforementioned Individual Specific Protocol, Daily Log, and Travel/Vacation Agreement forms. Fr. Kealy informed PRA that he would be willing to comply with the monitoring protocols that are asked of him, however, he expressed his hesitancy to sign the Individual Specific Protocol itself.

AOC 016045

At the end of the meeting, Fr. Kealy informed PRA that he would be staying at the Hilton Suites at the Metro Airport in Detroit, Michigan from July 19, 2003 until July 21, 2003 [see Travel/Vacation Agreement dated July 9, 2003].

Cc: Rev. Daniel Smilanic, Archbishop's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests

JUL 16 2003
COPY

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

July 11, 2003

Ms. Leah McCluskey
Professional Responsibility Administrator
Archdiocese of Chicago
676 N. St. Clair, Suite 1910
Chicago, IL 60611

Re: Our meeting of July 10, 2003

Dear Leah:

It was a pleasure to meet you for the first time yesterday at our conference with Father Kaczorowski and Father Smilanic. I very much appreciated the respectful and friendly tone of our discussion.

The "Travel/Vacation Agreement" says in Point 1: "The designated companion agrees to accompany the client at all his activities. Client is not allowed to be by himself." For the record, I was informed at our conference yesterday that this is not an accurate statement of the expectation. What is required, I was told, is that the designated companion know where I am, if I am not in his presence for part of the day.

Furthermore, in Cardinal George's May 27, 2003 letter to me and the other removed priests, he said that he was "establishing these protocols as individual precepts..." He also said, "You will receive a copy of my precept at the same time you receive a copy of your protocol." This has not yet been done. When I do receive a decree from Cardinal George, stating his reasons and the canonical basis for these restrictions on my freedoms (cc. 51, 18), I will then be in a position to discuss these matters with my advocate.

With cordial good wishes, I remain

Sincerely yours in Christ,

Reverend Robert L. Kealy

cc: Rev. James Kaczorowski
Rev. Daniel Smilanic
Rev. Francis G. Morrissey, O.M.I.

AOC 016047

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, IL 60611



(312)751-5205
1-800-994-6200
Fax (312)751-5279

July 11, 2003

Francis Cardinal George, O.M.I.
Archbishop of Chicago
155 E. Superior Street
Chicago, Illinois 60611

Dear Cardinal George,

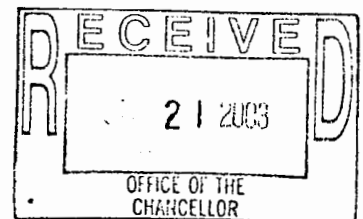
As the Auditor whom you appointed in accord with Canon 1717 to conduct a Preliminary Investigation into the allegations of sexual abuse of minors that have been made against the Rev. Robert Kealy, a priest of the Archdiocese of Chicago, I would like to inform you that the investigation has been completed.

As required by Canon 1718, a sufficient amount of material is now present for you to make a determination. I have examined the files of the investigations of the allegations of sexual misconduct with minors by Fr. Kealy, and I have found them to be complete.

There is at least one allegation that was submitted to the Archdiocesan Professional Responsibility Review Board in which the Board recommended to you that there is reasonable cause to suspect that the alleged misconduct did occur. Given the material gathered as the Board's instruction of the case, it is now necessary for you to determine if the elements meet the required standard of proof. The Board reported their finding to you after having discussed the evidence and the arguments in two formal sessions. As part of the procedure followed by the Board, Fr. Kealy was read the allegations made against him and provided a response. With reference to his involvement in the instruction of the case, Fr. Kealy had the advice of legal counsel.

I now submit this matter to your Eminence for a determination. It is my recommendation that the allegation of sexual misconduct with a minor against the Rev. Robert Kealy has the semblance of truth (*notitiam saltem verisimilem*) as required by Canon 1717 and Article 13 of the Procedural Norms *de gravioribus delictis*, and consequently the case should be sent to the Congregation for the Doctrine of the Faith.

There is at least one allegation of sexual misconduct against Fr. Kealy. The Professional Responsibility Review Board has been presented all allegations against Fr. Kealy, and has reported to you the finding that the allegations provide reasonable cause to suspect that the alleged incidents of misconduct did occur. It is my recommendation that the aforementioned allegations have the semblance of truth (*notitiam saltem verisimilem*) as

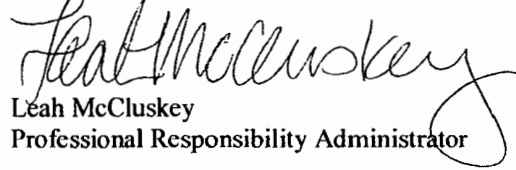


AOC 016048

required by Canon Law. As a result, there is no additional information that needs to be gathered at this time regarding the allegations made against Fr. Kealy.

If you have any questions or concerns, please contact me at 312 751-5205.

Sincerely,


Leah McCluskey
Professional Responsibility Administrator

Cc: Rev. Daniel Smilanic, Archbishop's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests

*I accept the results.
The committee is the
Fr. Kealy
1/15, 2015*

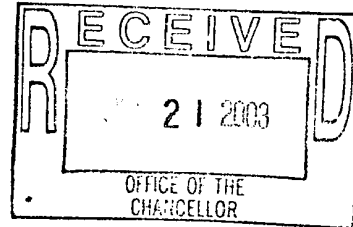
ARCHDIOCESE OF CHICAGO

Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

14 July, 2003



Ms. Leah McCluskey
Office for Professional Responsibility
676 North St. Clair St.
Chicago, IL 60611

Dear Ms. McCluskey:

I received the report from your investigation of the matter of sexual misconduct with a minor on the part of **Reverend Robert L. Kealy**.

I accept your findings and have determined that there is a semblance of truth to the allegation that **Father Kealy** engaged in acts of sexual misconduct with a minor.

Therefore, by means of this letter, I am bringing the Preliminary Investigation of this matter to a close. Based upon the information you have provided, I have concluded that this case must be referred to the Congregation for the Doctrine of the Faith, in accordance with Part II, Article 13 the motu proprio *Sacramentorum sanctitatis tutela*.

Thank you for your diligent work, Ms. McCluskey. I appreciate the professional way in which you have handled these matters.

Sincerely yours in Christ,

A handwritten signature in dark ink, appearing to read "Francis Cardinal George".

Francis Cardinal George, O.M.I.
Archbishop of Chicago

A handwritten signature in dark ink, appearing to read "Pae Mue".

Ecclesiastical Notary

cc: Revs. Kaczorowski and Smilanic, Ms. Leah McCluskey, Mr. Jimmy Lago, Mr. John C. O'Malley

AOC 016050

ARCHDIOCESE OF CHICAGO

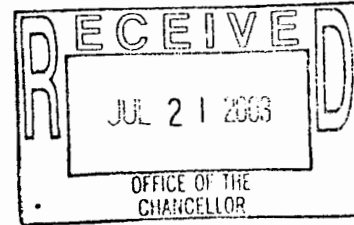
Office of the Archbishop



155 E. Superior St.
Chicago, Illinois 60611

15 July, 2003

Rev. Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060



Dear Bob:

I am writing to let you know that I have received the report from Ms. Leah McCluskey regarding the inquiry she conducted concerning the allegations of sexual misconduct that were made against you.

Taking into account the material already presented to the review board, she has looked into the matter further. I have concluded from her report that there is enough evidence to indicate that I need to refer your case to the Congregation for the Doctrine of the Faith and ask for their permission to conduct a trial to determine whether you committed the delict of sexual abuse of a minor; and, if so, what penalty ought to be imposed on you.

I will make this referral by the end of the month. It is impossible to say when the Congregation for the Doctrine of the Faith will respond to my request.

If I am given permission to conduct a trial in the Archdiocese, I will ask the United States Conference of Catholic Bishops to provide me with three judges. I will also present all the material in the case to the Promoter of Justice, and ask that he draw up a formal petition. A trial will then be conducted according to the norm of law. You will be informed throughout the proceedings of how you might exercise your rights. If you have not appointed an advocate, one will be appointed for you.

Since you are already observing the restrictions on your ministry as I requested, I do not see any need to formally impose any penal restrictions on you, as called for by canon 1722. In a previous letter to you, I indicated that I would issue this decree once I sent the case to the Holy See. In light of your cooperation, however, I have decided it is not necessary to take any further steps at this time.

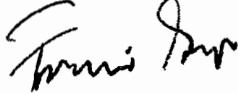
As you know, the Dallas Charter and subsequent Norms state that if even a single act of sexual misconduct with a minor is proven, you must be removed permanently from ministry. Even if the offense does not warrant dismissal from the clerical state, the laws approved by the Holy See for the United States would not allow me to assign you to any public ministry, to celebrate the sacraments publicly, or to present yourself in public as a priest. Instead, you would be expected to lead a life of prayer and penance under my direction.

AOC 016051

On the other hand, if the allegations against you are not proven, I will do everything I can to restore your reputation. I realize how difficult this might be, given the publicity that has already been given to this matter. Since I also realize you may have some feelings about this matter, I will consult with you before anything is done in this regard.

I am again appreciative of the cooperation you have given me in this matter. I will keep you in my prayers, and ask that you keep me in yours.

Sincerely yours in Christ,

A handwritten signature in dark ink, appearing to read "Francis George". The signature is fluid and cursive, with the first name "Francis" written in a larger, more prominent script than the last name "George".

Francis Cardinal George, O.M.I.
Archbishop of Chicago

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ARCHDIOCESE OF CHICAGO

TRAVEL/VACATION AGREEMENT

DO NOT COPY

Permission to go on vacation to Detroit from/to July 19, 2003 - July 21, 2003
(Destination) (Dates)
this year has been granted to Robert L. Kealy provided the following conditions
(Client name)
will be met by him and Msgr. Bill Varvaro:
(Companion/s)

(See attached correspondence)

1. The designated companion agrees to accompany the client at all his activities. Client is not allowed to be by himself.
2. No contacts with minors are allowed unless companion is present.
3. Client is required to call in N/A, to keep a daily log: proofs/
(Frequency)
tickets, receipts, etc., regarding resident's activities are to be submitted to PFR Administrator for verification.
4. If any of the above conditions are violated both the client and the travel companion(s) will be held accountable by the Archdiocese of Chicago.
5. The date of return to the residence has been set for July 21, 2003, however due to weather conditions or emergencies that may arise, the date can be changed. Approval from the PFR Administrator must be granted for any changes in this statement.

Signature(s):

Paul McCloskey

Date:

7/9/03

A copy of this agreement will be kept on file at Professional Fitness Review Board Administrator's Office and the Vicar for Priests' Office.

Revised 6/6/03

AOC 016053

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TRAVEL/VACATION AGREEMENT

PROFESSIONAL FITNESS REVIEW

ARCHDIOCESE OF CHICAGO

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DO NOT COPY

Permission to go on vacation to St. Louis from/to August 2, 2003 - Aug. 3, 2003
(Destination) (Dates)

this year has been granted to Robert L. Kealy provided the following conditions

will be met by him and [Redacted] (aunt):
(Companion/s)

(See attached correspondence)

1. The designated companion agrees to accompany the client at all his activities. Client is not allowed to be by himself.
2. No contacts with minors are allowed unless companion is present.
3. Client is required to call in N/A, to keep a daily log: proofs/
(Frequency) tickets, receipts, etc., regarding resident's activities are to be submitted to PFR Administrator for verification.
4. If any of the above conditions are violated both the client and the travel companion(s) will be held accountable by the Archdiocese of Chicago.
5. The date of return to the residence has been set for Aug. 3, 2003, however due to weather conditions or emergencies that may arise, the date can be changed. Approval from the PFR Administrator must be granted for any changes in this statement.

Signature(s):

[Signature]

Date:

7/9/03

A copy of this agreement will be kept on file at Professional Fitness Review Board Administrator's Office and the Vicar for Priests' Office.

Revised 6/6/03

AOC 016054

ARCHDIOCESE OF CHICAGO

Vicar General



Post Office Box 1979
Chicago, Illinois 60690-1979

(312) 751-8271
Fax: (312) 337-6379

MEMORANDUM

Date: July 21, 2003

To: Rev. Pat Lagges, Judicial Vicar

From: Most Rev. Raymond Goedert

A handwritten signature in black ink, appearing to be 'R. Goedert', written over the 'From' line.

Re: Rev. Robert Kealy

Cc: Francis Cardinal George, O.M.I.

Enclosed is the letter of July 13, 2003 which Father Kealy sent to Cardinal Ratzinger. It is an addendum to his recourse petition of January 7, 2003.

A copy of this letter was sent to Cardinal George. I am forwarding it to you so that it might become a part of his case file.

AOC 016055

ARCHDIOCESE OF CHICAGO

Office of the Metropolitan Tribunal
Rev. Patrick R. Lagges, J.C.D.
Phone: (312) 751-8384
e-mail: plagg@archchicago.org



155 E. Superior St.
Chicago, Illinois 60611

Fax: (312) 751-8314

MEMORANDUM

TO: Bishop Goedert
Father Smilanic
Father Kaczorowski
Ms. Leah McCluskey
Mr. Ralph Bonaccorsi
Mr. Jimmy Lago
Mr. John O'Malley

FROM: Father Lagges *fw*
RE: Referral of case to Rome
DATE: 1 August, 2003

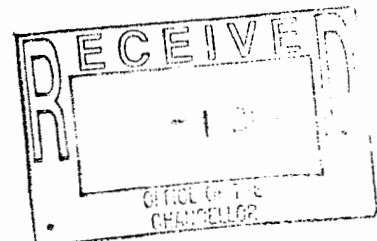
This is to inform you that on **31 July, 2003** Cardinal George has forwarded the case of **Reverend Robert L. Kealy** to the Congregation for the Doctrine of the Faith, asking for permission to conduct a penal trial in the Archdiocese of Chicago.

It is impossible to estimate when we will receive a response from the Holy See. Given the large number of cases that are being sent there from the United States, it will probably be at least several months before we hear anything.

If a penal trial is permitted, all the material in the case will be handed over the Promoter of Justice (Rev. William H. Woestman, O.M.I.), who will then petition the tribunal to hear the case. The judges assigned to the tribunal will be from outside the Archdiocese of Chicago. They will follow the normal judicial process specified in Book VII of the Code of Canon Law. (These are the same processes that are followed in marriage nullity cases.)

The Archdiocese will be the petitioner in the case; the accused priest the Respondent. The two questions before the court will be: (1) Has the priest committed an act of sexual misconduct with a minor? (2) If so, in accordance with the Dallas Charter and Norms, shall he be dismissed from the clerical state?

If you have any further questions, please feel free to contact me.



Office of Professional Responsibility

P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205

Fax: (312) 751-5279

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ARCHDIOCESE OF CHICAGO

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To: File - PFR-83

From: Leah McCluskey, Professional Responsibility Administrator

Re: Kealy, Robert

Date: August 26, 2003

PRA and Fr. James Kaczorowski, Vicar for Priests met with Fr. Robert Kealy at the Cardinal Stritch Retreat House on July 29, 2003 regarding monitoring protocols.

It was explained to Fr. Kealy that adjustments would be made to the Travel/Vacation Agreement form as well as the Daily Log form for clarification purposes. Adjusted forms will be provided to Fr. Kealy and to his canonical advocate Rev. Francis G. Morrissey, OMI JCD. PRA also provided Fr. Kealy with a copy of *1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry*, which was promulgated on July 15, 2003. Fr. Kealy was informed that a copy of the newly promulgated policies and procedures would be mailed to Fr. Morrissey as well.

When asked if he had any specific concerns and/or comments regarding the Monitoring Protocols, Fr. Kealy did have some feedback. As per Fr. Kealy, the idea of monitoring to him is that those monitored are a danger to the public, which he does not feel, applies to him. Also, he finds the monitoring to be demeaning and counterproductive due to the fact that he and others under monitoring are treated as if they are children. Yet, Fr. Kealy did give a verbal agreement to PRA and Fr. Kaczorowski that he will adhere to the requested monitoring protocols presented to him.

Fr. Kealy also pointed out that no other diocese "uses this [monitoring] system" and that it is his feeling that there needs to be a distinction between an old allegation and the accused then "operating responsibility."

Fr. Kealy expressed his feeling that the Travel/Vacation Agreement form does not reflect the same monitoring expectations as to when he is not traveling. For example, the Travel/Vacation Agreement form requests that an individual under monitoring is to have "someone with you all of the time" which is a different expectation when he is at home in

Mundelein. PRA and Fr. Kaczorowski acknowledged Fr. Kealy's concerns and referred him to Fr. Patrick Lagges, Judicial Vicar and/or Fr. Daniel Smilanic, Promoter of Justice with his concerns regarding a travel companion.

As for his current residence, Fr. Kealy feels that he is in a positive environment at Mundelein. He described the staff as respectful and kind and feels that it is a safe place with welcomed privacy.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests
Rev. Patrick Lagges, Judicial Vicar

August 28, 2003
Memorial of St. Augustine

Fr. Jim Kealy
ad 9/2/03

Francis Cardinal George O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence,

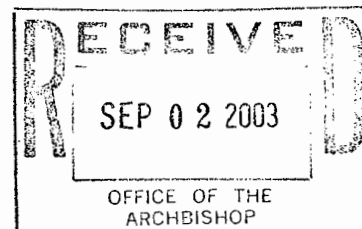
I wish to write and thank you for your courageous and timely response to the *Chicago Sun-Times* in their false accusation against Pope John Paul II. It seems clear that the attacks against the Catholic Church and the institution of marriage from strident homosexuals will continue in spite of the Church's clear and compassionate teachings. It is my hope that more men of strong character will speak out publicly whenever His Holiness or Holy Mother Church are falsely accused.

I wish also to take this opportunity to write a word in regard to the Reverend Robert L. Kealy of the Archdiocese of Chicago. I am a 1999 graduate of the University of St. Mary of the Lake – Mundelein Seminary and assisted as a transitional deacon at Immaculate Conception Parish in Highland Park when Fr. Kealy was pastor. I only served in Fr. Kealy's parish as a deacon because I found him to be of such fine priestly character. If I had felt otherwise I would have looked for another parish. Fr. Kealy served the people of Immaculate Conception devotedly. He was most concerned that people have ready access to the sacraments, he taught all of the truths of the Faith and be guided to greater holiness. I was always impressed with the care and solicitude Fr. Kealy showed for members of his flock.

In conversations at the rectory, I could not detect any difference between Fr. Kealy's public persona and his true, personal character. He was always a man of prayer and we often prayed the liturgy of the hours together. He also helped to encourage my own devotion to the Blessed Virgin Mary. He clearly shaped my vision of being a pastor of souls in his patience, dedication and availability. In spite of his long hours of work, Fr. Kealy was always most hospitable and willing to spend time with visiting guests. I found him very helpful in assisting my discernment in my readiness to accept the position of chaplain to Hmong Catholics within my diocese. I have always regarded Fr. Kealy, his personal assistance to me and his priestly ministry with the greatest esteem.

I assure you that Fr. Kealy has not discussed the details of his case with me, nor have I asked. I am conscious that the defense of accused priests requires a great deal of work, but, confident in the help of God and knowing your capacity and desire for justice, Your Eminence, I am hopeful that Fr. Kealy's case will be completed in a relatively short time.

Respectfully yours in Christ



Chaplain to the Catholic Hmong Community
Diocese of La Crosse

3315 St. Adalbert Road • Rosholt, WI 54473 • (715) 677-3499 • [redacted] mobile

AOC 016059

ARCHDIOCESE OF CHICAGO

COPY

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

September 16, 2003

Rev. Robert Kealy
P.O. Box 455
Mundelein, IL 60060-0455

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ARCHDIOCESE OF CHICAGO
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Dear Fr. Kealy,

Enclosed you will find documentation regarding the monitoring protocols.

The monitoring protocols have been changed somewhat. This was done principally in order to put into a standard written form, arrangements that had been made orally and/or on an individual basis. It was felt that by committing as much as possible to a written form, misunderstandings could be reduced and communication would be facilitated. These changes reflect the feedback provided by all those involved in the monitoring program, including those who are subject to it. The enclosed forms contain the adjustments made to the monitoring forms that were provided to you in July of 2003. All those involved in monitoring will be receiving a copy of the new forms.

All of the information enclosed as well as a copy of this letter and a copy of the policies and procedures, *1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry* promulgated on July 15, 2003 has been forwarded to your canonical advocate, Rev. Francis G. Morrissey, OMI, JCD.

As you agreed orally to comply with the earlier form of the monitoring protocols, I ask that you indicate to me your oral agreement to these.

In designing a form that addresses so many different, complex situations, one or another points may be unclear. If you have any question or concerns, please contact me at [312] 751-5205.

Sincerely,


Leah McCluskey
Professional Responsibility Administrator

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests
Rev. Francis G. Morrissey, O.M.I., J.C.D., Canonical Advocate

Enclosures

AOC 016060

Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, IL 60611
(312) 751-5205

INDIVIDUAL SPECIFIC PROTOCOL
For

Robert Kealy

The Individual Specific Protocols (ISP) implement the primary goal of protecting minors and the integrity of the Church. Additionally, the ISP serves as a safeguard for the individual priest/deacon with regard to the possibility of subsequent allegations. As long as the cleric is a client of the Office of Professional Responsibility, he will be subject to appropriate protocols, restrictions and monitoring under the authority of the Vicar for Priests and supervised by the Professional Responsibility Administrator (PRA); please refer to protocol number 15.

This ISP for Robert Kealy is as follows (PRA to initial all that apply):

1. ☒ Restricted from being alone with minors (anyone under the age of 18) without the presence of another responsible adult.

2.

3.

4. ☒ The "Clergy Daily Log" to be completed on a daily basis and co-signed by the monitor. The log is a tool that is used for the protection of minors, the priest/deacon, the monitor and the Archdiocese. Although it lists all time periods, it is intended to provide an accurate record of the day rather than a detailed clock. If you are describing an off-campus activity, please include the place, the general purpose of the visit/trip/activity (e.g. Spiritual Direction, therapy), and the telephone number only if it is a private residence. (For example, it is enough to indicate that you did personal shopping rather than the name, location and telephone number of each individual store.) If your self-description is challenged, some documentation/verification may be requested. The monitor will return the log forms at the end of each month to PRA.

5. ☒ Abide by the restriction of residence to Cardinal Stritch Retreat House

6. ☒ No inappropriate use of computers, software, Internet capabilities, communications tools or technology. The standards articulated in the *Policies and Procedures of the Archdiocese of Chicago* and the *Handbook For Archdiocesan Employees* will apply.
7. ☒ Must complete and submit the "Travel/Vacation Agreement" to PRA prior to a scheduled departure.
8. ☒ N/A Attendance at a recommended support group _____ (please indicate specific support group). Recommended frequency of _____ times per week/month (please circle one). Attendance at a recommended support group is to be reflected on "Clergy Daily Log" forms.
9. ☒ No ministerial participation in the public celebration of the Eucharist or any other Sacrament or Sacramental without the prior, written permission of the Vicar for Priests.
10. ☒ Refrain from wearing any garb that would give the appearance of, or seem to infer, a priest/deacon who has canonical faculties and is currently assigned to some ministry (e.g., the 'clerical shirt').
11. ☒ The right of defense must not involve the public life of the Church.
12. ☒ On-site visits by PRA annually to include meeting with PRA and the cleric.
13. ☒ On-site visits by Vicar for Priests (VP) annually to include a meeting with VP and the cleric.
14. ☒ This ISP is to be reviewed annually with PRA, VP, and the cleric.
15. Because the private celebration of the Eucharist is possible, during the course of each week one of the Masses celebrated is to be for the intention of the priests of the Archdiocese of Chicago.
16. Any change or alteration to this agreement will involve consultation with the cleric, his monitor, the PRA, and the VP. The cleric, his monitor, the PRA, or the VP can initiate the discussion for change or alteration, and at the discretion of any of the parties, his legal and/or canonical counsel may be involved.

I have reviewed, understand, and agree to all of these individual specific Protocols.

Signed: _____ Date: _____

Printed Name: _____

Signature of PRA: Paul McCloskey Date: 9/17/03

Signature of VP: James T. McGraw Date: 9-18-03

A copy of this Protocol will be kept on file in the Office of Professional Responsibility and on file in the Office of the Vicar for Priests.

CLERGY DAILY LOG

The Office of Professional Responsibility, pursuant to Article §1104.4.3, is responsible to "monitor programs for treatment, rehabilitation or supervision of clerics..."

The Individual Specific Protocol for: Robert Kealy

(Cleric Name)

requires that you keep a "log" of your daily activities. The "log" is completed daily and submitted to the Administrator at the end of each month for review. Include the place, the purpose of visit/trip/activity (i.e. Spiritual Direction, therapy), and the telephone number if it is appropriate. Please remember that this tool is intended to provide an accurate record of the day rather than a detailed clock.

<u>TIME</u>	<u>PLACE</u>	<u>TELEPHONE</u> (If appropriate)	<u>PURPOSE</u>
7:00 – 8:00 A.M.			
8:00 – 9:00			
9:00 – 10:00			
10:00 – 11:00			
11:00 – 12:00			
12:00 – 1:00 P.M.			
1:00 – 2:00			
2:00 – 3:00			
3:00 – 4:00			
4:00 – 5:00			
5:00 – 6:00			
6:00 – 7:00			
7:00 – 8:00			
8:00 – 9:00			
9:00 – 10:00			
10:00 – 11:00			
11:00 – 7:00 A.M.			

Client Signature: _____

Date: _____

Monitor Signature: _____

Date: _____

Date Received: _____

Rev. 7/15/03

Administrative Signature: _____

TRAVEL/VACATION NOTIFICATION

_____ [name of cleric] has informed this office that he will be traveling to
_____ [destination address and contact phone number] from
_____ [departure date] through _____ [return date].
_____ [name of cleric] will be monitored by
_____ [name of travel monitor]. _____ [name of
travel monitor] has accepted the responsibility of verifying the location and activities of
_____ [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by _____ [name of cleric] must be in the presence of _____ [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. _____ [name of travel monitor] may be asked to attest to the activities and whereabouts of _____ [cleric name] over _____ [aforementioned time frame].
3. As previously noted, the date of return to _____'s [cleric name] residence has been scheduled for _____ [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: _____ Date: _____

PRA Signature: _____ Date: _____

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, IL 60611
312-751-5205

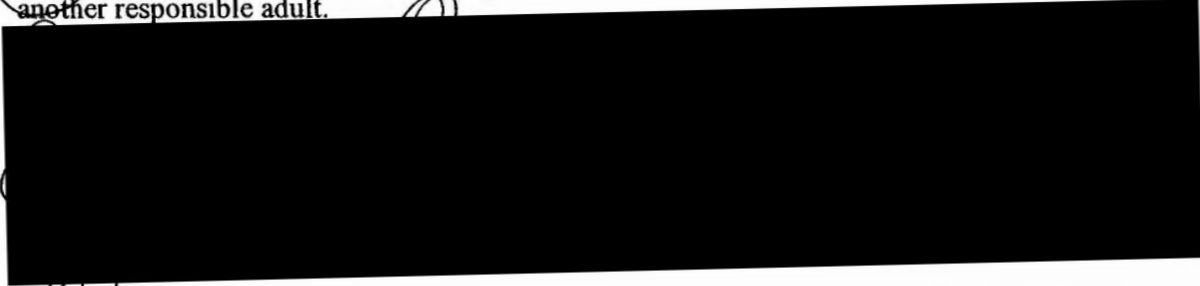

INDIVIDUAL SPECIFIC PROTOCOL
For

Fr. Robert Kealy

The Individual Specific Protocol (ISP) reflects the primary goal of protecting minors and the integrity of the Church. Additionally, the ISP serves as a safeguard for the individual priest/deacon with regard to the possibility of subsequent allegations.

Professional Fitness Review clients will be subject to appropriate restrictions and monitoring by the Professional Fitness Review Administrator (PFRA) throughout the life of the individual as a priest/deacon in the Archdiocese of Chicago.

The ISP for Robert Kealy includes but is not limited to the following (PFRA to initial all that apply):

1. ☒ Restricted from being alone with minors (anyone under the age of 18) without the presence of another responsible adult.
2. 
3. 
4. ☒ The completion of "Clergy Daily Log" to be completed and signed by the on-site monitor. On-site monitor will then review, sign, and submit "Clergy Daily Log" forms at the end of each month to PFRA.
5. ☒ No inappropriate use of computers, software, internet capabilities, communications tools or technology. The standards articulated in the *Policies and Procedures of the Archdiocese of Chicago* and the *Handbook For Archdiocesan Employees* will apply.
6. ☒ Must complete and submit the "Travel/Vacation Agreement" to PFRA prior to scheduled departure.
7. N/A Attendance to recommended support group (please indicate specific support group _____). Recommended frequency of _____ times per week/month (please circle one). Attendance to recommended support group is to be reflected on "Clergy Daily Log" forms.

8. ☒ The right of defense should not involve the public life of the Church.
9. ☒ On-site visits by PFRA annually to include meeting with PFRA and
Robert Kealy.
10. ☒ On-site visits by Vicar for Priests (VP) annually to include a meeting with VP and
Robert Kealy.
11. ☒ This ISP is to be reviewed annually with PFRA, VP, and
Robert Kealy.
12. Any change or alteration in this agreement will involve consultation with the cleric, his monitor, the PFRA, and the VP. The cleric, his monitor, the PFRA, or the VP can initiate the discussion for change or alteration, and at the discretion of any of the parties, his legal and/or canonical counsel may be involved.

I have reviewed, understand, and agree to all requirements of this Protocol.

Signed: _____

Date: _____

Printed Name: _____

Signature of PFRA: Kal McCloskey

Date: 7/29/03

Signature of VP: John T. McGowan

Date: 7-29-03

Met with Fr. Kealy on 7/29/03. Fr. Kealy verbally
~~agrees~~ agrees to follow the aforementioned
protocol.

Rev. 6/6/03

A copy of this Protocol will be kept on file in Professional Fitness Review and Vicar for Priests Offices.



ARCHDIOCESE OF CHICAGO

VICAR FOR PRIESTS

645 NORTH MICHIGAN AVENUE, SUITE 543

CHICAGO, ILLINOIS 60611

Off: (312) 642-1837

Fax: (312) 642-4933

COPY

**of an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO**

This is a red ink stamp!

DO NOT COPY

TO: Rev. Robert Kealy

FR: Sr. Mary Ann Zrust

DT: October 14, 2003

RE: Mass Stipends

Enclosed¹ a check in the amount of \$1,000, representing stipends for 100 Masses. The intentions are attached.

Thank you.

Enclosure: #1800, \$1,000

AOC 016067

TRAVEL/VACATION NOTIFICATION

COPY

ROBERT KEALY [name of cleric] has informed this office that he will be traveling to

FLORIDA

[destination address and contact phone number] from

RECEIVED

NOV. 3 [departure date] through NOV. 10 [return date].

OCT 29 2003

FR. KEALY [name of cleric] will be monitored by

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

FR. CHRIS GUSTAFSON [name of travel monitor]. FR. GUSTAFSON [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR. KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR. KEALY [name of cleric] must be in the presence of FR. GUSTAFSON [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. FR. GUSTAFSON [name of travel monitor] may be asked to attest to the activities and whereabouts of FR. KEALY [cleric name] over NOV 3-10 [aforementioned time frame].
3. As previously noted, the date of return to FR. KEALY's [cleric name] residence has been scheduled for NOV 10 [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 10/27/03

PRA Signature: Paul Malenowicz Date: 10/29/03

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

TRAVEL/VACATION NOTIFICATION

RECEIVED

OCT 29 2003

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

ROBERT L. KEAY [name of cleric] has informed this office that he will be traveling to

[REDACTED] [destination address and contact phone number] from

NOV 26 [departure date] through NOV 30 [return date].

COPY

FR KEAY [name of cleric] will be monitored by

(HIS SISTER)

[REDACTED] [name of travel monitor]. [REDACTED] [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEAY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEAY [name of cleric] must be in the presence of [REDACTED] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.

2. [REDACTED] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEAY [cleric name] over NOV 26-30 [aforementioned time frame].

3. As previously noted, the date of return to FR KEAY 's [cleric name] residence has been scheduled for NOV 30 [aforementioned return date].

However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Keay Date: 10/27/03

PRA Signature: [Signature] Date: _____

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

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COPY

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

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NOV 17 2003

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

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ARCHDIOCESE OF CHICAGO

November 13, 2003

Ms. Leah McCluskey
Administrator
Office of Professional Fitness Review
Suite 1910
676 N. St. Clair
Chicago, IL 60611

Dear Leah:

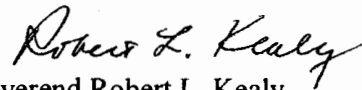
This is to let you know that I am planning to visit my brother, [REDACTED] for Christmas. He and his wife live at [REDACTED] California. Their phone number is [REDACTED].

I will be flying to Oakland Airport on United Airlines on Tuesday, December 23 and returning to Chicago on Monday, December 29.

Enclosed is a completed Travel/Vacation Notification form.

With cordial good wishes, I remain

Sincerely yours,



Reverend Robert L. Kealy

cc: Reverend Anthony Talarico

AOC 016070

COPY
RECEIVED

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

DEC 18 2003

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

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is an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO
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DO NOT COPY

December 16, 2003

Ms. Leah McCluskey
Administrator
Office of Professional Fitness Review
Suite 1910
676 N. St. Clair
Chicago, IL 60611

Dear Leah:

This is to let you know that I am planning to travel to Charleston, South Carolina for a meeting of Opus Bono Sacerdotii. The whole time, I will be with [REDACTED] and he has agreed to serve as the monitor. His phone number is [REDACTED]

I will be flying to Charleston on United Airlines on Friday, January 2, 2004 at 8:55 a.m. and arriving back at O'Hare on United Airlines on Sunday, January 4 at 10:50 a.m.

Enclosed is a completed Travel/Vacation Notification form.

With best wishes for a blessed Christmas, I remain

Sincerely yours,

Robert L. Kealy
Reverend Robert L. Kealy

cc: Reverend Anthony Talarico

AOC 016071

RECEIVED

TRAVEL/VACATION NOTIFICATION

DEC 18 2003

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Rev. ROBERT KEALY [name of cleric] has informed this office that he will be traveling to
313-655-5233
CHARLESTON, SC [destination address and contact phone number] from

JAN [departure date] through JAN 4 [return date].

FR. KEALY [name of cleric] will be monitored by

[redacted] [name of travel monitor]. [redacted] [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR. KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR. KEALY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.

2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR. KEALY [cleric name] over JAN 2-4 [aforementioned time frame].

3. As previously noted, the date of return to FR. KEALY's [cleric name] residence has been scheduled for JAN 4 [aforementioned return date].

However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 12/16/03

PRA Signature: Paul McCloskey Date: 12/17/03

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

AOC 016072



Office of Professional Responsibility

PFR-83- Robert Kealy

JANUARY TO DECEMBER 2004

Monitor/Therapy Schedule

Dates/Times	Event (Therapy, Spiritual Direction, Vacation , etc.) Where, When, How Long	Therapist, Spiritual Leader, Doctor, Monitor, etc. (Include names)
August 21-23, 2004	██████████ California ██████████ ██████████	██████████ (Travel Monitor)
October 11-13, 2004	CLSA Convention, Pittsburg Hilton (412-391-4600)	██████████ (Travel Monitor)
November 24-26, 2004	Sister's home - ██████████ VA (██████████)	██████████ (Monitor)
December 22-27, 2004	██████████ CA (██████████)	██████████ (Travel Monitor)



Office of Professional Responsibility

PFR-83- Robert Kealy

JANUARY TO DECEMBER 2004

Monitor/Therapy Schedule

Dates/Times	Event (Therapy, Spiritual Direction, Vacation, etc.) Where, When, How Long	Therapist, Spiritual Leader, Doctor, Monitor, etc. (Include names)
January 2-4, 2004	Charleston, South Carolina - Opus Bono Sacerdotii Meeting	██████████, President of Opus Bono Sacerdotii (Monitor)
January 10-12, 2004	San Francisco, California	Will be staying at his Brother ██████████'s home - same contact information and address as was noted in December 2003
February 2-9, 2004	██████████ Florida	██████████ (Friend/Monitor) ██████████
March 5-7, 2004	Brother ██████████ California - ██████████	██████████ (Travel Monitor)
March 19-21, 2004	NY, NY - Waldorf Astoria - Opus Bono Sacerdotii Meeting	██████████, cell # ██████████ (Travel Companion) - ██████████ Is Present of Opus Bono Sacerdotii.
April 9-12, 2004	██████████, Virginia (██████████)	██████████
April 23-25, 2004	Brother Art, 1166 Denton, Hayward, California - 510-887-7183	██████████ (Travel Monitor)
June 12-24, 2004	Mediterranean cruise	██████████ (Travel Monitor) - ██████████ ██████████ IL ██████████ ██████████
July 11-12, 2004	██████████ Lake - ██████████	██████████ (Travel Monitor)

Office of Professional Responsibility

P.O. Box 1979
Chicago, Illinois 60690-1979(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO

This is a red ink stamp!

DO NOT COPY

To: File - PFR-83

From: Leah McCluskey, Professional Responsibility Administrator

Re: Kealy, Rev. Robert [Withdrawn]

Date: January 9, 2004

PRA received a phone call from Rev. Robert Kealy today regarding a family emergency that will require him to fly to San Francisco, California on January 10, 2004. As per Fr. Kealy, his brother [REDACTED] is in a hospital in the San Francisco area [REDACTED] and as a result, will be in San Francisco from January 10 until January 12, 2004. He will fax all of the contact information to PRA later this afternoon. Fr. Kealy will be staying at the home of his brother [REDACTED], the same contact information and address as was noted in December 2003.

PRA thanked Fr. Kealy for the phone call and wished his brother well.

Cc: Rev. James Kaczorowski, Vicar for Priests

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility




P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

To: File - PFR-83

From: Leah McCluskey, Professional Responsibility Administrator 

Re: Kealy, Rev. Robert [Withdrawn]

Date: January 9, 2004

PRA received a phone call from Rev. Robert Kealy today regarding a family emergency that will require him to fly to San Francisco, California on January 10, 2004. As per Fr. Kealy, his brother [REDACTED] is in a hospital in the San Francisco area in the Intensive Care Unit and as a result, will be in San Francisco from January 10 until January 12, 2004. He will fax all of the contact information to PRA later this afternoon. Fr. Kealy will be staying at the home of his brother [REDACTED] the same contact information and address as was noted in December 2003.

PRA thanked Fr. Kealy for the phone call and wished his brother well.

Cc: Rev. James Kaczorowski, Vicar for Priests

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

RECEIVED

JAN 21 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

January 19, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Fitness Review
P.O. Box 1979
Chicago, IL 60690

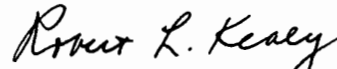
Dear Leah:

This is to let you know that I am planning to visit my friend [REDACTED] in [REDACTED] Florida from February 2-9, 2004. He lives at [REDACTED]. His phone number is [REDACTED].

Enclosed is a completed Travel/Vacation Notification form.

With cordial good wishes, I remain

Sincerely yours,

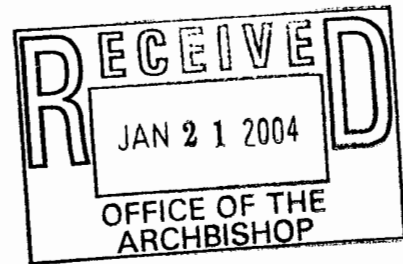


Reverend Robert L. Kealy

cc: Reverend Anthony Talarico

AOC 016077

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060



January 20, 2004

A handwritten signature in dark ink, appearing to read "Francis George", written over a horizontal line.

Francis Cardinal George, O.M.I.
Archbishop of Chicago
P.O. Box 1979
Chicago, IL 60690

Your Eminence,

I sincerely apologize for the tone of my letter to you which was delivered to your office today. It was written late at night out of pain and anxiety.

Today Father Talarico told me that Father Kaczorowski informed him that the Website list is a dead project and will not be done. I am relieved to hear that, as are the other priests at the Retreat House. I am grateful to you for dealing quickly to nip this in the bud.

I regret that I will not be here when you visit the men on February 2, because I will be out of town. I'm sure that the men will appreciate your presence.

I pray daily that the Lord will give you the grace to lead us to deeper faith, closer unity, and greater charity. I appreciate your personal kindness and consideration.

With cordial good wishes, I remain

Fraternally yours in Christ,

A handwritten signature in dark ink, appearing to read "R. Kealy", written in a cursive style.

Reverend Robert L. Kealy

cc: Father William Woestman, O.M.I.
Father Patrick R. Lagges

RECEIVED

TRAVEL/VACATION NOTIFICATION

JAN 21 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

FR. KEALY [name of cleric] has informed this office that he will be traveling to
[redacted]
[redacted] FL [destination address and contact phone number] from
FEB 2 [departure date] through FEB 9, 2004 [return date].

FR KEALY [name of cleric] will be monitored by
[redacted] [name of travel monitor]. [redacted] [name of
travel monitor] has accepted the responsibility of verifying the location and activities of
FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over FEB 2-9 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY 's [cleric name] residence has been scheduled for FEB 9 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 1/19/04

PRA Signature: Paul McElvick Date: 1/21/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

AOC 016079

ARCHDIOCESE OF CHICAGO **COPY**

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

January 27, 2004

Rev. Francis G. Morrissey, OMI, JCD
Saint Paul University
223 Main Street
Ottawa, ON K1S 1C4 CANADA

Dear Fr. Morrissey,

Enclosed you will find monitoring information presented to your client, **Rev. Robert Kealy** on January 26, 2004. Rev. James T. Kaczorowski, Vicar for Priests and I met with Fr. Kealy at the Cardinal Stritch Retreat House in Mundelein on January 26th to discuss the enclosed protocols. Fr. Kealy was also informed of Cardinal George's acceptance of the Review Board's recommendation that he provide his signature to the enclosed protocols and return to me no later than March 31, 2004.

If you have any questions, please feel free to contact me at [312] 751-5205. Fr. Kaczorowski may also be reached at [312] 642-1837.

Sincerely,

A handwritten signature in cursive script, reading "Leah McCluskey".

Leah McCluskey
Professional Responsibility Administrator

Enclosures

AOC 016080

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility




P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

To: File - PFR-83

From: Leah McCluskey, Professional Responsibility Administrator 

Re: Kealy, Rev. Robert

Date: January 31, 2004

PRA and Rev. James T. Kaczorowski, Vicar for Priests met with Rev. Robert Kealy on January 26, 2004 at the Cardinal Stritch Retreat House. Fr. Kaczorowski had arranged the meeting with Fr. Kealy so that the current monitoring protocols could be discussed.

Fr. Kealy began by expressing his concerns to PRA and Fr. Kaczorowski regarding the proposal of a priest information website to be up and running on February 1, 2004 as mentioned by Mr. Jimmy Lago, Chancellor and Cardinal Francis George. He informed PRA and Fr. Kaczorowski that he expressed his concerns to Cardinal George and primarily discussed the website being a violation of the privacy of priests. Fr. Kealy also referenced a contact sheet provided to parishes and offices throughout the Archdiocese, which contained information regarding reporting concerns or allegations of sexual misconduct against clergy. He asked that copies of the contact sheet be provided to him and the other men who have been withdrawn from ministry as a result of substantiated allegations of sexual misconduct against minors. Fr. Kealy also expressed his concerns with some of the wording used in the Ten year report, specifically that the word "credible" was used to refer to allegations made against men who have been removed. Fr. Kealy suggested that in the future, the wording might be "allegation pending" to describe allegations of sexual misconduct made against men who have been withdrawn from ministry and have not yet had a canonical trial.

Fr. Kealy then initiated conversation regarding Rev. John Calicott and his violations of the current monitoring protocols as reported by the media over the past week. As per Fr. Kealy, the "common fear" [of those withdrawn] at the retreat house is that "monitoring will be tightened up for all." PRA then provided Fr. Kealy with the current Individual Specific Monitoring Protocols, a Daily Log form, and a Travel/Vacation Agreement form. Fr. Kealy was also informed that copies of the aforementioned forms would be forwarded to his canonical advocate, Rev. Francis G. Morrissey, OMI JCD. He informed

PRA that he would discuss the protocols with Fr. Morrissey prior to signing. Fr. Kealy also stated that his "signature is invalid if signed under duress."

Fr. Kealy then initiated a conversation regarding Mr. Jim Dwyer of the Communications Department and his comments to the local media. Specifically, Fr. Kealy voiced his concern with Mr. Dwyer's comment that the men who have been withdrawn from ministry are residing at "the retreat house in Mundelein." PRA informed Fr. Kealy that the location of he and others removed for sexual misconduct is not a secret. Fr. Kealy agreed, however suggested that when necessary, it be shared with the media that the men are in a "supervised setting" and not even a "monitored setting." Fr. Kealy feels that "[the Archdiocese] doesn't want to draw attention to the fact that the guys are at Mundelein." He also shared his feeling that the Fr. Calicott's media attention has been publicly displayed as "tit for tat" between Fr. Calicott and the Archdiocese.

Another point expressed by Fr. Kealy was that he has written his appeal to Rome and has also objected to several things. He asked for clarification of the location of the Office of Professional Responsibility. When asked by Fr. Kealy, PRA confirmed that the Office of Professional Responsibility shares a suite with the Office of Assistance Ministry. Fr. Kealy explained that Rev. Patrick Lagges, Judicial Vicar informed him that the aforementioned offices were not in the same suite. As per Fr. Kealy, "Had I known [that the offices were *still* sharing the same suite]," he would have added that information in his appeal to Rome. PRA explained to Fr. Kealy that despite the physical location of the Office of Professional Responsibility, PRA would continue to be objective.

Prior to ending the meeting, Fr. Kealy also shared his concerns with confidentiality and "leaks from some office downtown" concerning the files of men who have been withdrawn from ministry.

Fr. Kealy was pleasant, however seeming condescending throughout the meeting. PRA and Fr. Kaczorowski thanked Fr. Kealy for his comments and his time.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests
Rev. Patrick Lagges, Judicial Vicar

RECEIVED

FEB 13 2004

Francis G. MORRISEY, O.M.I.
175 Main — Ottawa, Canada — K1S 1C3

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

☎(613)-230-3521
FAX (613) 230-9677
MESSAGE (613) 237-0580
e-mail: morrissey@istar.ca

February 6, 2004

Ms. Leah McCLUSKEY,
Profesional Responsibility Administrator,
P.O. Box 1979,
CHICAGO, IL USA 60690-1979

Dear Ms. McCLUSKEY,

This is just a note to thank you for your two letters of January 27th concerning Rev. Robert Kealy [REDACTED]

You certainly are most careful to keep me informed, and I appreciate your thoughtfulness.

Best wishes,

Frank M. Morrisey,

Francis G. MORRISEY, O.M.I.

AOC 016083

COPY

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

February 11, 2004

Rev. Robert Kealy
Post Office Box 455
Mundelein, IL 60060-0455

Dear Fr. Kealy,

Per your request of January 26th, enclosed you will find a copy of the contact information sheet that was sent to parishes regarding reporting an allegation.

Please contact Leah McCluskey if you have any questions at 312-751-5205.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Neri-Palomino".

Laura A. Neri-Palomino
Administrative Assistant

Enclosure

AOC 016084

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, IL 60611



(312) 751-5205
1-800-994-6200
Fax (312) 751-5279

In order to respond to the needs of individuals who have been abused by priests or deacons of the Archdiocese of Chicago the following telephone numbers are provided for your use.

ARCHDIOCESE OF CHICAGO

OFFICE OF PROFESSIONAL RESPONSIBILITY for reporting priest/deacon abuse of minors
Leah McCluskey, MSW, LSW, Administrator
312-751-5205
1-800-994-6200 (COOK & LAKE COUNTY)
lmcccluskey@archchicago.org

OFFICE OF VICARS FOR PRIESTS for reporting priest/deacon abuse of adults
Rev. James Kaczorowski, Vicar
312-642-1837
jkaczorowski@archchicago.org
Rev. Thomas Tivy, Vicar
312-642-1837
ttivy@archchicago.org

OFFICE OF ASSISTANCE MINISTRY for outreach to those affected by priest/deacon abuse
Ralph Bonaccorsi, Director
312-751-8267
rbonaccorsi@archchicago.org
assistmin@archchicago.org

OFFICE FOR THE PROTECTION OF CHILDREN & YOUTH (Safe Environment Program)
Jan Slattery, Director
312-751-5319
jslattery@archchicago.org
safekids@archchicago.org

OFFICE OF COMMUNICATIONS
James Dwyer, Director
312-751-8227
jdwyer@archchicago.org

OFFICE OF LEGAL SERVICES
John O'Malley, Director
312-751-5379
Jomalley@archchicago.org

CIVIL AUTHORITIES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES (D.C.F.S.)
1-800-252-2873

COOK COUNTY STATE'S ATTORNEY ---
312-603-5440

LAKE COUNTY STATE'S ATTORNEY
847-377-3000

From: Leah McCluskey
To: Neri-Palomino, Laura
Date: 2/11/04 1:45PM
Subject: Kealy

Laura,

Could you please send a copy of the contact info. phone numbers [the one you put together to send to the parishes] regarding reporting an allegation to Fr. Kealy? Just in the cover letter, refer to the fact that this information was being sent to him as he requested on Jan 26th.

Thanks.

Leah

ARCHDIOCESE OF CHICAGO

Department of Personnel Services



Post Office Box 1979
Chicago, Illinois 60690-1979

312-751-8349
Fax: 312-751-9806

cfowler@archchicago.org

February 12, 2004

Rev. Robert L. Kealy
Cardinal Stritch Retreat House
PO Box 455
Mundelein, IL 60060

COPY
of an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO
This is a red ink stamp!
DO NOT COPY

Dear Fr. Kealy:

I received your letter requesting ministerial expense reimbursement today. There are a couple of difficulties with your request.

First, the ministerial expense allowance is for a fiscal year. There is a reimbursement potential of up to \$2100 per fiscal year, incurred in that fiscal year. By January of 2003, we had paid you a total of \$1998 for ministerial expenses for the fiscal year 2003. Therefore, there was \$102 available for FY 2003. Most of the expenses you turned in are for FY 2003.

Secondly, we need receipts for each item that is requested that demonstrate that the expense was actually a ministerial expense. For example, we would not ordinarily pay phone bills or wireless bills. If there were some specific long distance calls requested for reimbursement, we need receipts with some kind of description as to why these expenses are for purposes of ministry. This description does not need to give names that might violate someone's confidentiality.

Therefore, the only expenses that would qualify for FY 2004 expenses are the telephone expenses after July 1, 2003 and we need some kind of documentation that these are actually ministerial expenses.

Please feel free to call if you would like to discuss this. I am sorry about the "bad news" this letter represents.

God Bless you and I hope you have a Happy and Healthful New Year.

Sincerely,

A handwritten signature in cursive script, appearing to read 'CF'.

Carol Fowler

Cc: Rev. James Kaczorowski

AOC 016087

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

PROFESSIONAL RESPONSIBILITY REVIEW BOARD MEETING **Saturday, February 21, 2004- 9:00 a.m. to 1:00 p.m.**

AGENDA

I. Approval of Minutes – January 10, 2004

II. Case Reviews

Preliminary Review:

A. [REDACTED]

III. **Case Updates:**

A. [REDACTED]

B. [REDACTED]

IV. **Monitoring Meetings/Monitoring Update**

A. [REDACTED]

B. [REDACTED]

C. [REDACTED]

D. Robert Kealy (Withdrawn 2001) - PFR-83

E. [REDACTED]

F. [REDACTED]

G. [REDACTED]

H. [REDACTED]

V. [REDACTED]

VI. **Update on New Allegations Received**

The next scheduled Board Meeting is for Saturday, March 20, 2004



ARCHDIOCESE OF CHICAGO

VICAR FOR PRIESTS

645 NORTH MICHIGAN AVENUE, SUITE 543

CHICAGO, ILLINOIS 60611

Off: (312) 642-1837
Fax: (312) 642-4933

February 26, 2004

Dear Brother Priests,

Attached is a copy of the letter which the Cardinal sent to all priests in the Archdiocese. This is being sent to you to keep you informed about the communication that is being sent at this time. If you have questions, please feel free to contact Leah McCluskey, Tom Tivy or myself.

Be assured of my prayers and support for you. The beginning of the season of Lent reminds us of the One who sustains us through the difficult times of our lives. May this Jesus be with each of you, now and always.

God bless you.

Sincerely, in Christ,

A handwritten signature in black ink, appearing to read "Kaczorowski".

Rev. Jim T. Kaczorowski
Vicar for Priests

Cc: Leah McCluskey
Rev. Thomas A. Tivy

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



February 26, 2004

Dear Brothers in Christ:

First, thanks to all of you who shared with your parishioners a copy of my February 15 letter concerning the John Jay study in advance of that report's official release tomorrow. You will remember that there are actually two reports to be released tomorrow, both commissioned by the Bishops. The John Jay social science study will contain national statistics regarding both those abused and accused, as well as dollar amounts spent to respond to the crisis. The National Review Board report will provide a context for the John Jay data.

We have been asked to wait until the reports are officially released tomorrow to offer comment on them, when real figures and perspective become public. I am told that both reports will be available to be viewed by 10 a.m. Friday on the U.S. Conference of Catholic Bishops website (www.usccb.org, linked to our website at www.archchicago.org). I will meet with media tomorrow to respond to the reports in their entirety and at that time offer our own up-to-date figures for the Archdiocese of Chicago about allegations made against clergy because of sexual abuse of children and youth since 1950.

I am including in this fax an advance copy of a letter and attachment I would like you to share with your parishioners this weekend about the reports. (*A clean copy of this letter will be available to you to download on Friday morning from the archdiocesan website, www.archchicago.org, in English, Spanish, and Polish.*) We will share this same letter with news media at tomorrow's news conference.

We will also be initiating a new service to access information for the protection of minors and to assist those who may have been sexually abused by a priest. The service will allow self-identified individuals, upon request, to receive appropriate information, already made public in another forum, regarding whether there has been reason to suspect that a past or present priest of the Archdiocese of Chicago may have abused a minor. All those inquiring will receive a written response. For inquiries on 98% of archdiocesan priests, the information provided will simply include an ordination date and a description of a current assignment. It is likely that we will be asked to describe this service at the news conference.

I was grateful to learn that some parishes are planning prayer services to coincide with the release of the John Jay report, because surely the issues raised by it are matters to be brought to prayer. I understand, too, that other parishes are planning discussions in which the report can be further evaluated. Because the release of this study could reopen some wounds among our people -- particularly among those who may have been abused -- I encourage you to have on hand contact information about how allegations of clergy sexual abuse can be reported.

Visit the Archdiocese of Chicago's official home page on the World Wide Web
<http://www.archchicago.org>

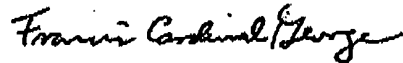
AOC 016090

February 26, 2004
Page 2

No other group has faced the scrutiny involved in this type of study, and I know that this cannot be an easy time for you amidst the attention focused on the data that this report will contain. Yet, you are the "face" of the Church within your parish communities, in times both easy and hard. So many of you have told me of the kindness of your parishioners who have expressed their personal support for your priestly ministry – and, like you, I take great comfort from this support.

My prayer for you today is the same one I pray for myself: that in our intentions and in our actions, we might be worthy of the trust placed in us by Jesus Christ and by those whom we serve in his name and with his authority. Thank you for your life and ministry as priests in the Archdiocese of Chicago. Please keep me in your prayers.

Fraternally yours in Christ,



Francis Cardinal George, O.M.I.
Archbishop of Chicago

FAX

RECEIVED

FEB 27 2004

VICAR FOR PRIESTS OFFICE

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

645 N. Michigan, Suite 543

Chicago, Illinois 60611

(312) 642-1837

Fax: (312) 642-4933

To: Leah McCluskey

From: Mary Ann

Fax Number:

Date: 2/27/04

Number of pages including cover sheet: 1

MESSAGE:

☐ URGENT ☐ FOR YOUR REVIEW ☐ REPLY ASAP ☐ COMMENT

Leah,

This is material faxed to priests
at Koenig Hall last night. Ray
listed you as contact, together with
Tom and himself, if there are calls
from those at Koenig Hall.

Blessings on this day!

Mary Ann

ARCHDIOCESE OF CHICAGO

Office of the Archbishop

Post Office Box 1979
Chicago, Illinois 60690-1979

February 27, 2004

Dear Brothers and Sisters in Christ:

Today the John Jay College of Criminal Justice in New York City released a nationwide social science research study, commissioned by the U.S. Bishops, on clerical sexual abuse of minors. The John Jay Study is a quantitative analysis based on confidential data gathered from almost every diocese, eparchy, and religious order in the U.S. on sexual abuse of minors by Catholic clergy from 1950 to 2002. The data will be crucial in searching for the causes of clerical sexual abuse and in preventing it in the future. This is the study's purpose. A report by the National Review Board providing context for the John Jay data will also be released today.

Officials of the Archdiocese have already published basic data in two reports covering the periods 1950 to 1992 and 1993 to 2002. This information has been updated through December 31, 2003, and is shown on the attached information sheet.

Archdiocesan records reflect that 2,513 archdiocesan priests served in the Archdiocese of Chicago between 1950 and 2003. The Archdiocese has found reason to suspect that, during these 53 years, sexual misconduct with a minor occurred in 142 cases involving 55 Archdiocesan priests, about 2 percent of archdiocesan priests. Of the 55 priests, 13 are deceased, 22 have resigned from the priesthood and 20 are withdrawn from ministry. None is engaged in any public ministry. All cases have been reported to the public authorities.

Money spent because of clerical sexual abuse includes \$26.9 million for victim assistance, settlements and support in the period 1950-2003. Beginning in 1992, the year the Bernardin Commission established procedures for dealing with clerical sexual misconduct, through December 21, 2003, \$5.9 million was spent for treatment and monitoring of priests, and \$5.9 million for legal expenses. Of the \$5.9 million spent on legal fees, \$1.3 million was spent to defend a priest and a school principal judged to be innocent by a civil jury.

The Archdiocese of Chicago, complying with the definition of "allegation" supplied by the John Jay Study, reported for the study all recorded notifications of clerical sexual misconduct with minors, whether or not they resulted in any investigation or whether there was reasonable cause to suspect abuse had occurred.

Since 1992, the Archdiocese of Chicago has addressed allegations of abuse of minors and promoted healing of victims through an Assistance Ministry office, an independent Review Board, and a regular process for reporting abuse allegations to the civil authorities and the public. More recently, the Archdiocese created an Office for the Protection of Children and Youth. It oversees child abuse training programs and background screenings of over

Visit the Archdiocese of Chicago's official home page on the World Wide Web
<http://www.archchicago.org>

February 27, 2004
Page 2

50,000 employees and volunteers. These measures have allowed us to reach out to victims and parish communities, to create safe environments for children and to remove from ministry any priest for whom there was reasonable cause to suspect that sexual misconduct with a minor had occurred. All of these initiatives will continue in our seminaries, schools, parishes and ministry offices.

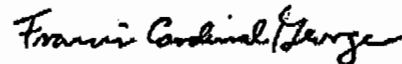
The bishops of the United States have kept the promises they made during and following their June, 2002, Dallas meeting. All offending priests have been removed from ministry; an independent study was undertaken to understand the extent and causes of clerical misconduct; and policies and procedures have been put in place in every diocese in the United States to deal with abuse allegations, to insure the safety of children and to communicate openly with the public. Most important of all, the care of victims has been formalized and will remain high on the agenda of the Church.

The publication of these results reminds us that some priests betrayed the trust placed in them by Christ, by the children He loves, and by families. Church leaders who failed to act on their behalf only added to the harm done. I again sincerely apologize to the victims and to their families for the anguish they have endured. I offer once again an invitation to anyone who has experienced sexual abuse by a priest or deacon to bring this information to our attention by contacting the Office of Professional Responsibility at 1-800-994-6200.

The consequences of these failures have deeply affected the entire Catholic community. I know that many of you are angered and embarrassed, as am I. We can learn from the transgressions of the past, however, and make as sure as we can that no other child or young person goes through what those who have been victims continue to suffer.

You are always in my prayers. Please keep me in yours.

Sincerely yours in Christ,



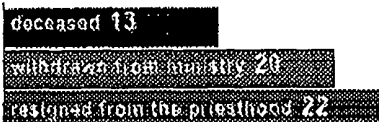
Francis Cardinal George, O.M.I.
Archbishop of Chicago

Attachment

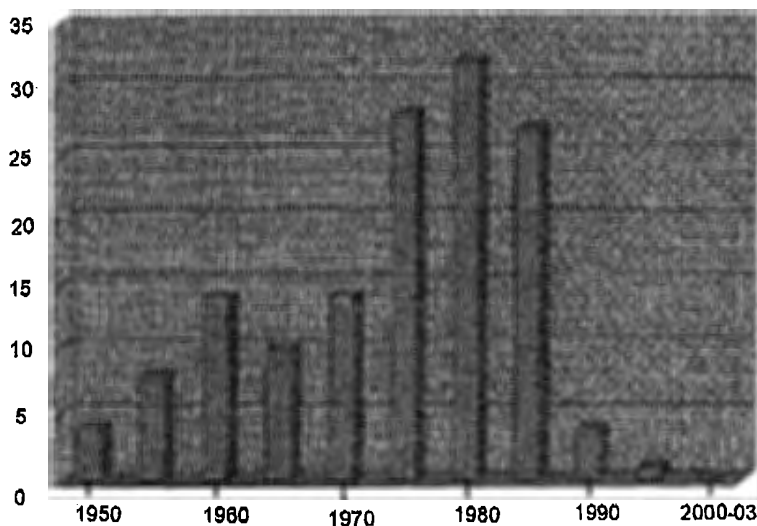
ARCHDIOCESE OF CHICAGO - INFORMATION SHEET

ACCUSED PRIESTS: HOW MANY, WHERE THEY ARE NOW, WHEN OCCURRED

The Archdiocese of Chicago found reasonable cause to suspect that sexual misconduct with a minor had occurred in 142 cases involving 55 Archdiocesan priests in the period 1950-2003. None is currently in ministry. Most incidents occurred between 1970 and 1985.



DATE OF INCIDENTS



ACCUSED PRIESTS AS PART OF TOTAL POPULATION

Archdiocesan records reflect that 2,513 archdiocesan priests served in the Archdiocese between 1950 and 2003. Those priests for whom there was reason to suspect that they had engaged in sexual misconduct with a minor represent about two percent of the total number.



FINANCIAL IMPACT

The Archdiocese has spent \$38.7 million on clerical sexual abuse since from 1950 to 2003.



TO REPORT A CASE OF ABUSE

To The Archdiocese

To report suspected sexual abuse of a minor by a priest or deacon -presently or in the past- call:

Leah McCluskey, MSW, LSW Administrator
Office of Professional Responsibility
(800) 994-6200

(Lake and Cook counties only)
or (312) 751-5205

Send written allegations to:

Leah McCluskey, Administrator
Office of Professional Responsibility
Archdiocese of Chicago
Post Office Box 1979
Chicago, Illinois 60690-1979
Email: lmccuskey@archchicago.org
Fax: (312) 751-5279

To Other Authorities

To report allegations directly to civil authorities, call:

The Department of Children and Family Services (D.C.F.S.)
(800) 252-2873

Cook County State's Attorney
(312) 603-5440

Lake County State's Attorney
(847) 377-3000

COMPLETE INFORMATION ON OUR WEB SITE



RECEIVED

TRAVEL/VACATION NOTIFICATION

MAR 04 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Rev. Robt. Kealy [name of cleric] has informed this office that he will be traveling to CA [destination address and contact phone number] from MAR 5 [departure date] through MAR 7 [return date].

FR KEALY [name of cleric] will be monitored by [redacted] [name of travel monitor]. [redacted] [name of travel monitor] has accepted the responsibility of verifying the location and activities of FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over MAR 5-7 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for MAR 7 [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 2/3/04
PRA Signature: Frank McCloskey Date: 3/4/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

Permission granted orally by Frank McCloskey on 2/3/04

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

RECEIVED
MAR 10 2004
ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

March 9, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Fitness
Suite 1910
676 N. St. Clair
Chicago, IL 60611

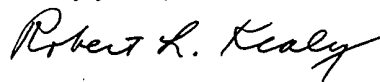
Dear Leah:

I am planning to travel to New York City, March 19-21, for a meeting of Opus Bono Sacerdotii. My travel monitor will be [REDACTED] the President of Opus Bono Sacerdotii. We will be staying at the Waldorf-Astoria Hotel. [REDACTED]'s phone number is [REDACTED].

Enclosed is a completed Travel/Vacation Notification form.

With cordial good wishes, I remain

Sincerely yours,


Reverend Robert L. Kealy

cc: Reverend Anthony Talarico

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

RECEIVED

MAR 16 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

March 14, 2004


Ms. Leah McCluskey
Administrator
Office of Professional Fitness Review
Suite 1910
676 N. St. Clair
Chicago, IL 60611

Dear Leah:

In regard to the Individual Specific Protocol which Cardinal George is requiring us to sign, please note that blanks were not filled in on the form you gave me. Please complete the form and return it to me for my signature.

Thank you very much.

Sincerely yours,


Reverend Robert L. Kealy

TRAVEL/VACATION NOTIFICATION

RECEIVED

FR. ROBERT KEALY [name of cleric] has informed this office that he will be traveling to NY, NY - WALDORF ASTORIA [destination address and contact phone number] from MAR 19 [departure date] through MAR 21 [return date].

MAR 10 2004
ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

FR KEALY [name of cleric] will be monitored by CELL: [REDACTED] [name of travel monitor]. [REDACTED] [name of travel monitor] has accepted the responsibility of verifying the location and activities of FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [REDACTED] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [REDACTED] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over MAR 19-21 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY 's [cleric name] residence has been scheduled for MAR 21 [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 3/8/04

PRA Signature: Paul McClelland Date: 3/14/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

FAX

VICAR FOR PRIESTS OFFICE**645 N. Michigan, Suite 543****Chicago, Illinois 60611****(312) 642-1837****Fax: (312) 642-4933****RECEIVED****MAR 15 2004**ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY**To:** *Leah McCluskey***From:** *Dr. Jan Kaczorowski***Fax Number:****Date:** *3/15/04***Number of pages including cover sheet:** *4***MESSAGE:**☐ **URGENT** ☐ **FOR YOUR REVIEW** ☐ **REPLY ASAP** ☐ **COMMENT**



Off: (312) 642-1837
Fax: (312) 642-4933

ARCHDIOCESE OF CHICAGO**VICAR FOR PRIESTS****645 NORTH MICHIGAN AVENUE, SUITE 543****CHICAGO, ILLINOIS 60611****RECEIVED****MAR 15 2004****ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY****MEMO**

To: Most Reverend Raymond E. Goedert
Most Reverend Edwin M. Conway
Mr. Jimmy Lago
Dr. Carol Fowler
Ms. Leah McCluskey
Reverend Thomas A. Tivy
Reverend Daniel A. Smilanic
Reverend Anthony Talarico
Reverend Edmund J. Siedlecki

From: Reverend James T. Kaczorowski

Date: March 15, 2004

Re: Residents at Koenig Hall

Attached is a copy of the letter sent by Francis Cardinal George to each of the residents at Koenig Hall, Cardinal Stritch Retreat House.

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

RECEIVED

MAR 17 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

March 15, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Fitness
P.O. Box 1979
Chicago, IL 60690

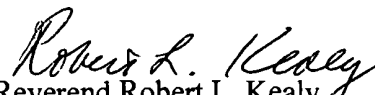
Dear Leah:

I am planning to visit my sister an brother-in-law, [REDACTED] for Easter. I will be gone April 9-12. I will be staying at my sister's house in [REDACTED] Virginia. Her telephone number is [REDACTED].

Enclosed is a completed Travel/Vacation Notification form.

With cordial good wishes, I remain

Sincerely yours,


Reverend Robert L. Kealy

cc: Reverend Anthony Talarico

COPY

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

RECEIVED

MAR 17 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

March 15, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Fitness
P.O. Box 1979
Chicago, IL 60690

COPY
of an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO
This is a red ink stamp!
DO NOT COPY

Dear Leah:

I am planning to visit my sister and brother-in-law, Mr. and Mrs. [REDACTED] for Easter. I will be gone April 9-12. I will be staying at my sister's house in [REDACTED] Virginia. Her telephone number is [REDACTED].

Enclosed is a completed Travel/Vacation Notification form.

With cordial good wishes, I remain

Sincerely yours,

Robert L. Kealy
Reverend Robert L. Kealy

cc: Reverend Anthony Talarico

AOC 016103

TRAVEL/VACATION NOTIFICATION

RECEIVED

FR KEALY [name of cleric] has informed this office that he will be traveling to MAR 17 2004

[REDACTED] [destination address and contact phone number] from VIRGINIA of an original document from the files of

APRIL 9, '04 [departure date] through APRIL 12, '04 [return date]

FR KEALY [name of cleric] will be monitored by [REDACTED] [name of travel monitor]

[REDACTED] [name of travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [REDACTED] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.

2. [REDACTED] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over APRIL 9-12 [aforementioned time frame].

3. As previously noted, the date of return to FR KEALY 's [cleric name] residence has been scheduled for APRIL 12 [aforementioned return date].

However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: [Signature] Date: 3/15/04

PRA Signature: [Signature] Date: 3/17/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

COPY
 This is a red ink stamp!
 DO NOT COPY
 ARCHDIOCESE OF CHICAGO
 VICAR FOR PRIESTS' OFFICE
 as original document from the files of

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

COPY
March 15, 2004 of an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO
This is a red ink stamp!
DO NOT COPY

Rev. Robert L. Kealy
P O Box 455
Mundelein, IL 60060

Dear Father Kealy,

I would like to take this opportunity to inform you that the Most Reverend Raymond E. Goedert will assume the responsibilities of interim monitor at the Cardinal Stritch Retreat House, Koenig Hall, effective Tuesday, March 16, 2004. While he serves in this capacity, Bishop Goedert will reside at the retreat house. I am deeply grateful to him for accepting this responsibility at the present time. As this transition occurs, I also wish to thank Father Anthony Talarico for having served in the capacity of monitor for the past two or more years while, at the same time, performing his primary duties of administrator at the retreat house.

Sometime within the next two weeks, Bishop Goedert, Father Jim Kaczorowski, my Vicar for Priests, and Ms. Leah McCluskey, Professional Responsibility Administrator, will meet with the residents at Koenig Hall as a group and review the contents of the protocol. We are also inviting Father Talarico and Father Siedlecki to be present for this meeting since there will be occasions when they will function as monitor in Bishop Goedert's absence.

I am sorry this process is taking so much longer than I believed and expected it would. I want to assure you of my prayers for you. Likewise, I ask that you pray for me. May this season of Lent be a time of special blessing for you.

Sincerely, yours in Christ,

A handwritten signature in black ink, reading "Francis Cardinal George".

Francis Cardinal George
Archbishop of Chicago

AOC 016105

Cc: Most Reverend Raymond E. Goedert
Most Reverend Edwin M. Conway
Mr. Jimmy Lago
Dr. Carol Fowler
Ms. Leah McCluskey
Reverend James T. Kaczorowski
Reverend Thomas A. Tivy
Reverend Daniel A. Smilanic
Reverend Anthony Talarico
Reverend Edmund J. Siedlecki

FAX

VICAR FOR PRIESTS OFFICE

645 N. Michigan, Suite 543

Chicago, Illinois 60611

(312) 642-1837

Fax: (312) 642-4933

To: *Rev. Robert Kealy*

From: *Fr. James Kaczmarek*

Fax Number:

Date: *3/15/04*

Number of pages including cover sheet: 3

MESSAGE:

☐ URGENT ☐ FOR YOUR REVIEW ☐ REPLY ASAP ☐ COMMENT

Attached you will find a copy of the letter being sent to you by Cardinal George.

The original will reach you by mail. Be assured of my prayers for you.

Fraternally,

KJZ

TRAVEL/VACATION NOTIFICATION

RECEIVED

MAR 17 2004

FR KEALY [name of cleric] has informed this office that he will be traveling to

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

[REDACTED] VIRGINIA [destination address and contact phone number] from

APRIL 9, '04 [departure date] through APRIL 12, '04 [return date].

FR KEALY [name of cleric] will be monitored by

[REDACTED] [name of travel monitor]. [REDACTED] name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [REDACTED] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [REDACTED] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over APRIL 9-12 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY [cleric name]'s residence has been scheduled for APRIL 12 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: [Signature] Date: 3/15/04

PRA Signature: [Signature] Date: 3/17/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

RECEIVED

MAR 26 2004

MEMORANDUM OF THE MEETING OF MARCH 22, 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

This is a provisional draft of what took place in the post-meeting-meeting. Feel free to give Fr. Keehan any corrections you think helpful and he will incorporate them. Needless to say, written corrections will be quoted more accurately.

Monday, March 22, 2004

Two meetings were at the Secure Location. In the first the "voluntary" residents had a very frank discussion with Fr. Kaczorowski and Ms. McCluskey. Several issues were surfaced, including the details of implementing monitoring.

During that discussion, Bishop Goedert proposed a discussion following the meeting with Fr. Kaczorowski and Ms. McCluskey. Most of the voluntary residents attended the second meeting:

Bishop Goedert, D. Buck, P. Bowman, E. Siedlecki,
J. Keehan, [REDACTED] and several others.

These are the results of that second discussion with Bishop Goedert.

1. Bishop Goedert suggested that a small group propose practical suggestions on the implementation of the Archdiocesan monitoring protocols. Bishop Goedert offered to convey such suggestions to the Review Board and Cardinal for their consideration.
2. After some discussion it was agreed that R. Kealey, D. Buck and J. Keehan would meet with Bishop Goedert at 1 p.m. on Friday, March 26, 2004 at the Secure Location. They would attempt to create a list of practical suggestions on the implementation of the Archdiocesan monitoring protocols.
3. Bishop Goedert would like the voluntary residents to submit their hourly logs on a weekly basis, by passing them under the door of Room 200. He said they should be submitted at the end of each week if that is practical.
4. Bishop Goedert clarified that any overnight away from the secure location required filling out the Vacation Information Form in advance and sending it to Ms. McCluskey (faxing it if necessary). The inmate is also to inform Bishop Goedert of the overnight. Some arrangement can be made for a regular overnight away.
5. Bishop Goedert does not consider his role to be one of granting permissions.
6. Bishop Goedert distinguished necessary and prudent monitoring from what appeared to be more punitive or penal extensions of monitoring.
7. P. Bowman observed that the monitoring appears to be a public relations campaign rather than a response to any real danger the voluntary residents might present.
8. The post-meeting meeting broke up at 9:30 p.m.

Francis G. MORRISEY, O.M.I.
175 Main — Ottawa, Canada — K1S 1C3

Φ(613)-230-3521
FAX (613) 230-9677
MESSAGE (613) 237-0580
e-mail: morrisey@istar.ca

March 25, 2004

His Eminence Francis Cardinal GEORGE, O.M.I.,
Archbishop of Chicago,
P.O. Box 1979,
CHICAGO, IL USA 60690

Your Eminence,

COPY
of an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO
This is a red ink stamp!
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Re: Rev. Robert KEALY

I trust that you are keeping well. We will be looking forward to your visit to the General Chapter in September.

As his canonical advocate (although this is not a case for advocacy), I am writing today concerning a particular request that Father Bob Kealy is making regarding the eventual celebration of the funeral Mass of his brother [REDACTED]. Bob is asking to be able to officiate at the funeral [REDACTED].

In addition to all the compassionate and pastoral reasons that could be invoked to grant him this permission, there are a number of canonical reasons that could also be considered, so that this permission could be granted.

I will list some of them here:

1. He has not been found guilty of any canonical delict.
2. He enjoys the presumption of innocence until the contrary is proven.
3. The restrictions on future ministry are directed towards those priests who have been found guilty of a delict of sexual abuse of a minor.
4. The present state of "limbo" in which Father Bob finds himself is the result of a "gentleman's agreement", rather than of a decree issued pursuant to canon 1722.

5. Bob has fully complied with the restrictions.

6. Even if canon 1722 had been invoked, its purpose is to ensure a fair trial and to guarantee the safety of children. Those concerns do not apply in the present situation. Therefore, it seems very prudent to be able to grant the permission.
7. Similar permissions have been granted in other dioceses in the USA, so it is not an exception to accepted pastoral practice.
8. To decline permission would appear to be unnecessarily severe, both to Bob, and to his family, who are active parishioners.
9. In his address to the Congregation for the Doctrine of the Faith, February 6, 2004, Pope John Paul II said: "Once the offence has been proven, he said, it is necessary in each case to assess carefully both the just principle of proportionality between fault and punishment, as well as the predominant need to protect the entire People of God." So, if even in cases where an offence has been proven, there is still a need for proportionality, even more so in the present situation where no canonical delict has been proven.

- - - - -

Therefore, I am asking whether you could not grant this one time authorization.

Thanking you for the attention you will give this request, and with my best personal wishes, I am, yours very gratefully,

Francis G. MORRISEY, O.M.I.

CC: Rev. Robert Kealy

Office of Professional Responsibility
676 N. St. Clair, Suite 1910
Chicago, IL 60611
(312) 751-5205

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MAR 1 5 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

INDIVIDUAL SPECIFIC PROTOCOLS

For

Rev. Robert Kealy

The Individual Specific Protocols (ISP) implement the primary goal of protecting minors. Additionally, the ISP protects the integrity of the Church and serves as a safeguard for individual priest or deacon. As long as the cleric is a client of the Office of Professional Responsibility, he will be subject to appropriate protocols, restrictions and monitoring under the authority of the Vicar for Priests and supervised by the Professional Responsibility Administrator (PRA); please refer to protocol number 15. The agreement of a priest or deacon to abide by these protocols is not understood to prove the truth of any allegation and is not intended to be an admission of guilt for any delict or crime, whether in Canon Law, or State and Federal Law. This agreement represents the cooperation of the cleric with his bishop as he exercises his pastoral office (e.g., Canons 369 and 392).

This ISP for Robert Kealy is as follows (PRA to initial all that apply):

1. ☒ Restricted from being alone with minors (anyone under the age of 18) without the presence of another responsible adult.

2.

3.

4. ☒ The "Clergy Daily Log" to be completed on a daily basis and co-signed by the monitor. The log is a tool that is used for the protection of minors, the priest/deacon, the monitor and the Archdiocese. Although it lists all time periods, it is intended to provide an accurate record of the day rather than a detailed clock. If you are describing an off-campus activity, please include the place, the general purpose of the visit/trip/activity (e.g. Spiritual Direction, therapy), and the telephone number only if it is a private residence. (For example, it is enough to indicate that you did personal shopping rather than the name, location and telephone number of each individual store.) If your self-description is challenged, some documentation/verification may be requested.

5.

- ☒ Abide by the assignment of residence to Cardinal Stritch
Retreat House

6. ☒ No inappropriate use of computers, software, Internet capabilities, communications tools or video technology. The standards articulated in the *Policies and Procedures of the Archdiocese of Chicago* and the *Handbook For Archdiocesan Employees* will apply.
7. ☒ Must complete and submit the "Travel/Vacation Agreement", and obtain concurrence with the Agreement, prior to a scheduled departure.
8. ☒ N/A Attendance at a recommended support group _____ (please indicate specific support group). Recommended frequency of _____ times per week/month (please circle one). Attendance at a recommended support group is to be reflected on "Clergy Daily Log" forms.
9. ☒ No ministerial participation in the public celebration of the Eucharist or any other Sacrament or Sacramental without the prior, written permission of the Vicar for Priests.
10. ☒ Refrain from wearing any garb that would give the appearance of, or seem to infer, a priest/deacon who has canonical faculties and is currently assigned to some ministry (e.g., the 'clerical shirt').
11. ☒ The right of defense must not involve the public life of the Church.
12. ☒ On-site visits by PRA annually to include meeting with PRA and the cleric.
13. ☒ On-site visits by Vicar for Priests (VP) annually to include a meeting with VP and the cleric.
14. ☒ This ISP is to be reviewed annually with PRA, VP, and the cleric.
15. Because the private celebration of the Eucharist is possible, during the course of each week one of the Masses celebrated is to be for the intention of the priests of the Archdiocese of Chicago.
16. Any change or alteration to this agreement will involve consultation with the cleric, his monitor, the PRA, and the VP. The cleric, his monitor, the PRA, or the VP can initiate the discussion for change or alteration, and at the discretion of any of the parties, his legal and/or canonical counsel may be involved.

I have reviewed, understand, and agree to all of these individual specific Protocols.

Signed: See attachment dated 3/28/04 Date: _____

Printed Name: _____

Signature of PRA: Paul McCloskey Date: 3/31/04

Signature of VP: _____ Date: _____

Attachment to ISP for Rev. Robert L. Kealy

I was told by Father Kaczorowski that Cardinal George said that any accused priest who did not sign this agreement would have his salary cut off. Since I cannot afford to live without a salary, I am signing this under duress.

I will comply with all legitimate directives of Cardinal George. Furthermore, as a sign of goodwill, I have complied with and will comply with all reasonable requests of the Cardinal.

I would point out, however, that I consider that it defamatory (c. 220) for the Archdiocese to state that accused priests are placed in a "restricted, monitored setting" or that they are being monitored. This connotes that the priest is a danger to the public and it reinforces the accusation of SNAP that accused priests are dangerous men. To my knowledge, virtually no other diocese in the United States has such a monitoring policy. Thus it is not accepted pastoral practice. There is nothing in canon law or the Essential Norms which gives the diocese bishop the right to impose such restrictions and the penal law must be interpreted strictly (c. 18). Particular law (i.e., diocesan policy) may not infringe on legitimate rights protected by the Code of Canon Law (e.g. c. 220).

I consider #4 to be an illegitimate infringement on a priest's right to privacy (c. 220).

I consider #7 to be an infringement of a diocesan priest's legitimate autonomy of life.

I consider #10 to be an illegitimate restriction of the rights of an accused priest. It has no basis in canon law or the Essential Norms.

I consider #11 to be an illegitimate infringement of the rights of an accused priest. The Chancellor of the Archdiocese has used the Archdiocesan newspaper to declare all accused priests guilty (cf. Archdiocesan *Ten Year Report*), however item #11 denies an accused priest the right to defend himself. I would also point out that Bishop Howard Hubbard wrote a letter defending himself which was read at the Masses in the parishes of his diocese and he has used his diocesan newspaper to defend himself. I believe these actions of Bishop Hubbard were legitimate.

Regarding #15, I pray for the Cardinal and the priests of the Archdiocese at every Mass which I celebrate. It is gratuitous to include such an item in the protocols.

Signed under duress

Robert L. Kealy
Rev. Robert L. Kealy

3/28/04
Date

ARCHDIOCESE OF CHICAGO

COPY

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

March 18, 2004

Rev. Robert Kealy
Cardinal Stritch Retreat House
PO Box 455
Mundelein, Illinois 60060

Dear Fr. Kealy,

Thank you so much for your letter dated March 14, 2004. I apologize for the oversight of not providing my initials in the appropriate spaces on the Individual Specific Monitoring form. I appreciate you bringing this to my attention.

Please review and complete the enclosed Individual Specific Monitoring form. I ask that you return it to me no later than March 31, 2004.

Fr. Kealy, please know that you, your brother, and your family are in my thoughts and prayers.

Peace,

A handwritten signature in black ink, appearing to read "Leah McCluskey", with a large, stylized flourish at the end.

Leah McCluskey
Professional Responsibility Administrator

Enclosure

AOC 016116

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

RECEIVED

APR 07 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

April 3, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Fitness
P.O. Box 1979
Chicago, IL 60690

Dear Leah:

I am planning to another visit to my brother [REDACTED] in [REDACTED]. I will be gone April 23-25. His address is [REDACTED] CA [REDACTED]. His phone number is [REDACTED].

Enclosed is a completed Travel/Vacation Notification form.

With cordial good wishes, I remain

Sincerely yours,

Robert L. Kealy
Reverend Robert L. Kealy

cc: Most Reverend Raymond Goedert

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

To: Rev. James Kaczorowski, Vicar for Priests
From: Laura A. Neri-Palomino *LNP*
Re: Rev. Robert Kealy
Date: April 7, 2004

Please sign the enclosed Individual Specific Protocols for Fr. Robert Kealy and return to Leah McCluskey at your earliest convenience.

Thank you for cooperation.

TRAVEL/VACATION NOTIFICATION

FR ROBERT KEALY [name of cleric] has informed this office that he will be traveling to

CA [destination address and contact phone number] from

RECEIVED

APRIL 23 [departure date] through APRIL 25 [return date]. APR 07 2004

FR KEALY [name of cleric] will be monitored by

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

[redacted] [name of travel monitor]. [redacted] [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over APRIL 23-25 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY 's [cleric name] residence has been scheduled for APRIL 25 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: April 3, 2004

PRA Signature: Paul McManus Date: 4/7/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

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APR 12 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

April 8, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Fitness
P.O. Box 1979
Chicago, IL 60690

Dear Leah:

My brother [REDACTED] died yesterday and his funeral will be at the end of next week. I will fly from O'Hare to San Francisco on Thursday, April 15, 2004 and arrive back in Chicago on Saturday, April 17 in the late afternoon.

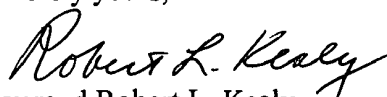
I will be staying at the Crowne Plaza Hotel in Foster City, CA on Thursday and Friday night. My sister, [REDACTED], will also be staying at the hotel and will be the monitor.

I will still go to San Francisco, as I had notified you, April 23-25. I had already purchased a non-refundable ticket. It will give me a chance to visit with my sister-in-law and my nephews after things have quieted down.

Enclosed is a completed Travel/Vacation Notification form for the April 15-17 trip.

With cordial good wishes, I remain

Sincerely yours,


Reverend Robert L. Kealy

cc: Most Reverend Raymond Goedert

Office of Professional Responsibility

676 N. St. Clair, Suite 1910

Chicago, IL 60611

(312) 751-5205

RECEIVED

MAR 16 2004

INDIVIDUAL SPECIFIC PROTOCOLS

For

Rev. Robert Kealy

COPY

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OFFICE OF PROFESSIONAL RESPONSIBILITY

of an original document from the files of

OFFICE OF PROFESSIONAL RESPONSIBILITY

ARCHDIOCESE OF CHICAGO

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The Individual Specific Protocols (ISP) implement the primary goal of protecting minors. Additionally, the ISP protects the integrity of the Church and serves as a safeguard for individual priest or deacon. As long as the cleric is a client of the Office of Professional Responsibility, he will be subject to appropriate protocols, restrictions and monitoring under the authority of the Vicar for Priests and supervised by the Professional Responsibility Administrator (PRA); please refer to protocol number 15. The agreement of a priest or deacon to abide by these protocols is not understood to prove the truth of any allegation and is not intended to be an admission of guilt for any delict or crime, whether in Canon Law, or State and Federal Law. This agreement represents the cooperation of the cleric with his bishop as he exercises his pastoral office (e.g., Canons 369 and 392).

This ISP for Robert Kealy is as follows (PRA to initial all that apply):

1. ☒ Restricted from being alone with minors (anyone under the age of 18) without the presence of another responsible adult.

2.

3.

4.

☒ The "Clergy Daily Log" to be completed on a daily basis and co-signed by the monitor. The log is a tool that is used for the protection of minors, the priest/deacon, the monitor and the Archdiocese. Although it lists all time periods, it is intended to provide an accurate record of the day rather than a detailed clock. If you are describing an off-campus activity, please include the place, the general purpose of the visit/trip/activity (e.g. Spiritual Direction, therapy), and the telephone number only if it is a private residence. (For example, it is enough to indicate that you did personal shopping rather than the name, location and telephone number of each individual store.) If your self-description is challenged, some documentation/verification may be requested.

5.

☒ Abide by the assignment of residence to Cardinal Stritch
Retreat House

6. ☒ No inappropriate use of computers, software, Internet capabilities, communications tools or video technology. The standards articulated in the *Policies and Procedures of the Archdiocese of Chicago* and the *Handbook For Archdiocesan Employees* will apply.
7. ☒ Must complete and submit the "Travel/Vacation Agreement", and obtain concurrence with the Agreement, prior to a scheduled departure.
8. ☒ Attendance at a recommended support group _____ (please indicate specific support group). Recommended frequency of _____ times per week/month (please circle one). Attendance at a recommended support group is to be reflected on "Clergy Daily Log" forms.
9. ☒ No ministerial participation in the public celebration of the Eucharist or any other Sacrament or Sacramental without the prior, written permission of the Vicar for Priests.
10. ☒ Refrain from wearing any garb that would give the appearance of, or seem to infer, a priest/deacon who has canonical faculties and is currently assigned to some ministry (e.g., the 'clerical shirt').
11. ☒ The right of defense must not involve the public life of the Church.
12. ☒ On-site visits by PRA annually to include meeting with PRA and the cleric.
13. ☒ On-site visits by Vicar for Priests (VP) annually to include a meeting with VP and the cleric.
14. ☒ This ISP is to be reviewed annually with PRA, VP, and the cleric.
15. Because the private celebration of the Eucharist is possible, during the course of each week one of the Masses celebrated is to be for the intention of the priests of the Archdiocese of Chicago.
16. Any change or alteration to this agreement will involve consultation with the cleric, his monitor, the PRA, and the VP. The cleric, his monitor, the PRA, or the VP can initiate the discussion for change or alteration, and at the discretion of any of the parties, his legal and/or canonical counsel may be involved.

I have reviewed, understand, and agree to all of these individual specific Protocols.

Signed: See attachment dated 3/28/04 Date: _____

Printed Name: _____

Signature of PRA: [Signature] Date: 3/31/04

Signature of VP: [Signature] Date: 4-9-04

Attachment to ISP for Rev. Robert L. Kealy

I was told by Father Kaczorowski that Cardinal George said that any accused priest who did not sign this agreement would have his salary cut off. Since I cannot afford to live without a salary, I am signing this under duress.

I will comply with all legitimate directives of Cardinal George. Furthermore, as a sign of goodwill, I have complied with and will comply with all reasonable requests of the Cardinal.

I would point out, however, that I consider that it defamatory (c. 220) for the Archdiocese to state that accused priests are placed in a "restricted, monitored setting" or that they are being monitored. This connotes that the priest is a danger to the public and it reinforces the accusation of SNAP that accused priests are dangerous men. To my knowledge, virtually no other diocese in the United States has such a monitoring policy. Thus it is not accepted pastoral practice. There is nothing in canon law or the Essential Norms which gives the diocese bishop the right to impose such restrictions and the penal law must be interpreted strictly (c. 18). Particular law (i.e., diocesan policy) may not infringe on legitimate rights protected by the Code of Canon Law (e.g. c. 220).

I consider #4 to be an illegitimate infringement on a priest's right to privacy (c. 220).

I consider #7 to be an infringement of a diocesan priest's legitimate autonomy of life.

I consider #10 to be an illegitimate restriction of the rights of an accused priest. It has no basis in canon law or the Essential Norms.

I consider #11 to be an illegitimate infringement of the rights of an accused priest. The Chancellor of the Archdiocese has used the Archdiocesan newspaper to declare all accused priests guilty (cf. Archdiocesan *Ten Year Report*), however item #11 denies an accused priest the right to defend himself. I would also point out that Bishop Howard Hubbard wrote a letter defending himself which was read at the Masses in the parishes of his diocese and he has used his diocesan newspaper to defend himself. I believe these actions of Bishop Hubbard were legitimate.

Regarding #15, I pray for the Cardinal and the priests of the Archdiocese at every Mass which I celebrate. It is gratuitous to include such an item in the protocols.

Signed under duress Robert L. Kealy 3/28/04
Rev. Robert L. Kealy Date

TRAVEL/VACATION NOTIFICATION

FR ROBERT KEAY [name of cleric] has informed this office that he will be traveling to

CALIFORNIA [destination address and contact phone number] from **RECEIVED**

APRIL 15 [departure date] through APRIL 17 [return date]. **APR 13 2004**

FR KEAY [name of cleric] will be monitored by

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

[redacted] [name of travel monitor]. [redacted] name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEAY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEAY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.

2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEAY [cleric name] over APRIL 15-17 [aforementioned time frame].

3. As previously noted, the date of return to FR KEAY's [cleric name] residence has been scheduled for APRIL 17 [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Keay Date: April 8, 2004

PRA Signature: [Signature] Date: 4/12/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

From: [REDACTED]
To: <jkaczorowski@archdiocese-chgo.org>
Date: Wed, Apr 14, 2004 5:29 PM
Subject: About being always prepared

Kaz,

In the very unlikely event that there should be any media inquiry about my officiating at the funeral of my brother [REDACTED] I have drafted something which might be useful:

"Cardinal George and Bishop [REDACTED] of Oakland determined that it was pastorally appropriate to allow Father Kealy to officiate at the funeral of his brother. The funeral took place Friday in California.

"Although two years ago a single allegation was made against Father Kealy from almost thirty years ago, the canonical process is still pending. Father Kealy has not been found guilty of anything and is entitled to a presumption of innocence."

Thanks for everything, Kaz.

Bob

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of an original document from the files of
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Kealy

From: [REDACTED]
To: <jkaczorowski@archdiocese-chgo.org>
Date: Wed, Apr 14, 2004 8:18 AM
Subject: [REDACTED]

Kaz,

My brother [REDACTED] died today. Since I knew it is your day off, I called [REDACTED] and he asked Bishop [REDACTED], who gave his permission unconditionally.

As it turns out, [REDACTED] made arrangements to be cremated. We will probably have his memorial Mass on Friday, April 16.

To avoid setting any precedent, I am just telling the guys here that we are having a private memorial Mass.

Thanks for your help, Kaz.

Bob

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ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

April 15, 2004

Rev. Robert Kealy
P.O. Box 455
Mundelein, IL 60060-0455

Dear Fr. Kealy,

On behalf of Leah and myself our sincerest condolences on the loss of your brother [REDACTED] Our prayers are with you and your family during this time.

Enclosed is a copy of your travel/vacation form signed by Leah McCluskey.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Neri-Palomino".

Laura A. Neri-Palomino
Administrative Assistant

Enclosures

AOC 016127

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

May 19, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Fitness Review
P.O. Box 1979
Chicago, IL 60690

Dear Leah:


This is to let you know that I am going to be on a Mediterranean cruise from June 12-24. I will be traveling with [REDACTED], who will act as my monitor. He lives at [REDACTED], IL [REDACTED]. His home phone is [REDACTED].

Attached is the completed travel/vacation form.

Thank you very much.

With cordial good wishes, I remain

Sincerely yours,


Reverend Robert L. Kealy

cc: Bishop Goedert
Father Talarico

ITINERARY

Robert L. Kealy

Saturday, June 12	Depart O'Hare on American Airlines for Nice, France
Sunday, June 13	Arrive Nice Board <i>Seaboard Legend</i> in the afternoon 6:00 PM Departure
Monday, June 14	Portofino
Tuesday, June 15	Livorno
Wednesday, June 16	Sardinia
Thursday, June 17	Capri
Friday, June 18	Sorrento
Saturday, June 19	Civitavecchia
Sunday, June 20	Disembark Stay in Rome at Holiday Inn, St. Peter's until June 24
Thursday, June 24	Return flight to Chicago

TRAVEL/VACATION NOTIFICATION

FR. ROBERT KEALY [name of cleric] has informed this office that he will be traveling to
MEDITERRANEAN CRUISE* [destination address and contact phone number] from
JUNE 12 [departure date] through JUNE 24 [return date].

FR KEALY [name of cleric] will be monitored by
[REDACTED]** [name of travel monitor]. [REDACTED] [name of
travel monitor] has accepted the responsibility of verifying the location and activities of
FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

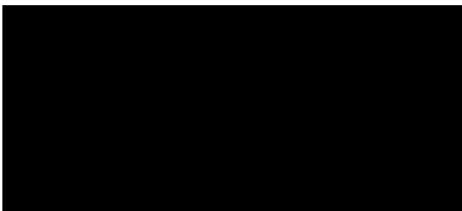
1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [REDACTED] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [REDACTED] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over JUNE 12-24 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for JUNE 24 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 5/19/04

PRA Signature: Paul McCloskey Date: 5/21/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

* SEE ATTACHED ITINERARY
**



ARCHDIOCESE OF CHICAGO
PAYROLL AUTHORIZATION/CHANGE FORM/PAYROLL SET UP

RECEIVED

JUN 10 2004

ARCHDIOCESE PRIESTS

Kealy, Robert
Last Name/First, Middle Initial

[REDACTED]
Social Security Number

200801
Employee Number

Active F/T ☒ Active P/T _____ Active P/T Benefits _____ Position _____

Ordination Date '72 Transfer to P.C. _____ Date Transfer from Agency/Parish/School# _____

Dept. Name _____ No. 10350 Agency _____ No. 10359

Pay through payroll

Regular Salary
(Compensation Book)
Other: Type _____

\$ 26,445

Effective Date: July 1, 2004

Non-Payroll Compensation
Type _____

\$ _____

\$ _____

-10%

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Total through Payroll \$ 23,800

Total Non-Payroll

\$ _____

Comments Pastor

Birth Date _____ EEOC: OM _____ PR _____ OC _____ SW _____ SL _____ ADM _____ Other _____ Veteran _____

Home Phone _____ Work Phone _____ Handicap: Yes _____ No _____

Mailing Address _____

Street, City, State, Zip Code _____

Dental Insurance: Yes _____ No _____ Name of Dental Plan _____

Payroll Direct Deposit: Yes _____ No _____ Forms attached: Yes _____ No _____ Federal/State Taxes: Yes _____ No _____ Forms attached: Yes _____ No _____

Defined Contribution Plan (AETNA) Yes _____ No _____ Amount per year \$ _____

TRANSFERS - EFFECTIVE DATE _____

Transfer From _____ To _____
Name Parish #, School #, or Agency # Personnel Services - Interim Salary #

Transfer From _____ To _____
Personnel Services - Interim Salary # Name Parish #, School #, or Agency #

Transfer From _____ To _____
Location Location

Termination/Resignation/Date _____ Reason _____

Agency Director/Date

CJ
Department Director/Date

[Signature]
Director, Human Resources/Date

Chancellor/Date

CJ 6-9-04
Director, Personnel Services/Date

Original: Payroll

Yellow: Human Resources

Pink: Agency

Gold: Benefits
Created: July, 2000

AOC 016131

TRAVEL/VACATION NOTIFICATION

RECEIVED

JUL 12 2004

FR KEALY [name of cleric] has informed this office that he will be traveling to [redacted] ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

[redacted] LAKE [redacted] [destination address and contact phone number] from

JULY 11 [departure date] through JULY 12 [return date].

FR KEALY [name of cleric] will be monitored by

[redacted] [name of travel monitor]. [redacted] [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over JULY 11-12 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for JULY 12 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L Kealy Date: 7/9/04

PRA Signature: Paul McIlwain Date: 7/12/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

FAX TO: 312-751-5279

TRAVEL/VACATION NOTIFICATION

FR ROBERT KEAY [name of cleric] has informed this office that he will be traveling to CA [destination address and contact phone number] from

RECEIVED

AUG 18 2004

AUG 21, 2004 [departure date] through AUG 23, 2004 [return date].

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

FR KEAY [name of cleric] will be monitored by

 [name of travel monitor]. [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEAY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEAY [name of cleric] must be in the presence of [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.

2. [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEAY [cleric name] over AUG 21-23 [aforementioned time frame].

3. As previously noted, the date of return to FR KEAY's [cleric name] residence has been scheduled for AUG 23 [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature:

Robert L. Keay

Date:

8/13/04

PRA Signature:

Paul McElroy

Date:

8/16/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

307 - 6

CODE OF CONDUCT ACKNOWLEDGEMENT FORM

Archdiocesan, Religious and Extern Priests

Parish/School/Agency CARDINAL STRITCH RETREAT HOUSE

DATE 10/3/04

I have received a copy of the CODE OF CONDUCT FOR CHURCH PERSONNEL. I have read and understand the Code of Conduct, and I agree to abide by it. I have also read and understand the "Measures to Aid Observance of the Code of Conduct" and the "Practical Suggestions" and will employ them to help me observe the code of conduct. A violation of this code can result in disciplinary action, up to and including termination and/or removal from ministry.

(Rev) Robert L. Kealy

Signature

REV. ROBERT L. KEALY

Print Name

Position

☒ Archdiocesan ☐ Extern

☐ Religious Community _____

The signed Code of Conduct Acknowledgement Form shall be kept in personnel files at the Pastoral Center. Please return the acknowledgement form to:

Archdiocesan Priests:
Office of the Chancellor
Archdiocese of Chicago
155 E. Superior
Chicago, IL. 60611

Religious/Extern Priests:
Rev. Jeremiah Boland
Archdiocese of Chicago
155 E. Superior
Chicago, IL. 60611

TRAVEL/VACATION NOTIFICATION

FR KEALY [name of cleric] has informed this office that he will be traveling to
CLSA CONVENTION 412-391-4600
PITTSBURGH HILTON [destination address and contact phone number] from

OCT 11 [departure date] through OCT 13 [return date].

FR KEALY [name of cleric] will be monitored by

[REDACTED] [name of travel monitor]. [REDACTED] [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [REDACTED] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [REDACTED] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over OCT 11-13 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for OCT 13 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 10/3/04

PRA Signature: [Signature] Date: 10/6/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

RECEIVED

OCT 04 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

TRAVEL/VACATION NOTIFICATION

FR KEALY [name of cleric] has informed this office that he will be traveling to SISTER'S HOME VA [destination address and contact phone number] from

NOV 21 [departure date] through NOV 23 [return date].

FR KEALY [name of cleric] will be monitored by

[redacted] [name of travel monitor]. [redacted] [name of travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over NOV 21-23 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for NOV 23 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 10/3/04

PRA Signature: Paul McClelland Date: 10/6/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

RECEIVED

OCT 04 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

TRAVEL/VACATION NOTIFICATION

FR KEALY [name of cleric] has informed this office that he will be traveling to

[REDACTED] FL [destination address and contact phone number] from

NOV 14 [departure date] through NOV 21 [return date].

FR KEALY [name of cleric] will be monitored by

FR CHRIS GUSTAFSON [name of travel monitor]. FR GUSTAFSON [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of FR GUSTAFSON [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.

2. FR GUSTAFSON [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over NOV 14-21 [aforementioned time frame].

3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for NOV 21 [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy

Date: 10/3/04

PRA Signature: Shelly McInerney

Date: 10/6/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

RECEIVED

OCT 04 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

AOC 016137

called on
Oct. 11, 2004 -
[REDACTED] did check
into Pittsburgh
Hilton. (W)

TRAVEL/VACATION NOTIFICATION

FR. ROBERT KEALY [name of cleric] has informed this office that he will be traveling to

[redacted] [redacted]
[redacted] CA [destination address and contact phone number] from

DEC 22 [departure date] through DEC 27 [return date].

FR KEALY [name of cleric] will be monitored by

[redacted] [name of travel monitor]. [redacted] [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [redacted] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [redacted] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over DEC 22-27 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for DEC 27 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 10/16/04

PRA Signature: [Signature] Date: 10/19/04

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

RECEIVED

OCT 19 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Reverend Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

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NOV 09 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

November 8, 2004

Ms. Leah McCluskey
Administrator
Office of Professional Responsibility
Archdiocese of Chicago
P.O. Box 1979
Chicago, IL 60690

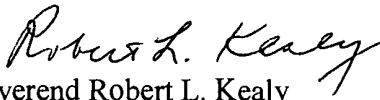
Re: Correction of travel dates

Dear Leah:

Recently I sent you the attached travel notification form for a visit to my sister for Thanksgiving. I discovered that I inadvertently put down the wrong dates. Instead of November 21-23, this trip will be November 24-26.

Sorry for the inconvenience. Thank you very much.

Sincerely yours,


Reverend Robert L. Kealy

cc: Reverend Anthony Talarico

ARCHDIOCESE OF CHICAGO

Office of Legal Services

John C. O'Malley
Director



Post Office Box 1979
Chicago, Illinois 60690-1979

Tel: (312) 751-5379
Fax: (312) 751-5252
e-mail: jomalley@archchicago.org

November 16, 2004

RECEIVED

Confidential

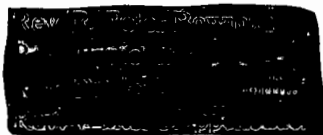
NOV 19 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Mr. Michael J. Howlett, Jr.
Counsel to the State's Attorney
Richard J. Daley Center
69 West Washington Street
Chicago, Illinois 60602

Dear Mr. Howlett:

Pursuant to your request, enclosed are copies of Individual Specific Protocols applicable to priests of the Archdiocese for whom the Archbishop has determined there is reason to suspect that the individual priest may have engaged in sexual misconduct with a minor. The priests are:



Rev. Robert Kealy

Please note I have deleted information related to therapy and spiritual direction for the reason of confidentiality. Further, [REDACTED] have not signed the protocol, upon advice of canonical counsel, but I am advised by Leah McCluskey that they comply with the restrictions.

If you have any questions, please let me know.

Very truly yours,

A handwritten signature in cursive script, reading "John C. O'Malley".
John C. O'Malley
Director of Legal Services

JCOM:sm

Enclosures

cc: Rev. Edward D. Grace
Rev. James T. Kaczorowski
Ms. Leah McCluskey

SCDir\03SC096\JCOM Cover letter for Individual Specific Protocols

AOC 016141

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

To: File

From: Leah McCluskey, Professional Responsibility Administrator

Re: Monitoring

Date: November 30, 2004

PRA and Rev. James T. Kaczorowski, Vicar for Priests traveled to the Cardinal Stritch Retreat House on November 29, 2004 and met with Rev. Edward Siedlecki. Fr. Siedlecki resides at the Retreat House.

Due to the fact that Rev. Anthony Talarico will be on vacation from November 29, 2004 through December 10, 2004, he will be unable to fulfill his duties as on-site monitor for those men who have been withdrawn from active ministry as a result of allegations of sexual misconduct. Fr. Kaczorowski and PRA met with Fr. Siedlecki to ask if he would agree to act as on-site monitor while Fr. Talarico is on vacation.

Fr. Siedlecki stated that he would act as monitor in Fr. Talarico's absence. PRA then went over the duties of on-site monitor with Fr. Siedlecki at his own request. Fr. Siedlecki was also agreeable to contacting Fr. Kaczorowski and/or PRA in the event of any of his awareness of any clear disregard/violation of the stated monitoring protocols.

Fr. Siedlecki shared with Fr. Kaczorowski and PRA his own current medical issues. It was agreed that in the event that Fr. Siedlecki would not be able to fulfill the role as monitor due to a medical emergency, he will contact either Fr. Kaczorowski or PRA.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests
Rev. Edward D. Grace, Vicar for Priests

AOC 016142

Please do not link to printable views of stories. The full story can be accessed using the link below. Thank you.
http://cbs2chicago.com/topstories/local_story_338134246.html



CBS

CBS 2 Chicago WBBM-TV | cbs2chicago.com

Priests Accused Of Abuse Face Church Trials

- [VIDEO: Jay Levine reports](#)

Dec 3, 2004 12:39 pm US/Central

Private, church trials are close to ending for two Chicago priests, accused of molesting young people, and Cardinal George is ready to take final action in a dozen other cases where the Vatican says trials are not necessary.

The snow-covered campus of St. Mary of the Lake, the archdiocese seminary in Mundelein is the temporary home to 14 priests, all awaiting final decisions on their cases. Ordered here by Cardinal George, they are all closely monitored and supervised.

CBS 2 News has learned the Vatican has ruled that the evidence against 12 of those priests is "grave and clear."

"The cases went to Rome and Rome said these cases have been presented so clearly and so well documented that you don't have to do a trial, you don't have to prove the case to us, go ahead now and simply impose the penalty," said Colleen Dolan, spokesperson for the archdiocese.

That will be up to Cardinal George, who said Thursday evening that the penalties will vary, but all will have one thing in common.

sot francis Cardinal George/archbishop of chicago

"Well the penalty is you're out of public ministry," said Cardinal George, the archbishop of Chicago. "There's more to it, remember Dallas talked about not presenting yourself as a priest and the other, so the promises of Dallas will be kept, as they have been."

The Vatican also ruled that two priests will stand trial before canon law judges. They are believed to be Father Thomas Swade, who was assigned to the Office of Racial Justice after being accused of sexual misconduct back in the early 1990's, and former Holy Angels Pastor John Calicott, who is accused of abusing several young men back in the 1970's. Those victims who came forward to CBS 2 News earlier this year, outraged at the priest's campaign for reinstatement.

"He raped me," said victim [REDACTED]. "Over and over and over again for more than two years."

But neither [REDACTED] nor [REDACTED] knew about Calicott's trial.

"I had no idea there was a trial going on and i was not brought in to be a part of it or give testimony," [REDACTED] said.

"If there is going to be a trial, where is the victim's voice?" [REDACTED] said.

"Just because they have not yet been called, doesn't mean they won't be," Dolan said.

But the cloistered priests and private processes are little comfort to young men who say some promises of Dallas aren't being kept.

"I think I was led to believe after their conference down in Dallas that they would be more compassionate, they would be more open, they would be more transparent, but as we can see, it's the same old thing," [REDACTED] said.

http://cbs2chicago.com/topstories/local_story_338134246.html/resources_storyPrintableXfi 12/4/2004

CBS 2 Chicago WBBM-TV: Priests Accused Of Abuse Face Church Trials

Page 2 of 2

Church officials maintain its not the same old thing because no priest with credible evidence against him will ever return to ministry. The Cardinal is hoping to reassure victims of that by meeting with them before making final judgments on penalties.

Jay Levine

MMIV, CBS Broadcasting Inc., All Rights Reserved.

Chicago Tribune: Victims get say at priest abuse hearings

Page 1 of 2

Chicago Tribune

— ONLINE EDITION —

<http://www.chicagotribune.com/news/local/chicago/chi-0412030314dec03.1.7776838.story>

Victims get say at priest abuse hearings

George seeking input on 14 cases

By Manya A. Brachear
Tribune staff reporter

December 3, 2004

Cardinal Francis George will consult with abuse victims to determine the fate of a dozen priests accused of molesting minors since U.S. Catholic bishops adopted a sex abuse policy in 2002, the Chicago archdiocese said Thursday.

Victims also will be called as witnesses in private canonical trials of two more priests later this month, said archdiocese spokeswoman Colleen Dolan.

The 14 cases, involving allegations reported after the bishops established the Charter for the Protection of Children and Young People in June 2002, were reviewed by the Vatican, Dolan said.

None of the 14 priests will return to public ministry in the Chicago archdiocese, she added.

The Vatican found it unnecessary to conduct canonical trials in 12 of the cases because the facts it was presented regarding the abuse allegations were "clear and grave," Dolan said.

According to instructions given by the Holy See, further penalties against those 12 will be determined by George, who will invite all victims to meet with him, Dolan said.

"He's making sure he offers the victims a chance to discuss the case one more time," she said. "If they don't want to, he's certainly not going to demand they do."

Victims will also be called to testify in the canonical trials of two other priests accused of abuse. "Victims are the witnesses," she added. "So we need them."

The archdiocese will not release names of the accused clergy.

The canonical trials and penalty phases for all 14 priests are expected to conclude by the end of the year.

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<http://www.chicagotribune.com/news/local/chicago/chi-0412030314dec03.1.4561086.print> 12/3/2004

Advertisement



Small is the
new big.



MERCURY NEW DOORS OPENED

CHICAGO TRIBUNE SAT. DECEMBER 4, 2004
P. 18 SEC. 1A

Priest will never return to ministry

South Side cleric to undergo church trial, sanctions

By Manya A. Brachear
Tribune staff reporter

Rev. John Calicott, the priest who has been fighting to return to his South Side parish, will undergo a church trial and face sanctions, the Chicago archdiocese announced Friday.

The archdiocese said Calicott, 54, was removed from ministry at Holy Angels Parish on the South Side in the mid-1990s over abuse allegations from two men. This year a third man filed a civil lawsuit alleging Calicott abused him.

Under rules in place in the 1990s, Cardinal Joseph Bernardin permitted Calicott to return to Holy Angels after he confessed to the abuses and signed a covenant with his congregation that he would never abuse again.

But after U.S. bishops adopted a stricter national child sex-abuse policy at their 2002 meeting in Dallas, eight priests were removed from their jobs in the Chicago archdiocese. At least five of those priests, including Swade and Calicott, filed appeals.

On Friday, officials said none of the 14 accused priests would return to public ministry.

"The Dallas promise was no one will be in public ministry," Cardinal Francis George said. "Public ministry in its clearest form is assigned to a parish and doing regular work as a priest."

Lago said the abuse allegations had been thoroughly vetted and deemed credible before they were sent to the Vatican.

"We reached a certain level of certitude," Lago said. The trial process "doesn't change the commitment that the cardinal made. If there is an offense in the priest's past, whether it reaches the canonical level or not, he will not put someone back in ministry."

But in the cases of Calicott and Rev. Thomas Swade, former coordinator of the archdiocese's Office of Racial Justice, the Vatican called for clarification through a trial process. Swade's trial is already under way.

The trials are conducted in Chicago before a three-person church tribunal. Victims can be called as witnesses, although they are not required to testify in person.

"The whole purpose of the canonical trial is to get to the truth," said archdiocese spokesman Jim Dwyer.

Calicott was removed from ministry at Holy Angels Parish on the South Side in the mid-1990s over abuse allegations from two men. This year a third man filed a civil lawsuit alleging Calicott abused him.

Under rules in place in the 1990s, Cardinal Joseph Bernardin permitted Calicott to return to Holy Angels after he confessed to the abuses and signed a covenant with his congregation that he would never abuse again.

But after U.S. bishops adopted a stricter national child sex-abuse policy at their 2002 meeting in Dallas, eight priests were removed from their jobs in the Chicago archdiocese. At least five of those priests, including Swade and Calicott, filed appeals.

On Friday, officials said none of the 14 accused priests would return to public ministry.

"The Dallas promise was no one will be in public ministry," Cardinal Francis George said. "Public ministry in its clearest form is assigned to a parish and doing regular work as a priest."

Lago said the abuse allegations had been thoroughly vetted and deemed credible before they were sent to the Vatican.

"We reached a certain level of certitude," Lago said. The trial process "doesn't change the commitment that the cardinal made. If there is an offense in the priest's past, whether it reaches the canonical level or not, he will not put someone back in ministry."

To: FR RASSAS FAX 847-234-⁹⁸²⁰~~0205~~

FROM: FR KERLY

CONFIDENTIAL

COPY

Rev. Robert L. Kealy
Cardinal Stritch Retreat House
P.O. Box 455
Mundelein, IL 60060

December 8, 2004

Francis Cardinal George, O.M.I.
Archbishop of Chicago
1555 N. State Pkwy.
Chicago, IL 60611

Your Eminence,

Attached are: a transcript of the December 3, 2004 Channel 2 exclusive on the accused priests; an article which appeared on the Chicago Tribune website on December 3, 2004; and a copy of an article which appeared in the Chicago Tribune on December 4, 2004.

These stories include the following statements by Archdiocesan spokespersons:

Colleen Dolan: The Vatican found it unnecessary to conduct canonical trials in 12 of the cases because the facts it was presented regarding the abuse allegations were "clear and grave."

"The evidence is so clear you don't have to do a trial, you don't have to prove the case to us, go ahead now and simply impose the penalty."

"None of the 14 priests will return to public ministry in the Chicago Archdiocese."

Several references to penalties and penalty phase

Jimmy Lago: "We reached a certain level of certitude." The trial process "doesn't change the commitment that the cardinal made. If there is an offense in the priest's past, whether it reaches the canonical level or not, he will not put someone back in ministry."

Unnamed officials: "The purpose [of a trial] is not to determine guilt or innocence but to seek clarification of the accusations."

These statements are unfair, inaccurate, and inappropriate for the following reasons:

- In two cases, Rome said, in effect: "There is no delict and no penalties may be imposed.

Temporary administrative restrictions may be imposed, but they are not to be portrayed or seen

as penalties.” Any statement that they will never return to public ministry is contrary to the Roman decision. Any reference to guilt or penalties is defamatory.

- In the cases where you were authorized to issue a penal precept; in effect Rome was saying that actions alleged were misdemeanors and were not of such gravity as to warrant a penal process.
- In the cases where Rome authorized an administrative penal process, you are the judge and are to make your decision in consultation with two canonical experts. Prior to your decision at the conclusion of the process, it is highly improper for an Archdiocesan official to make a statement that the accused is guilty and will never return to public ministry. This is a blatant prejudging of the case.
- In the cases of canonical trials, it is a total distortion of canon law to say that “the purpose of that process is not to determine guilt or innocence but to seek clarification of the accusations.” The purpose of a trial is precisely to determine whether an accusation has been proven with moral certitude. If so, the judges will determine the penalty. In effect, while trials are going on, the Archdiocese has pronounced the priests guilty and proclaimed that the penalty will be permanent exclusion from public ministry. This could be a basis for a mistrial.

Other issues:

All of these cases are still governed by pontifical secrecy until they are completed. In any event, if something must be said, it is better to keep it simple: “The cases are still in process and so we cannot comment on them at this time.”

The Archdiocese cannot substitute its own standard of proof in place of that of the Code of Canon Law.

The statements made about these very different cases, had all the subtlety of a sledgehammer.

Contacting victims/accusers at Christmas time is very insensitive. Raising these issues just before Christmas is most likely to aggravate and alienate an accuser/victim, rather than furthering healing. It is also very upsetting to the accused priests. Furthermore, it is a blow to the morale of the priests and people of the Archdiocese to focus on this at this time. These cases have been pending for 2 ½ years; why not wait a few more weeks?

Statements to the effect that all the cases will be wrapped up by the end of the year are unrealistic. The trials will take a long time. In other cases, it will take time for you to schedule

meetings with accusers and then for the complete of the canonical work. The priests have the right to take recourse against the decisions made.

The accused priests should be notified of any decisions in their case directly and not by watching the news for pronouncements by Archdiocesan officials or reading statements in the newspapers. The accused priests should be informed as to what the Archdiocese is going to say publicly about their cases.

Statements to the effect that none of the priests will return to public ministry prejudice the cases and make it more difficult for such a priest to do *any* kind of ministry.

Archdiocesan officials have imprudently revealed that the accused priests are on the campus of Mundelein seminary. On Friday, a reporter from the Tribune was camped outside the building for hours. Other vehicles were snooping around the grounds. It would not be surprising if neighbors complained. This has heightened the feeling of anxiety and vulnerability by the priests.

These are serious issues. These stories were carried on the Internet and spread all over the country. I have received calls from friends in California, New York, Virginia, and Florida, as well as former parishioners. When people read such statements they believe they are accurate, unless they are corrected.

I feel betrayed by the Archdiocese for making such incorrect and hurtful statements. Rather than trying to salvage the possibility of ministry for at least some of us, you have made it much more difficult. As a Protestant friend said to me, "It looks like you have an army that shoots its wounded."

Sincerely yours in Christ,

Reverend Robert L. Kealy

**OFFICE OF PROFESSIONAL RESPONSIBILITY
PFR-83 – REV. ROBERT KEALY
TRAVEL/VACATION SCHEDULE
JANUARY TO DECEMBER 2005**

[illegible]

TRAVEL/VACATION NOTIFICATION

RECEIVED

FR. ROBERT KEALY [name of cleric] has informed this office that he will be traveling to GUEST OF [REDACTED] [REDACTED] SYDNEY, AUSTRALIA [destination address and contact phone number] from JAN 05 2004 [diocese of CHICAGO OFFICE OF PROFESSIONAL RESPONSIBILITY]

MAR. 13, 2005 [departure date] through MAR. 21, 2005 [return date].

FR KEALY [name of cleric] will be monitored by

[REDACTED] [name of travel monitor]. [REDACTED] [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [REDACTED] [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [REDACTED] [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over MAR 13-21 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY 's [cleric name] residence has been scheduled for MAR 21, 2005 [aforementioned return date]. However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 1/2/05

PRA Signature: Paul McCloskey Date: 1/5/05

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

TRAVEL/VACATION NOTIFICATION

RECEIVED

JAN 05 2004

FR. ROBERT KEALY [name of cleric] has informed this office that he will be traveling to

GUEST OF

FLORIDA

[destination address and contact phone number] from

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

JAN 19, 2005 [departure date] through JAN 26, 2005 [return date].

FR KEALY [name of cleric] will be monitored by

[name of travel monitor]. [name of

travel monitor] has accepted the responsibility of verifying the location and activities of

FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the presence of [name of travel monitor]. Inappropriate situations and locations incompatible with a priestly lifestyle are to be avoided.
2. [name of travel monitor] may be asked to attest to the activities and whereabouts of FR KEALY [cleric name] over JAN 19-26 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name] residence has been scheduled for JAN 26 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be changed. In the event of such a circumstance, should the original plans be substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature:

Robert L. Kealy

Date:

1/2/05

PRA Signature:

Paul McCloskey

Date:

1/5/05

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar for Priests' Office.

AOC 016153

TRAVEL/VACATION NOTIFICATION

FR. ROBERT KEALY [name of cleric] has informed this office that he will be traveling to RECEIVED
HOME OF [REDACTED] / [REDACTED]
[REDACTED] CA [destination address and contact phone number] from JAN 11 2004

APR 16 6, 2005 [departure date] through APRIL 10 2005 [return date].

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

FR KEALY [name of cleric] will be monitored by
[REDACTED] [name of travel monitor]. [REDACTED] [name of
travel monitor] has accepted the responsibility of verifying the location and activities of
FR KEALY'S [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the
presence of [REDACTED] [name of travel monitor]. Inappropriate situations
and locations incompatible with a priestly lifestyle are to be avoided.
2. [REDACTED] [name of travel monitor] may be asked to attest to the
activities and whereabouts of FR KEALY [cleric name] over
APR 16-10 [aforementioned time frame].
3. As previously noted, the date of return to FR KEALY's [cleric name]
residence has been scheduled for APRIL 10 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be
changed. In the event of such a circumstance, should the original plans be
substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature:

Robert L. Kealy

Date:

1/6/05

PRA Signature:

Paul McNulty

Date:

1/11/05

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file
in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar
for Priests' Office.

FATHER ROBERT L. KEALY

Leah,

Please note that
this is for the
coming weekend.

Thank you.

Father Kealy

TRAVEL/VACATION NOTIFICATION

FR Robert Kealy [name of cleric] has informed this office that he will be traveling to
HOME OF [REDACTED] LAKE, WI [destination address and contact phone number] from

JUNE 18, 2005 [departure date] through JUNE 20, 2005 [return date].

FR KEALY [name of cleric] will be monitored by
[REDACTED] [name of travel monitor]. [REDACTED] [name of
travel monitor] has accepted the responsibility of verifying the location and activities of
FR KEALY [name of cleric] during the aforementioned time frame.

[see attached correspondence]

1. Contacts with minors by FR KEALY [name of cleric] must be in the
presence of [REDACTED] [name of travel monitor]. Inappropriate situations
and locations incompatible with a priestly lifestyle are to be avoided.

2. [REDACTED] [name of travel monitor] may be asked to attest to the
activities and whereabouts of FR KEALY [cleric name] over
JUNE 18-20 [aforementioned time frame].

3. As previously noted, the date of return to FR KEALY's [cleric name]
residence has been scheduled for JUNE 20 [aforementioned return date].
However, due to weather conditions or emergencies that may arise, the date may be
changed. In the event of such a circumstance, should the original plans be
substantially changed, please contact PRA at [312] 751-5205.

Cleric Signature: Robert L. Kealy Date: 6/12/05
PRA Signature: Paul McEluskey Date: 6/15/05

A copy of this document will be provided to the cleric. The original will be placed in the cleric's file
in the Office of Professional Responsibility and a copy will be placed in the cleric's file in the Vicar
for Priests' Office.

RECEIVED

JUN 15 2005

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

ARCHDIOCESE OF CHICAGO
PAYROLL AUTHORIZATION/CHANGE FORM/PAYROLL SET UP

ARCHDIOCESE PRIESTS



33
yo
Kealy Robert
Last Name, First, Middle Initial

[Redacted]
Social Security Number

200801
Employee Number

Active F/T ☒ Active P/T _____ Active P/T Benefits _____ Position _____

Ordination Date 1972 Transfer to P.C. _____ Date Transfer from Agency/Parish/School# _____

Dept. Name _____ No. 10350 Agency _____ No. 10359

Pay through payroll
Regular Salary
(Compensation Book)
Other: Type _____

\$ 24,269

Effective Date: July 1, 2005

Non-Payroll Compensation
Type _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Total through Payroll \$ _____

Total Non-Payroll \$ _____

Comments 10% reduction per Cardinal George

Birth Date _____ EEOC: OM _____ PR _____ OC _____ SW _____ SL _____ ADM _____ Other _____ Veteran _____

Home Phone _____ Work Phone _____ Handicap: Yes _____ No _____

Mailing Address _____

Street, City, State, Zip Code _____

Dental Insurance: Yes _____ No _____ Name of Dental Plan _____

Payroll Direct Deposit: Yes _____ No _____ Forms attached: Yes _____ No _____ Federal/State Taxes: Yes _____ No _____ Forms attached: Yes _____ No _____

Defined Contribution Plan (AETNA) Yes _____ No _____ Amount per year \$ _____

TRANSFERS - EFFECTIVE DATE _____

Transfer From _____ To _____
Name Parish #, School #, or Agency # Personnel Services - Interim Salary #

Transfer From _____ To _____
Personnel Services - Interim Salary # Name Parish #, School #, or Agency #

Transfer From _____ To _____
Location Location

Termination/Resignation/Date _____ Reason _____

Agency Director/Date _____

MS 7/6/2005
Department Director/Date

[Signature]
Director, Human Resources/Date

Chancellor/Date _____

Director, Personnel Services/Date _____

Original: Payroll

Yellow: Human Resources

Pink: Agency

Gold: Benefits

Rev. 5/04

AOC 016157