

Diocese of Dallas

OFFICE OF THE BISHOP

March 8, 2004

The Honorable Anne M. Burke
Interim Chair
National Review Board for the Protection
of Children and Young People
3211 Fourth Street NE
Washington, DC 20017-1194

RE: National Review Board Report

Dear Judge Burke:

Over the last few days our Diocese has begun the process of reviewing and studying the Board's recently released Report on the Crisis in the Catholic Church in the United States.

The Report itself is quite lengthy, and when studied in conjunction with the John Jay Survey information, is a significant amount of material to review and analyze. Our study will continue for some time, especially given the importance of the subject matter.

I must express a deep concern with respect to a statement made on Page 34 of the Report and the impression it leaves. In the process of recapping history with respect to the Archdiocese of Santa Fe and Servants of the Paraclete at Jemez Springs, the Report cites Rudy Kos as an example. The statement reads:

Several notorious abusers had undergone 'treatment' at the Jemez Springs center and continued to abuse after leaving the center. For example, Father Rudolph Kos, a priest of the Diocese of Dallas, was treated at the Jemez Springs center after having been accused of sexual molestation of minors but later was allowed to return to ministry. According to published reports, Kos abused more than 10 boys before he was laicized in 1998.

The Report then goes on to reference James Porter in Massachusetts and other matters.

When the Dallas audit was conducted a few months ago, no one here was asked about the Kos claims or litigation. Any number of people affiliated with the Dallas Diocese could have accurately responded to questions about how Kos was handled.

The statement quoted is absolutely inaccurate and wrong! Rudy Kos was never allowed to return to ministry in Dallas or anywhere else. The implication that he abused 10 boys from the time of his treatment at Jemez Springs through 1998, while in ministry before his laicization, is unfairly misleading and grossly inaccurate.

We are gravely concerned that a misstatement such as this, aside from leaving the wrong impression with respect to the handling of Kos, may further expose the Dallas Diocese to civil punitive damages in the future. More importantly, since the Report is public and contradicts many statements we have made here, it undermines many years of effort to re-establish trust in the Dallas Catholic Community.

Among my concerns is that this portion of the Report, when referenced or read in conjunction with many of the Board's determinations, that the:

"failure of many church leaders to respond appropriately" (page 7); "even more troubling was the failure of some bishops to respond to abuse in an effective manner" (page 8); "to allow a predator priest to remain in ministry out of fear of litigation is simply immoral. Such an action is also short-sighted as the failure to take action against a predator priest increases the long-term legal exposure of dioceses" (page 45); "some bishops allowed wrongdoers to continue in positions of ministry" (page 57);

will become part of the plaintiff's pleadings and litigation strategy in the pending and future lawsuits. They will in all likelihood also find their way into the media. We will expect, if needed in litigation, the cooperation of the Board members in establishing this error and correcting the wrong.

Shortly after I assumed my responsibilities as Bishop here, we were confronted with suspicions concerning Rudy Kos. Given that concern, we sought the guidance of two different physicians, both of whom, as it turns out, misdiagnosed the situation. In hindsight, I regret having relied on the doctors, but take comfort in knowing that I removed

Kos immediately upon learning of an actual report of abuse in the fall of 1992. At that time, he was immediately removed and sent to Jemez Springs (which, at the time, was believed to be an appropriate place). He was never allowed to return to ministry in the Dallas Diocese, or anywhere else.

It was learned that Kos had left Jemez Springs, returned to the Dallas area (not in ministry, but visiting for a holiday) and abused again. The police eventually pursued their investigation, at our urging, and ultimately filed criminal charges resulting in Kos' conviction and imprisonment where he remains today.

Our Diocese has sought for many years to address the difficult problem of child sexual abuse. Seminary standards were revised long ago. In fact, it may very well be that Holy Trinity Seminary here in Dallas, under the direction at that time of now Archbishop Sheehan, was one of the first in the country to initiate pre-admission psychological screening. Virtually all of the occurrences that have come to light in recent years occurred in Dallas many years ago. Claims were settled before the 1997 Kos trial, and a number have been settled since then. Counseling has been routinely offered and provided, we have never participated in confidential settlement agreements, and the Diocese and its various representatives have been careful not to "attack" or "beat up" on claimants. Although our Diocese has been forced to deal with some of these issues in the context of the civil legal system, we have, from the beginning, insisted that our legal counsel be mindful of the unique pastoral obligations of the Church, even in the context of civil lawsuits.

We undertook a considerable analysis, a number of years ago, of all clergy personnel files, implemented new written policies and procedures for handling these matters, and instituted what we call our "Safe Environment Program" applicable to all parishes and other organizations within the Diocese. All of this was done well before the National Conferences' meeting in Dallas in the summer of 2002. In short, although our Diocese has had its problems stemming from improper conduct years ago, we believe that our effort to appropriately respond has been exemplary.

I realize the Report has already been published, and to that extent the damage has been done. I would like to respectfully go on record as noting these inaccuracies, their possible after effects, and to ask that these misstatements be publicly corrected.

Given a misstatement such as this regarding such a well-known and highly publicized case, I am concerned about the accuracy of the balance of the Report, especially when viewed against the apparent duplicate counting which may have occurred in conjunction with the John Jay Survey. Have any other inaccuracies been reported to you since the Report was issued?

Enclosure

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