



5 November 2004

His Eminence,
Joseph Cardinal Ratzinger
Prefect, Congregation for the Doctrine of the Faith
Piazza del S Uffizio 11
00193 Rome
ITALY

Your Eminence:

May I respectfully submit herewith to the judgment of the Congregation for the Doctrine of the Faith the case of Michael John Cody, a priest of the Archdiocese of Seattle. Two female accusers allege that Father Cody molested them between 1958 and 1961, when they were minors. Father Cody has admitted to molesting at least forty minor females and one minor male since his ordination.

In 1962, upon receiving a report of aberrant behavior on the part of Father Cody from the pastor of the parish where Father Cody was parochial vicar, my predecessor referred Father Cody to a psychiatrist for evaluation. To this psychiatrist Father Cody admitted to an abnormal sexual attraction toward young girls, and to having molested at least eight minor females. This psychiatrist diagnosed Father Cody as a pedophile, and requested Father Cody's removal from parish ministry. Father Cody immediately was sent to a residential treatment center.

Father Cody was released from this residential treatment center in 1963. Following the recommendations of Father Cody's therapists at the treatment center, my predecessor placed Father Cody in a series of parish assignments between 1962 and 1975, assignments which were thought to be relatively free from stress and where Father Cody would pose little risk of offending again. In 1975, following three years of a divisive pastorate, Father Cody was removed from the office of parish pastor and was placed in residence in another parish, without ministerial duties. Never again was he assigned to ministry. In 1979 Father Cody was placed on disability retirement.

Thereafter Father Cody departed the geographical boundaries of the Archdiocese of Seattle and moved to the territory of the Diocese of Orlando. In 1988 Father Cody requested to be allowed to celebrate Sunday Mass in the parishes of the Diocese of Orlando, because of the pastoral needs of that diocese. My predecessor declined to grant Father Cody permission for this ministry, and referred Father Cody to the Center for the Prevention of Child Molestation in Tampa, Florida for psychological assessment. In the course of this assessment the extent of Father Cody's abusive activity emerged.

OFFICE OF THE ARCHBISHOP

Archdiocese of Seattle • 910 Marion Street • Seattle, Washington • 98104-1299

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Father Cody estimated to his therapists that the minor victims he had abused, predominately female, numbered as high as in the forties. Father Cody admitted to a (then) twenty year history of fondling and masturbating minor females. He also admitted to masturbating on a daily basis to sexual fantasies of fondling minor females. In response, the Center recommended that Father Cody not be permitted unsupervised contact with children, and that he enter a sex offender treatment program. Father Cody already had been restricted by my predecessor from any exercise of priestly ministry, and this restriction continues to the present.

Since 1988 two accusers have come forward, confirming the abuse that Father Cody had admitted. Father Cody continues to move around the country, making minimal contact with the Archdiocese of Seattle but canonically remaining an Incardinated priest of our Archdiocese. He receives a monthly income from the archdiocesan Priest Pension Fund. In 2003 Father Cody indicated that, beyond this support, he desires no connection with the Archdiocese of Seattle.

It is my desire now to bring Father Cody's ambiguous relationship with the Archdiocese of Seattle to a close, and to end this identification of a pedophile priest as a priest of this Archdiocese when he is not under my supervision. In 1989 Father Cody petitioned my predecessor for laicization, a petition my predecessor accepted. However, due to a change of personnel at the chancery, the process of laicization was not pursued. In 1993 the Archdiocese wrote to Father Cody inquiring whether he still wished to petition for laicization. Father Cody responded that he considered his resignation from active ministry as sufficient for his purposes and regarded laicization as an internal ecclesiastical process irrelevant to him. Father Cody noted that personal involvement in a laicization process would only be stressful for his health. He voiced no objections as to my predecessor pursuing imposed laicization for Father Cody if that served the needs of the Archdiocese.

It is my judgment, as expressed above, that Father Cody's laicization does serve the Archdiocese. Father Cody's continued status as a priest of the Archdiocese is a source of scandal and wonderment to the faithful, who do not understand how this situation can continue unresolved. Our archdiocesan Case Review Board has recommended to me that I petition the Holy Father for the dismissal of Father Cody from the clerical state *ex officio et in poenam*. The archdiocesan Promoter of Justice concurs with this recommendation. With the evidence for Father Cody's delicts so abundant, and with Father Cody unwilling to participate personally in a laicization process but also having no objection to his laicization being sought by me, his Ordinary, I agree that this is the most healing action for the Church of Western Washington and for Father Cody I can take. Therefore, I ask for derogation from prescription in this case, and hereby petition the Holy Father to dismiss Michael John Cody from the clerical state *ex officio et in poenam*. I have informed Michael Cody of my request of the Holy Father. Because of Michael Cody's advanced age and the requirements of civil law, he will continue to receive a monthly stipend from our archdiocesan Priest Pension Fund in the event of his laicization.

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However, if it should be the judgment of the Congregation to remand this case to the tribunal of the Archdiocese of Seattle for a formal judicial process, I request the Congregation to dispense the potential officers of the court from the requirements of priesthood and a doctorate in canon law, because of the limited number of our personnel who possess these qualifications.

With warmest personal regards and best wishes, I remain

Sincerely yours in Christ,

+ *Alexander J. Brunett*

Most Rev. Alexander J. Brunett
Archbishop of Seattle

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ARCHBISHOP OF SEATTLE

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Alexander J. Brunetti

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SUPPORTING DOCUMENTATION

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GRAVIORA DELICTA TABLE

Diocese Archdiocese of Seattle
Name of Cleric Cody, Michael John

Personal Details of the Cleric

Date of Birth 5. IV. 1931 **Age** 73
Ordination 24. V. 1958 **Years of Ministry** 21

Original Diocese of Incardination Archdiocese of Seattle
Contact Address of the Cleric 1460 Bronco Road
Boulder City, CO 89005

Advocate None

Assignments

Year	Parish/Other	Location	Appointment
1958-1961	St. Luke	Seattle, Washington	Assistant Pastor
1961-1964	Holy Family	Seattle, Washington	Assistant Pastor
1964-1967	St. James Cathedral	Seattle, Washington	Assistant Pastor
1967-1968	Holy Family	Auburn, Washington	Assistant Pastor
1968-1970	Sacred Heart	LaConner, Washington	Administrator
1970-1972	St. Charles	Burlington, Washington	Pastor
1972-1975	Assumption	Bellingham, Washington	Pastor
1975-1979	St. Margaret	Seattle, Washington	In residence

1979 Disability Retirement (document 23)

3.X.1988 Restricted from any form of priestly ministry (document 26)

Accusations Against the Cleric

Year	Accuser/Victim	Age	Imputable Acts	Denunciation
1962	Father Albe McGrath	N/A	"de sexto abnormalites"	1962 (document 1)
1958- 1962	A. M. Hurley, MD	under 12	molestation of "at least" eight girls	1962 (document 2)
@1958	██████████ and his sister	under 14	"abuse"	1994 (document 37)
1960- 1961	██████████	11 and 12	three incidents of digital rape; pornographic photographs taken of ██████████	2003 (documents 40, 41, and 42)

Problematic Incidents Involving the Cleric

Year	Action
1962	The Rev. Ailbe McGrath, pastor of Holy Family Parish in Seattle, writes to Archbishop Connolly on 14.V.1962, stating that he wants the Rev. Michael Cody removed from his parish as soon as possible and that Cody's mental health is deteriorating rapidly. Father McGrath wrote that he did not want "a murder, a suicide, or a <i>de sexto</i> crime of violence in his rectory or parish." (document 4)
1963	Auxiliary Bishop Thomas Gill writes to Archbishop Connolly that Michael Cody is exhibiting "signs of deterioration in his mental health. He has wide mood swings..." (document 5)
1964	Dr. Franklin Smith, MD, writes to Bishop Gill on 15.IV.1964, stating that Cody's ongoing health problems are related to tension, and that he should be removed from as much tension as possible (document 6)
1967	The Rev. John Duffy, pastor of Holy Family Parish in Auburn reported to Archbishop Connolly on 7.XII.1967, that Michael Cody, "he takes no meals at the rectory, the domestic help are afraid of him because of his temper tantrums and the Sisters and lay teachers are scandalized at his undue familiarity with the sixth and seventh grade girls." (document 7)
1973	Michael Cody exhibits emotional instability and angry, unreasonable outbursts during his pastorate at Assumption Parish in Bellingham. These behaviors put the parishioners and surrounding community in a state of turmoil. (documents 15, 16, 17, 18, 19)

Psychological Evaluation/Risk Assessment

Year	Therapist/Evaluator	Evaluation/Prognosis
1962	A. M. Hurley, MD	Michael Cody is suffering from "a form of sexual deviation (pedophilia) associated with a long-standing characterological problem and a serious emotional reaction to it." Cody is a danger to himself and others, has exhibited sadistic tendencies towards boys and has talked about killing adults and himself. Dr. Hurley recommended that Cody be removed from parish work as soon as possible and that external controls on his behaviors must be made. (document 2)
@1964	Harvey Bingham, MD	A memorandum from the Rev. Ailbe McGrath, pastor of Holy Family Parish in Seattle to Archbishop Connolly states that Dr. Harvey Bingham, Michael Cody's physician, indicates that Cody is suffering from a major psychosis and that his "mental sickness is not minor; a crisis will occur in the near future; in this crisis, he will

either blow his brains out or cause a major scandal in the parish." (document 3)

1963 Institute of Living
Hartford, Connecticut

In letters dated 30.I.1963 and 13.III.1963, the Institute for Living indicates that Michael Cody would do best in some kind of special mission rather than being an assistant in a parish. The Institute believes Cody has improved, but will always need a place in which he will not have to deal with people or their problems (documents 11 and 12)

1988 Center for Prevention
of Child Molestation
Tampa, Florida

In a letter dated 15.V.1989, the Center for the Prevention of Child Molestation in Tampa forwarded a psychological assessment of Michael Cody that had been completed in December 1988. During the assessment, Cody admitted to molesting 20-40 girls ages 8 - 12, and one male child. He admitted to a 20 year history of fondling and masturbating young girls. He also admitted to masturbating to sexual fantasies of fondling young girls on a daily basis. Based on his history and current deviant masturbatory behavior, the doctors at the Center for the Prevention of Child Molestation recommended that he not be allowed unsupervised contact with children and that he enter and actively participate in specialized sex offender treatment program. (document 31)

Civil Proceedings Against the Cleric

Type/Case	Conviction/Disposition	Sentence/Settlement
None		

Measures Adopted by the Archdiocese

Year	Action
1962	The Archdiocese sends the Rev. Michael Cody to the Institute for Living in Hartford, Connecticut on 28.V.1962 for treatment. (documents 8, 9, 10)
1963	In a file memorandum dated 25.III.1963, Archbishop Connolly states he is looking for a place to assign the Rev. Michael Cody that would take into account the recommendation made by the Institute for Living. (document 13)
1963-1975	The Archdiocese places the Rev. Michael Cody in assignments that are believed to be free of stress.
1975	The Archdiocese places the Rev. Michael Cody in residence (without assignment) at St. Margaret Parish in Seattle on 3.IX.1975 (document 14) after three years of an unsuccessful and divisive pastorate at Assumption Parish in Bellingham. (documents

- 15, 16, 17, 18, 19). Archbishop Connolly also mentions to the Priests' Personnel Board that Michael Cody is emotionally unstable.
- 1975 The Archdiocese arranges for the Rev. Michael Cody to work with Dr. William Ogle, MD for appraisal and treatment for his history of mental problems and anxieties. (documents 20, 21, and 22)
- 1979 The Rev. Michael Cody has been is placed on disability retirement (document 23)
- 19.IX.1988 Archbishop Raymond G. Hunthausen writes to the Diocese of Orlando regarding the status of the Rev. Michael Cody and expresses concern about his problems not only related to pedophilia but to a manic depressive disorder. (document 25)
- 3.X.1988 Archbishop Hunthausen asks the Rev. Michael Cody to undergo a complete assessment at the Florida Mental Health Association in order to confirm the results of his 1962 psychological assessment by Dr. Hurley. The Archbishop formally restricts the Rev. Michael Cody from any form of priestly ministry. (document 26)
- 13.II.1989 Archbishop Hunthausen formally accepts the Rev. Michael Cody's request for laicization. (document 30)
- 1990 The canon lawyer assigned to process the laicization for the Rev. Michael Cody leaves active ministry. A memo from the Rev. Patrick McDermott, Director of Priests' Personnel dated 5.II.1990 to the file clarifies Cody's status. (document 32)
- 11.III.1993 The Archdiocese informs the Rev. Michael Cody of an increase in the income he had been receiving from the Archdiocese in accord with current policy. (document 33)
- 1993 The Rev. Anthony Bawyn, JCL, contacts the Rev. Michael Cody regarding resuming his laicization process. (document 35)
- 13.IX.1993 A file memorandum from the Very Rev. George Thomas indicates that he spoke with the Bishop of Reno/Las Vegas regarding the presence of the Rev. Michael Cody within the boundaries of his diocese. (document 36).
- 1994 After receiving allegations of sexual abuse by a brother and sister (document 37) on 29.XI.1994, the allegations are turned over to the Office of the Prosecuting Attorney in King County on 7.XII.1994 in accordance with diocesan policy (document 38).
- 2003 The Archdiocese receives an allegation of sexual abuse of a minor girl by the Rev. Michael Cody in 1961 during his first assignment as a priest. The Archdiocese extends pastoral care to this woman. (documents 40, 41, 42).
- 2004 The archdiocesan Case Review Board is made aware of six priests who have left active priestly ministry because of accusations of sexual abuse of minors, or admissions to same. The Case Review Board recommends to Archbishop Brunett that he seek for these priests, dismissal from the clerical state *ex officio et in poenam* from the Holy Father, one of whom is Michael Cody.

- 2004 Archbishop Brunett opens canonical investigation. (document 44)
- 2004 Archbishop Brunett closes the canonical investigation. (document 45)
- 2004 Archbishop Brunett informs the priest of his actions. (document 46)
- 2004 Archbishop Brunett remands the case to the Congregation for the Doctrine of the Faith.

Sustenance Provided by the Archdiocese to the Cleric

The Rev. Michael Cody receives a monthly income of [REDACTED] and is enrolled in the Priests' Health Plan. (document 39)

Response/Recourse Made by the Cleric

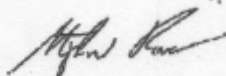
- | Year | Action |
|-------------|--|
| 8.II.1980 | The Rev. Michael Cody expresses concern that he will continue to receive his retirement benefits. (document 24) |
| 1988 | Nine years after being on disability retirement, the Rev. Michael Cody asks Archbishop Hunthausen for permission to minister in the Diocese of Orlando, Florida. (documents 25 and 26) |
| 1988 | The Rev. Michael Cody indicates in a 13.X.1988 letter to Archbishop Hunthausen that he would not have applied for faculties in the Diocese of Orlando if he thought he was still a threat. He states that he would do whatever the Archbishop asked. (document 27) |
| 4.XII.1988 | The Rev. Michael Cody moves from Florida to New Hampshire and states in a letter to the Rev. George Thomas, Chancellor, that he would pursue laicization if he were guaranteed full pension benefits. (document 28) |
| 20.I.1989 | The Rev. Michael Cody indicates he seeks laicization for the Church's best interest. (document 29) |
| 31.VII.1993 | The Rev. Michael Cody indicates he wants nothing to do with Church bureaucracy and believes his holographic letter of resignation from active ministry was sufficient for Church purposes. He states that laicization is irrelevant. He also provides his new address in Nevada. (document 35) |
| 2.IX.2003 | The Rev. Michael Cody indicates he essentially wants nothing to do with the Archdiocese of Seattle (document 43). |

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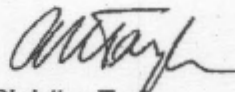
ARCHDIOCESE OF SEATTLE
CERTIFICATE AUTHENTICATING THE ACTS

CASE: MICHAEL JOHN CODY

By these present, I certify that the acts of the above-mentioned case contained herein are either original writings or exact duplicates of original writings, and form the authentic acts of this case to be transmitted to the Congregation for the Doctrine of the Faith.



Very Rev. Stephen Rowan
Vicar General
Archdiocese of Seattle



Christine Taylor
Chancellor/Notary
Archdiocese of Seattle

Given at the Chancery
Of the Archdiocese of Seattle, Washington
This 8th day of November
in the year of our Lord, 2004.

JH-ARCH000335

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