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FILE COPY

NOTES ON FATHER MICHAEL CODY

The following is an abridged chronology of the correspondence found in the file on Father Michael Cody. He was ordained 24 May 1958.

| | | |
|-----------|-----------------------|--|
| 19 Mar 62 | Dr. Hurley/TAC | Stating MC's sexual deviation |
| 26 Mar 62 | MC/TAC | Requesting a vacation in June |
| 29 Mar 62 | Fr. McGrath (AMc)/TAC | Requesting MC's removal |
| 14 May 62 | AMc/TAC | Urgent request for MC's removal |
| 16 May 62 | Dr. Edgren/TAC | Announcing room for MC to undergo treatment at Institute of Living |
| 17 May 62 | TAC/AMc | Indicating that MC will undergo treatment |
| 17 May 62 | Dr. Edgren/TAC | Details of the treatment program |
| 18 May 62 | TAC/Dr. Hurley | Announcing room for MC to undergo treatment on 28 May |
| 18 May 62 | TAC/Dr. Edgren | Confirming that MC will go to the Institute on 28 May |
| 24 May 62 | TAC/Dr. Edgren | Details of MC's arrival |
| 24 May 62 | TAC/MC | Details for leaving for treatment |
| 24 May 62 | TAC/AMc | Details for MC's departure |
| 02 Jun 62 | Dr. Lynch/TAC | Authorization for testing |
| 15 Jun 62 | MC/TAC | Progress report |
| 02 Jul 62 | TAC/MC | Response letter |
| 20 Jul 62 | MC/TAC | Request for funding |
| 08 Aug 62 | TAC/MC | Response letter |
| 14 Aug 62 | Dr. Lynch/TAC | Progress report |

[The previous entries all speak to the period during which Fr. Cody entered treatment for sexual deviancy. There is no other entry for the following seventeen years. In my opinion the file should contain at least an occasional update, especially a change of residence. This lack of

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evidence raises the question, Did someone tamper with this file? Are sections missing?]

| | | |
|-----------|--------|--|
| 31 Jan 80 | MGR/MC | Increase in financial support enclosed |
| 08 Feb 80 | MC/MGR | Stating that he hopes to receive the benefits provided one who is <u>retired</u> |
| 29 Feb 80 | MGR/MC | Response to request for disability/pension support |

[Again, there is no other entry between these dates. Has someone selectively purged this file?]

| | | |
|-----------|----------|--|
| 23 Sep 85 | MGR/FILE | Statement that MC is on <u>disability retirement</u> at given monthly rate |
|-----------|----------|--|

[There is no other entry between these dates.]

| | | |
|-----------|------------------|--|
| 01 Sep 88 | Fr. Bendixen/DRE | Requesting reference letter for MC |
| 19 Sep 88 | RGH/Bishop Grady | Informing him of MC's history |
| 22 Sep 88 | DRE/Fr. Bendixen | Reporting that he consulted an expert and MC's disorder could be latently present |
| 03 Oct 88 | RGH/MC | Stating that he can not recommend MC for ministry in Orlando; advising that he contact Dr. Laws for an assessment; reminding him that he does not have faculties |

[There is no indication earlier in the file that Father Cody's faculties were removed. One has to presume this from the text of Archbishop Hunthausen's letter.]

| | | |
|-----------|--------|--|
| 13 Oct 88 | MC/RGH | Assuring him that he will do what the Church requires and will, therefore engage in therapy; believes his problem is under control |
| 04 Dec 88 | MC/GLT | Announcing change of address to NC; thinking that laicization would be an option; wants full pension benefits; wants to know treatment |

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facilities in NC area

20 Jan 89 MC/RGH Wishes to seek laicization; wants pension benefits like the other priests; is happy to be reducing stress in his life

04 Feb 89 DRE/GLT Stating unique situation of MC who is permanently retired; thinks that special provision should be made for him

22 Feb 89 DRE/FILE

28 Apr 89 File Memos On this date and several subsequent ones ██████████ called talking about being molested by MC

[The file contains no action statements about this series of phone calls.]

15 May 89 Ms. Osborn/GLT Evaluation of MC stating that he should not have unsupervised contact with children

[There is no other entry between these dates. There is no indication that Father Cody underwent any therapy or counseling apart from the evaluation noted above: no bills, no letters, etc.]

08 May 93 Pmc/GLT Announcing that Pension Plan rejected petition for MC's early retirement

21 Jul 93 AEB/MC Re-establishing contact for Archdiocese with MC; asking if he still wants to be laicized

31 Jul 93 MC/AEB Not interested in laicization; better for his health to keep stress down

13 Aug 93 AEB/Crowley Asking for an opinion about not actively promoting the laicization of MC

13 Aug 93 AEB/TJM Recommend that simple response be sent to MC acknowledging his stability, etc.

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| | | |
|-----------|-------------|---|
| 13 Aug 93 | AEB/FILE | Questions raised by Pat Crowley concerning Archdiocesan liability |
| 16 Aug 93 | Crowley/AEB | Legal opinion about diocesan liability over MC |
| 17 Aug 93 | TJM/AEB | Questions he has regarding next steps with MC |
| 20 Aug 93 | AEB/TJM | Restating the work of RGH on MC; responding to how to share information with the Bishop of Reno-Las Vegas. |
| 26 Aug 93 | AEB/TJM | Canonical opinion on MC |
| 30 Aug 93 | TJM/AEB | Concerned about fulfilling responsibilities to the community regarding MC |
| 13 Sep 93 | GLT/Fr. Fox | Asking that Pension Plan Board of Trustees consider continuing benefits to MC at the rate agreed upon earlier |
| 13 Sep 93 | GLT/FILE | Stating that he contacted the Bishop of Reno-Las Vegas informing him that MC is living in the area and has no faculties |

[There is no communication with Father Cody on file either acknowledging his situation or speaking to his retirement benefits.]

Based on what appears to be an incomplete file, I believe the most important documents at present are

1. the letter of Archbishop Hunthausen to Father Cody of 3 October 1988 stating that he could not recommend him for ministry to the Bishop of Orlando; and
2. the opinion of Pat Crowley of 16 August 1983 speaking to the pertinent legal issues: the paying of financial support, prohibition to minister, undergoing therapy and notification of local ordinary.

It is my understanding that (at least) Archbishop Hunthausen removed Father Cody's faculties sometime before the letter of 3 October 1988. By not allowing Father Cody to minister as a priest for these many years, by reaffirming this some twenty years after being first made aware of his problems, by insisting that he undergo therapy, and by notifying the diocesan bishop of the place where he resides,

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the Archdiocese has given good evidence of trying to protect the community. Canon law requires that the Archdiocese provide Father Cody just support; therefore, it can never be shown that the Archdiocese has severed all ties with him.

Canonically speaking, it appears that a satisfactory effort has been made to protect the rights of Father Cody. Although he raised concerns about the level of financial support he felt he should receive, Father Cody has not challenged the decisions of the Archbishop in any area as far as I can tell. The Archbishop was sensitive to Father Cody's earlier request to petition for laicization. Now Father Cody prefers not to be bothered by this.

Anthony E. Bawyn
7 December 1994

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