



THE DIOCESE OF MONTEREY'S RESPONSE TO
MONTEREY HERALD ARTICLE OF
JULY 18, 2009

July 28, 2009

On Sunday, July 18, 2009, The Monterey Herald ran a lengthy article dealing with the Diocese of Monterey's handling of sex abuse claims which included not only an implication that we have done a poor job in handling sex abuse cases in the past but that we continue to act in the same way today. We are outraged and exasperated that the Monterey Herald continues to vilify us in the press. We met with representatives of the Monterey Herald shortly after the article was published and were hopeful that they would print the article below. To date, they have decided not to do so. We are making this article available to you so that you know the truth.

The Diocese of Monterey believes that the article is an unfair and inaccurate depiction of how the matter was handled in 1991 and how things are handled today. This article outlines the objective facts of the matters reported in The Herald. For those of you that did not see the article, the letter explains in detail how we handled an old sex abuse claim and how we have handled some more recent ones.

John Doe

In 1991, a twelve year old boy was molested by a priest at Christ the King parish in Salinas. This is a terrible tragedy and something that no child should have to endure. The Diocese of Monterey is deeply sorry and saddened that this happened to this child at one of our churches.

In the afternoon of September 20, 1991, a Friday, the Diocese learned of the abuse through a telephone call from a priest of the Diocese of Tucson, Arizona. The matter was taken seriously by the Diocesan official in charge, Msgr. Declan Murphy. He immediately arranged to have the priest brought to the Diocese of Monterey's Pastoral Center on Monday morning, September 23, 1991. The priest then admitted that he had touched the child in a sexual manner. When Msgr. Murphy heard this, he immediately removed the priest's faculties (permission) to function as a priest and ordered him to move from the parish in Salinas to a retreat house. The reason Msgr. Murphy did this was to make sure that the priest was away from children and families while the Diocese looked into the abuse situation. The priest, in fact, moved from the parish to the retreat house that day. Later, he attempted suicide by taking a drug overdose. He was treated at a hospital after the attempted suicide. He later left the Diocese of Monterey and returned to Mexico. We do not know the precise circumstances surrounding his return except that his religious superior came from Mexico and returned with him to the Province in Mexico.

Fr. John Velez, S.M.

The priest was Fr. John Velez, S.M., a Marist priest from Mexico. The Marists are a religious order of priests and brothers who have Provinces (a geographic area assigned to each branch of the order) around the world including Mexico. Unlike Diocesan priests who are under the supervision of a bishop, religious order priests and brothers are under the supervision of a local

superior who is supervised by the provincial. The period of preparation to become a Marist priest is generally longer than that for a diocesan priest so it would not be uncommon to be ordained at an older age. In the case of Fr. Velez, he was thirty-seven when he was ordained. Diocesan and religious order priests from Mexico or other developing countries many times want to come to the United States to assist their dioceses or orders financially. In the case of Fr. Velez, he asked Bishop Shubsda (former Bishop of Monterey) for an opportunity to come to the Diocese of Monterey. Prior to accepting him into the Diocese, Bishop Shubsda looked into his background and received three positive letters of recommendation from his religious superior and his previous religious superior as well as another Marist priest with whom he worked. The Diocese also received Fr. Velez's seminary record which contained no negative information. After reviewing this material, Bishop Shubsda appointed him as associate pastor at Christ the King parish in Salinas.

In 1991, when these tragic events occurred, clergy were not mandated reporters of child abuse. While in hindsight, we should have reported Fr. Velez's conduct to law enforcement, no one who had knowledge of the facts of the matter was required by California law to do so. After Fr. Velez's suicide attempt and prior to his release from the hospital, the Diocese of Monterey informed Fr. Velez's physician at Dominican Hospital that he was a mandated reporter of child abuse and that he should report the allegations against Fr. Velez to the authorities. Dominican Hospital is not under the authority of the Diocese of Monterey.

Because of the tragic circumstances of this young boy's sexual abuse and because of the Diocese's concern for the victim and his family, Diocesan officials met with the victim's parents shortly after we learned of the abuse. This meeting was of a serious nature as the situation was serious. At this meeting, the Diocese of Monterey offered counseling to the child and the family which they declined. It has been reported multiple times that Fr. Greg Sandman and Mr. Albert Ham laughed at the victim's mother at this meeting. This is not the case; rather, both gentlemen understood the serious nature of this meeting and neither laughed at her.

Fr. Juan Guillen

In 2003, the Diocese first learned that this same twelve year old boy was also molested by another priest named, Fr. Juan Guillen. Fr. Guillen, ironically, is the priest who reported the abuse of this child by Fr. John Velez to the Diocese of Monterey. Fr. Guillen was a priest of the Diocese of Tucson, Arizona and under the authority of the Bishop of Tucson. Dioceses are geographical areas over which a bishop has responsibility for the care of Catholics within those boundaries. The Diocese of Monterey's geographical boundaries do not include any part of Arizona. Fr. Guillen met the family of the victim when he served as their pastor in a church in Yuma, Arizona. Yuma is in the Diocese of Tucson. The family lived in Yuma for some years. During the time that he was their pastor, Fr. Guillen befriended the victim and the victim's family. When the family moved to Salinas, occasionally the family invited Fr. Guillen to visit them in Salinas. Salinas is within the geographical boundaries of the Diocese of Monterey. When Fr. Guillen visited Salinas, he was there as a friend of the victim's family and not because of any association with the Diocese of Monterey. He was not in ministry in the Diocese of Monterey but may have assisted occasionally at one of the parishes in Salinas. The plaintiff states in his deposition that none of the abuse that he suffered at the hands of Fr. Guillen took

place at any of the Diocese of Monterey's parishes. Later, the child reported to the Yuma Police Department that Fr. Guillen had molested him. As a result, Fr. Guillen is serving a prison term in Arizona for his abuse of this child.

The Charter for the Protection of Children and Young People

In 2002, the clergy sexual abuse scandal rocked the Catholic Church in the United States. The United States Conference of Catholic Bishops acted quickly to adopt uniform policies to protect children and young people from sexual abuse and to educate them about what to do to keep themselves safe. The Bishops adopted two documents, the Charter for the Protection of Children and Young People and the Essential Norms for Diocesan Policies for Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons. These documents require that each diocese adopt a Safe Environment Program and a Policy Against Sexual Misconduct. The Diocese of Monterey has adopted and implemented these policies. They are available on our website at <http://www.dioceseofmonterey.org/resources> .

The Diocese of Monterey's Response to the Charter

The Diocese of Monterey embraced these requirements and when we first implemented them, Bishop Ryan (then Bishop of Monterey) spoke with hundreds of parishioners throughout the four counties that make up the Diocese of Monterey and pledged his personal support as well as the Diocese's support for these policies. At those meetings, he spoke about how he hoped that a positive legacy could emerge from the tragedy of the clergy abuse scandal. He hoped that the policies, the background checks and the education of children would be a contribution to our society and that other youth oriented non-profit groups from little league baseball to swim teams to other churches would begin to adopt and implement these same policies for the protection of all of our precious children and young people.

The Diocese of Monterey's Accountability for Compliance with the Charter

Over the years since the establishment of the Charter and the implementation of our policies, the Diocese of Monterey's compliance with these mandates has been audited by the National Review Board (established as an independent oversight board by the United States Conference of Catholic Bishops in accord with the Charter). The Diocese of Monterey has passed each audit and received several commendations for going beyond what is required. The Diocese has been approached by other non-profit youth groups with requests for help either in implementing a Safe Environment Policy or with working through a claim of sexual misconduct by a clergy member or coach.

Fr. Antonio Cortes

Since the implementation of the policies, the Diocese of Monterey has had allegations arise involving sexual misconduct by priests. In each case, the Diocese has followed its policies. In the recent case of Fr. Antonio Cortes, the Diocese of Monterey followed these policies by immediately suspending Fr. Cortes' faculties and pledging our cooperation with the police department's investigation. Moreover, we reached out to the parish communities where he

served and asked the parishioners to cooperate with the police department and that if others believed they were victims for them to contact the police department. As is widely known, that case is still pending.

Msgr. Charles Fatooh

Another case involves an allegation against Msgr. Charles Fatooh. In that case, we also followed our policies. We learned of the allegation from the Archdiocese of Los Angeles in August of 2003. The Archdiocese had learned of the allegation through litigation brought by the plaintiff against the Archdiocese and the Marianist Order of which Msgr. (then brother) was then a member. In August 2003, Msgr. Fatooh was not serving in ministry. An investigation was undertaken and the Diocese of Monterey hired a retired FBI agent to investigate the allegation. The plaintiff's attorney in that case refused to allow his client (the victim) to participate in our investigation. After the lawsuit against the Archdiocese and the Marianist Order was resolved, our investigator re-contacted the plaintiff's attorney in an effort to interview the victim. He vehemently refused to allow his client to be interviewed. Msgr. Fatooh denies that he did anything inappropriate with the plaintiff or any other child at any time. The policies state that accused priests are presumed innocent until there is sufficient evidence to believe that the priest abused a child. Because we could not obtain any information from the victim and because of Msgr. Fatooh's denial, there is insufficient evidence to believe that Msgr. Fatooh abused a child. Accordingly, he remains in ministry.

Fr. Paul Valdez

In another reported case which arose in 1999, prior to the Charter, Fr. Paul Valdez was accused of sexual misconduct involving a young girl. In this case a full investigation was undertaken. Because of the seriousness of the charges and the allegation that the misconduct had just occurred, Fr. Valdez was placed on administrative leave pending the outcome of the investigation. The Diocese hired an independent attorney to investigate the allegation, and he found that there was insufficient evidence to believe Fr. Valdez abused a child. Because of this finding, Fr. Valdez remains in ministry.

Our Present and Our Future

We want to assure our parishioners and our community that Bishop Garcia and the Diocese as a whole takes our obligation to children and young people seriously. Over the last seven years, the Diocese has trained thousands of children in how to protect themselves from abuse and what to do if they are being abused. As part of our background check process, the Diocese of Monterey has fingerprinted over 10,000 employees and volunteers.

The Diocese is truly sorry for the suffering of any victim of sexual abuse by a priest. This should never happen to any child and we are doing our best to prevent this from happening in the future.