



Chicago Province of the Society of Jesus

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December 1, 2002

Rev. Donald J. McGuire, S.J.
Clark St. Jesuit Community
2058 N. Clark St.
Chicago, IL 60614

Dear Don,

When we met in September, I said that I would put into writing a statement of the concerns I had, as well as specifying a new assignment for you. I must say I was moved by how well you responded to my concerns and to what I asked of you. I know how extremely difficult this has been for you over the years. And I know what a very large transition in your life is underway as a result of what I have asked of you.

Since I don't know an easy way into reviewing these matters, let me simply begin by recalling our conversation here at the province office on Thursday, September 5, when Fr. McGurn and the province attorney, Mr. Tim Toomey, were also in attendance. During that meeting, I asked you to change your residence by October 1, and move from Canisius House to the Clark St. community. I am pleased that you complied so readily, and I'm glad to see you've moved in well next door. I also asked you to discontinue, by October 15, your apostolate of many years of traveling widely, even internationally, to give retreats.

These two matters were, of course, related. My reason for making these changes has been, unfortunately, due to the fact that, over the years, there have been a number of complaints about improper behavior on your part toward young males, both minors and young adults. As you know, frequently the complaints had to do with your exercising undue influence on these young men, which aroused the concern of their parents. There was often, too, the suggestion of behavior on your part that could, at worst, suggest sexual impropriety and; at best, very poor judgment.

We have, as you know, a whole series of these complaints, which I and my predecessors, Fr. Wild, acting provincial Fr. Daly, and Fr. Schaeffer, have spoken about with you at length on each occasion: 1991 - (age 17); 1993 - (age 16); 1994 - (high school freshman); 1994 - (age 18); 2000 - (age 19-20); 2000 - (post-high school graduation).

The case that has certainly provoked the most serious response was from concerning his son a minor at the time. retained counsel, and it's clear that we were extremely fortunate that the matter did not eventuate in legal action against you and the province. By way of exercising his responsibility both toward this family and toward you, Don, Fr. Schaeffer requested that you have a psychological evaluation, which you underwent at St. Luke's Institute in April, 1993. Upon the recommendation of that evaluation report, you willingly participated in the residential treatment program at St. John Vianney psychiatric hospital in Downingtown, PA, beginning in June 1993.

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In 1991, the provincial, then Fr. Robert Wild, imposed guidelines on you. In a letter to you of Feb. 27, 1991, Fr. Wild stipulated: a. That you must not travel on any overnight trip with anyone under 18; b. That you must not be in contact with _____ unless one of his parents is present. You subsequently disobeyed those guidelines when you took _____ on an extended series of retreat trips, both in and outside the United States.

In a letter to you of Feb. 17, 1995, acting provincial Fr. Francis Daly reasserted the 1991 guidelines and added further stipulations: a. No contact with the family of _____; b. No travel with anyone under 21; c. Avoid being alone behind closed doors with anyone under 21.

You disobeyed those guidelines again, as was evident from the complaints concerning your relationship with _____ and _____ who were, though not minors, both under 21 at the time you took them on as your personal assistants during extended trips for giving retreats, both in and out of the United States. As a consequence, I gave you written guidelines, on Feb. 13, 2001, to which you appended your signature. They stated that you: a. Shall not travel with or spend a night in the same room with anyone under 30; b. Shall not travel with or have an assistant; c. Shall not have assistants in your Jesuit residence, without the superior's permission; d. Shall provide your local superior a monthly account of your activities; e. Shall place yourself in psychiatric care (with the clarification that this was a suggestion, not a command); f. Shall alert the provincial of any complaint about yourself.

I don't think it useful here, Don, to recite the specific details of the complaints about you in regard to these young men, since Frs. Wild, Daly, Schaeffer and I have previously discussed these with you. What cannot be denied, or overlooked, however, is your disobedience of guidelines prohibiting you from traveling with young people.

I also want to note that, stemming directly from these difficulties, your ability to give retreats with the appropriate faculties is now in jeopardy, as has unfortunately become evident in three separate matters:

1. I was unable to reply favorably to the letter of Most Rev. Daniel F. Walsh, the bishop of Las Vegas, Nevada, dated Dec. 17, 1999, which asked for a letter of good standing so that you could give a retreat in his diocese. I could not acknowledge that your behavior with both minors and young adult men has been above reproach.
2. Most Rev. J. Kevin Boland, the bishop of Savannah, Georgia, informed the parents of _____ in a letter to them of Dec. 11, 2000, that you could not give their group a retreat that had been scheduled for January, 2001, and that you could not give them a retreat in the future until the complaint regarding their son had been resolved. I do not have any direct correspondence from the bishop of Savannah; I have only a copy of his letter, sent to me by _____.
3. As recently as August of this year, I received a letter, dated Aug. 7, 2002, from Ms. Mary Jo Tully, Chancellor of the Archdiocese of Portland, Oregon, requesting a letter of good standing for you, since you were scheduled to give a retreat at St. Rita's Retreat Center in Gold Hill, Oregon. Again, I could not sign this form, without having to acknowledge that your behavior with both minors and young adult men has not been above reproach.

As provincial, I have to have care both for you, as a brother Jesuit, and also for the welfare of the public, especially the young. Given the series of complaints about you over the years, Don, and most especially because of your failure to obey provincial guidelines on more than one occasion, I must tell you that this letter constitutes a canonical warning to you. Please refer to canon 697 for a description of such a warning.

During our conversation on September 5, I told you that I was withdrawing you from your previous assignment. And I told you that your new assignment would likely be quite restricted. That was not

intended to be punitive, but to find a way to preserve your ability to continue serving as a priest. So, I said this for three reasons: Firstly, because the itinerant nature of your retreat ministry made it virtually impossible for me as provincial to monitor your activity. Secondly, because it is absolutely necessary at this point to minimize the possibility of either a future complaint, or the re-emergence of an older complaint, either of which could have disastrous legal consequences for you and for the Society. Thirdly, I want to protect your ability to function as a priest. I do not want you to be in a situation because of which your priestly faculties could be called into question, or revoked altogether.

Since you have concluded your itinerant retreat ministry, you are also to conclude your relationship with Mission Fides, the corporation that has handled the financial affairs of your retreat ministry. You are to discontinue all transactions and contact with Mission Fides as of the date for annual federal tax statements, April 15, 2003. For your personal and apostolic needs, please confer with your local superior as soon as possible to compose a budget on which you are both agreed, so that your sole source of personal money will be your local community, and whatever apostolic funds you need come from the province.

Now that your previous ministry is concluded, I give you a new assignment: I mission you to provide sacramental ministry to communities of religious women (but not to the public which they may serve), within the geographical boundaries of the Archdiocese of Chicago. As I say this, I ask you to make your services available for such ministry, either by initiating contact with some religious communities in the archdiocese, or by responding to their requests. More explicitly, I do not give you permission to exercise your priestly ministry outside of these criteria, except for sacramental ministry to your family members (family celebrations, funerals, anointings, baptisms, and weddings). I want you to ask permission for each ministerial commitment, including family events, from your local superior, before accepting it. The socius, as my delegate for matters relating to sexual misconduct, will continue to periodically review things with you and your superior, as he feels necessary.

The directives I gave you on Feb. 13, 2001, remain in effect (with the clarification that I am not imposing psychological treatment, merely suggesting it).

I want it to be evident, Don, that I am giving you this mission, and stating these conditions, in virtue of your vow of obedience. Because of that, and because this letter constitutes a canonical warning, I also need to say that, in the future, any failure on your part could lead to consideration of your dismissal from the Society, even against your will. Of course, I, and my socius, are open to hearing anything you think would be an appropriate representation or defense of yourself. And I note that I have received your letter to me of November 25, 2002, which I will certainly consider with care when I read it.

I find all of this very difficult to have to say to you, Don. You have been a sought-after giver of retreats, because of your abilities to present the Faith, and to move hearts. So many people have benefited from your ministry. It pains me to have to bring that to a conclusion, but I want to reiterate that my reason for doing so is for the sake of protecting your reputation and your ability to continue serving the Church as a priest, albeit in a smaller sphere of action.

I hope and pray that your deep relationship with the Lord will bring you consolation in this trying time.

In our Lord,

Richard J. Baumann, S.J.
Richard J. Baumann, S.J.
Provincial

Cc: Rev. Edward W. Schmidt, S.J., Superior, Clark St. Jesuit Community