

1	STATE OF ILLINOIS)	1	APPEARANCES (Continued):
2) SS:	2	BURKE, WARREN, MACKAY & SERRITELLA, P.C.,
3	COUNTY OF COOK)	3	BY: MR. JAMES C. GEOLY,
4		4	330 North Wabash Avenue, Suite 2200
5	IN RE:	5	Chicago, Illinois 60611
6	DOE, et al.,)	6	(312) 840-7000
7	Plaintiffs,)	7	Representing the Defendant,
8	vs:)	8	
9	CHICAGO ARCHDIOCESE,)	9	ALSO PRESENT:
10	Defendants.)	10	MS. JESSICA ARBOUR.
11		11	
12	The discovery deposition of FRANCIS CARDINAL	12	
13	GEORGE, taken in the above-entitled cause, before	13	
14	Liza Marie Regan, a notary public of Cook County,	14	
15	Illinois, on the 30th day of January, 2008, at the	15	
16	hour of 10:18 a.m. at 330 North Wabash Avenue,	16	
17	Suite 2200, Chicago, Illinois, pursuant to Notice.	17	
18		18	
19		19	
20		20	
21		21	
22		22	
23	Reported by: LIZA MARIE REGAN, CSR, RPR	23	
24	License No. 084-004277	24	

1	APPEARANCES:	1	INDEX
2	ANDERSON & ASSOCIATES, P.A.,	2	WITNESS EXAMINATION
3	BY: MR. JEFFREY R. ANDERSON,	3	FRANCIS CARDINAL GEORGE
4	332 Minnesota Street, E-1000	4	By Mr. Anderson 11
5	St. Paul, Minnesota 55101	5	Mr. Klenk 285
6	(651) 227-9990	6	Mr. Anderson (Further) 297
7	AND	7	
8	KERNS, FROST & PEARLMAN, LLC,	8	
9	BY: MR. MARC J. PEARLMAN,	9	EXHIBITS
10	70 West Madison Street, Suite 5350	10	NUMBER MARKED FOR ID
11	Chicago, Illinois 60602	11	Defendant Deposition Exhibit
12	(312) 281-4550	12	AOC 1 286
13	Representing Plaintiffs,	13	
14		14	
15	SONNENSCHNEIN, NATH & ROSENTHAL, LLP,	15	
16	BY: MR. JAMES A. KLENK,	16	
17	233 South Wacker Drive, Suite 8000	17	
18	Chicago, Illinois 60606	18	
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20	AND	20	
21		21	
22		22	
23		23	
24		24	

1 assumption.
2 BY MR. ANDERSON:
3 Q. And you, in any case, made the decision
4 and the calculation based on the information given
5 you, correct?
6 A. Yes, I acted or didn't based on the
7 information I had.
8 MR. ANDERSON: Should we take a break here?
9 MR. KLENK: Yes, but before we do, I'd like to
10 note your chart here, 202, shows Robert Kealy as
11 leaving ministry in 2006 and first known in 2001,
12 2002. I think the correct record, it just occurred
13 to me, is he left in 2002, not 2006 but this is --
14 these are charts that you prepared.
15 MR. ANDERSON: Yes. If we made a mistake,
16 we'll take responsibility for it.
17 MR. PEARLMAN: Just -- just for the record, the
18 Archdiocese's website says 2006.
19 MR. ANDERSON: We took it off the website
20 information so --
21 MR. PEARLMAN: If that's not accurate,
22 that's --
23 MR. ANDERSON: And that would be in Exhibit 1.
24 MR. KLENK: Okay. Thank you very much.

1 A. With the restriction in ministry and the
2 fact that the civil authorities knew everything
3 that we knew.
4 Q. Were you aware and had it come to your
5 attention that prior to your appointment as
6 Archbishop and Cardinal that Father Mayer offended
7 while he was under monitoring or restriction?
8 A. I'm not sure of the details of that case
9 because he was gone before I got here.
10 Q. Are you aware that Father Mayday offended
11 while under monitoring or restriction?
12 A. That, I was not aware of. I thought that
13 Mayday was in prison -- he was when I came -- and
14 for an abuse that I was given to understand was the
15 first reported but I -- you could be right.
16 Q. Are you aware that Father Vincent
17 McCaffrey prior to your appointment in 1997
18 reoffended or offended while under monitoring or
19 restriction?
20 A. I don't know the details of that. I don't
21 know how he was monitored or restricted.
22 Q. Are you aware --
23 A. He was gone also when I came.
24 Q. Are you aware or has it come to your

1 MR. PEARLMAN: But that may be inaccurate.
2 MR. KLENK: Thank you.
3 THE WITNESS: That one we moved fast on.
4 MR. ANDERSON: Okay. We'll take a break here.
5 MR. KLENK: Thank you very much.
6 THE VIDEOGRAPHER: We are going off the record
7 at 11:37 a.m. This is the end of videotape number
8 one.
9 (A short break was taken.)
10 THE VIDEOGRAPHER: We are back on the record at
11 11:52 a.m. This is the beginning of videotape
12 number two.
13 MR. KLENK: Before we get started, I checked on
14 the break about this Kealy point. Kealy resigned
15 in '06. I think that's what the website says but
16 he was taken out in '02 which might cause a
17 question for you. That's clear now.
18 BY MR. ANDERSON:
19 Q. Cardinal, I'd like to go back for a moment
20 to something you had said before the break and,
21 that is, that in 1997 and until 2002, you had been
22 lead to believe that the monitoring program that
23 had been in place was effective, at least you were
24 lead to believe that, right?

1 attention that Father Marion Snelg, S-N-E-I-G,
2 offended or reoffended while under this monitoring
3 or restriction?
4 A. No, I'm not aware of that. I think he was
5 restricted and then taken entirely out after the
6 Review Board saw the case but my understanding was
7 that was the first case that we knew of.
8 Q. Are you aware that Father Robert Craig
9 offended or reoffended while under this monitoring
10 or restriction?
11 A. I was not aware of that. He was gone also
12 when I came.
13 Q. Are you aware that Father Fitzharris
14 offended or reoffended while under this monitoring
15 or restriction?
16 MR. KLENK: I would object to foundation but
17 answer.
18 THE WITNESS: No, I -- I -- I don't know that.
19 I don't know that they were monitored or
20 restricted. They were out of ministry before I
21 ever got here.
22 BY MR. ANDERSON:
23 Q. I'm going to direct your attention to
24 Exhibit 203.

1 A. Thank you.
2 MR. KLENK: Thank you.
3 BY MR. ANDERSON:
4 Q. And this would be dated in February
5 of 2006?
6 A. Uh-huh.
7 Q. It is a letter from you, as I read it, to
8 Dear Brothers and Sisters in Christ and that would
9 be from you to the community of faith in Chicago?
10 A. That's correct.
11 Q. And directing your attention to the third
12 paragraph, the last sentence, I'd like to read it
13 and then ask you a question. It states it now
14 seems that additional information was available
15 that did not reach our offices. The process we had
16 used well to remove predators was not engaged
17 quickly enough.
18 Are those your words?
19 A. They are.
20 Q. And what do you mean here?
21 A. I mean that the Defenbaugh report showed
22 how information that was available was not shared
23 and, therefore, the judgments were made on the
24 information available. It was not adequate and a

1 Q. I'd like to read that and ask you a
2 question. It states I must apologize to all of you
3 for the great embarrassment every Catholic must now
4 feel in light of media scrutiny of these events.
5 My question to you, first, is why didn't
6 you apologize for failures by your office before
7 media scrutiny?
8 A. I think that's understood but the letters
9 I was receiving were always in reaction to what
10 they had learned from the media. That's all that's
11 intended there.
12 Q. The next sentence states and I quote, in
13 particular, I am deeply sorry for the pain of those
14 Catholics who are part of St. Agatha Parish,
15 When I read this, can you tell me where
16 you apologized to the community of faith, if you
17 do, for the decisions that you made?
18 A. I went to St. Agatha's school and church
19 when the allegations became public against him with
20 the second arrest and apologized there and I
21 continue to apologize as much as I can to both the
22 school community -- many of them not Catholic --
23 and to the Catholics of the parish, yes.
24 Q. Okay.

1 boy was abused and this is -- this is something
2 that I have to live with because it's a terrible
3 crime and it was on my watch.
4 Q. And do you agree the Defenbaugh report
5 that you commissioned and you just referred to,
6 effectively, faults you for the failures of this
7 Archdiocese?
8 A. In the sense that I am responsible but I
9 think it also shows that I acted on the information
10 that was given to me.
11 Q. The next paragraph, I presume you're
12 sending this to the community of faith because
13 there's been a lot of public attention about the
14 Defenbaugh report and the disclosure regarding
15 McCormack, right? Is that right?
16 A. Yes, of course, that's --
17 Q. So you're offering an apology here, are
18 you not?
19 A. I'm apologizing to every Catholic because
20 that's a matter of great shock and embarrassment to
21 the whole church.
22 Q. And so the next paragraph is your apology,
23 correct?
24 A. That's right.

1 So if I'm hearing you correctly, you made
2 a personal apology to the Catholics that attended
3 the meetings at St. Agatha but you chose not to
4 make such an apology for your decisions to the
5 community of faith at large in this document,
6 correct?
7 MR. KLENK: Object, the document speaks for
8 itself.
9 THE WITNESS: Yes. I'm sorry, sir. I don't
10 draw the same conclusion. I would draw just the
11 opposite conclusion from this document but perhaps
12 I'm not reading it well.
13 BY MR. ANDERSON:
14 Q. Well, maybe you can point to me where you
15 apologize for your decisions or your mistakes to
16 the community of faith?
17 A. I must apologize to all of you, the
18 community of faith, for the great embarrassment
19 every Catholic must now feel in the light of the
20 fact that we made all these mistakes and they're
21 all public. What the media scrutinized was our
22 mistakes so certainly, it's an apology for these
23 mistakes.
24 Q. Where do you say here that you made

1 mistakes, Cardinal?
2 A. Do you want me to read --
3 Q. If you could point me to it. I'm just
4 looking for it,
5 A. You know, I -- I went before the cameras
6 and admitted my mistakes and apologized at
7 St. Agatha's and I think this is a reprise of that.
8 Q. When you write this paragraph --
9 A. I pray that a failure to act more quickly
10 on my part will not harm the Archdiocese itself. A
11 failure to act more quickly on my part will not
12 harm the Archdiocese itself.
13 Q. I'd like to refer you to the Defenbaugh
14 and Associates report commissioned by you.
15 A. Thank you. Yes.
16 Q. And at the same time Defenbaugh and
17 Associates were commissioned, you commissioned
18 Childers to look at the monitoring --
19 A. That's --
20 Q. -- and we've already marked that exhibit,
21 that was 49.
22 The Defenbaugh report has been marked
23 Exhibit 106; is that correct?
24 A. Yes, sir.

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1 A. They had a chance to review any file that
2 they wanted to.
3 Q. Well, the information that they got was
4 all that which was provided by your office,
5 correct?
6 A. I believe so. I wasn't part of that
7 procedure as they were moved along.
8 Q. And are you aware of Defenbaugh and
9 Associates having received information pertaining
10 to the files of any other priest besides McCormack
11 and Bennett?
12 A. I believe when the report was made to
13 satisfy the requests of the big panel of experts
14 that supervised our implementation of the
15 Defenbaugh report, the report included satisfaction
16 on his part that everyone who had been accused of
17 sexual abuse and -- of a minor and the accusation
18 was reasonably judged to be correct was out of
19 public ministry.
20 Q. So it's fair to say that you limited it to
21 Bennett and McCormack?
22 A. This focus is here, yes.
23 Q. Okay.
24 Referring you to the exhibit and I'd like

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1 Q. And you've read this and so you are
2 familiar with it, correct?
3 A. I read it many months ago now, yes.
4 Q. And my first question to you is do you
5 dispute any of the findings made or conclusions
6 reached in it?
7 A. No. In the course of months, sometimes
8 other things come forward but this shows us where
9 we made terrible mistakes in handling the McCormack
10 allegations.
11 Q. Defenbaugh and Associates were
12 commissioned by you to look at a very narrow issue
13 and, that is, the Archdiocese's pertaining --
14 conduct pertaining to two priests that were
15 selected by you, correct?
16 A. That was the focus but they included, as
17 you can tell, general policies and their effect but
18 those were the cases.
19 Q. And the -- their focus was then limited to
20 Fathers Bennett and McCormack, correct?
21 A. That's correct.
22 Q. And they were then provided information
23 pertaining only to Bennett and McCormack, at least
24 their files?

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1 to direct your attention to the second page.
2 A. Yes, sir.
3 Q. And I've highlighted portions of that to
4 save time. And at the bottom of it, the
5 highlighted portion in it reads even after the
6 arrest/detainment of Father McCormack on an
7 allegation of sexual abuse of a minor in
8 August 2005, Archdiocesan personnel delayed
9 reporting his arrest/detainment to Cardinal George
10 for almost three days even though Cardinal George
11 was present within Archdiocesan territory and
12 available for such information.
13 Who is that that delayed this report to
14 you as documented by Defenbaugh?
15 A. Normally, since he had been arrested and
16 then released back to society by the police, it
17 would have been at that point the Vicar for Priests
18 who would have been involved in that and that was
19 the case here.
20 Q. Father Grace?
21 A. That's correct.
22 Q. Who else knew before you were told of this
23 besides Father Grace?
24 A. I believe he told the one in charge while

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1 I was gone, Bishop Rassas.
2 Q. Bishop Rassas?
3 A. George Rassas, yes. I think he was not
4 yet ordained a bishop. He had been appointed but
5 he wasn't yet ordained.
6 Q. He was then Vicar General?
7 A. Vicar General, that's correct, uh-huh.
8 Q. Who else besides Grace and Rassas?
9 A. I would imagine that the person in charge
10 of investigating child abuse allegations was
11 certainly notified also.
12 Q. And do you know who that was?
13 A. That would be Leah McCluskey.
14 Q. Anybody else?
15 A. Well, Leah would be in touch with the
16 Review Board and would let the Review Board know
17 what she knew. My canonical advisor to the Review
18 Board probably also knew that.
19 Q. Who's that?
20 A. Father -- I'm sorry. I'm not thinking
21 very well. I know his name. I'm very embarrassed.
22 Dan -- I'm -- I'm sorry. I --
23 Q. Smilanic?
24 A. I beg your pardon. Smilanic, yes. You're

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1 When it is stated here that Archdiocese
2 personnel had in its possession this information,
3 who does this refer to?
4 MR. KLENK: Objection, foundation.
5 THE WITNESS: Would you then please ask the
6 question again if you want me to answer.
7 BY MR. ANDERSON:
8 Q. Who is the Archdiocese -- who is the
9 Archdiocese personnel that had within its
10 possession information from local law enforcement
11 and the State's Attorney that the August '05
12 allegation against McCormack was credible?
13 A. I am not entirely certain but of the
14 people we mentioned, I would believe it would be
15 Father Grace and Mr. O'Malley.
16 I did not know then.
17 Q. It goes on to state the recommendation for
18 removal of Father McCormack of his pastoral duties
19 and to sever Father McCormack's conduct with minors
20 was not made until October 15, 2005 when the Review
21 Board recommended that Father McCormack be removed
22 from ministry.
23 Why, Cardinal, was there a delay between
24 August of '05 and October 15, 2005?

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1 correct, sir. Thank you.
2 Q. What about Lago?
3 A. Lago would not have been in the loop at
4 that time. He was not responsible for these cases.
5 Q. Who is the point man for allegations of
6 sexual abuse at that time if it wasn't Lago?
7 A. The person responsible for receiving the
8 allegations, Ms. McCluskey and the Vicar For
9 Priests.
10 Q. What about O'Malley?
11 A. Well, certainly, O'Malley would have known
12 and did know because he is in good communication
13 always with the civil authorities. So he would --
14 Q. So O'Malley knew before you knew?
15 A. I'm -- I'm sure he must have.
16 Q. I refer you to page --
17 A. I would think he would anyway, I mean.
18 Yes, sir.
19 Q. And at the top of it, I'd like to read it
20 and then ask you a question. It states certain
21 Archdiocese personnel had within its possession
22 information from local law enforcement and the
23 State's Attorney that the August 2005 allegation
24 against Father McCormack was credible.

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1 A. I think that's incorrect. Because when
2 Father Grace told me, almost by accident assuming
3 that I knew, that Father McCormack had been
4 arrested, he also told me that his ministry was
5 restricted to adults; that he could not be alone
6 with minors and that a supervisor, a monitor, had
7 been appointed. In other words, the restrictions
8 that had been effective in our history here were in
9 place already at the end of August regarding
10 McCormack.
11 Q. Is it your testimony then, Cardinal, that
12 you removed him from ministry as soon as you
13 received any information that he was suspected of
14 abusing a child?
15 A. No. I didn't say that, sir.
16 Q. And then what was incorrect then about the
17 statement I just read to you?
18 A. The recommendation to sever
19 Father McCormack's contact with minors was not made
20 until October 15th. In fact, he was put under
21 restrictions to not have contact with minors as
22 soon as he was arrested.
23 Q. And those restrictions were simply
24 somebody telling him not to be around kids alone,

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1 right?
2 A. That's correct. I presume they were
3 spelled out. They always have been in these cases.
4 Q. It was the Review Board that recommended
5 he be removed from ministry October 15th, was it
6 not?
7 A. They gave me that advice, yes. I wish
8 that I had followed it with all my heart.
9 Q. You didn't follow it?
10 A. I didn't because I thought that they had
11 not finished the case's investigation. They hadn't
12 considered all the evidence.
13 Q. Well, if you don't follow their
14 recommendations, why do you have them?
15 A. Because they do wonderful work but their
16 conclusions depend upon the evidence they've
17 considered. If evidence isn't considered, then the
18 conclusion isn't final.
19 Q. Well, the State's Attorney and
20 Archdiocesan personnel, according to this in the
21 first sentence, had information that this was a
22 credible allegation in August of 2005?
23 A. I didn't hear that but I would also -- I
24 did ask myself if they thought he was guilty,

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1 surely, the State would not have released him back
2 to society to be a danger to children.
3 Q. So you made the calculation,
4 essentially, disregard the State's Attorney this
5 was credible and Archdiocesan personnel that this
6 was credible, didn't you?
7 MR. KLENK: Objection to the form of the
8 question.
9 THE WITNESS: No, I did not.
10 BY MR. ANDERSON:
11 Q. Well, you didn't act on it.
12 A. They didn't tell me that. They,
13 themselves, released him back to society --
14 Q. Did you --
15 A. -- which is something I don't understand
16 very well.
17 Q. You say they didn't tell you, Cardinal.
18 Did you ever ask them?
19 A. No. I had the usual conduits of
20 information that I relied on. I ask myself now why
21 I did not more aggressively --
22 Q. Were you --
23 A. -- pursue it.
24 Q. Were you too busy with other things?

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1 A. I had my responsibilities as Archbishop,
2 yes.
3 Q. So when you ask yourself why you never
4 asked the question when the State's Attorney had
5 this, Archdiocesan personnel had this, they knew it
6 was credible in August of '05, do you now ask
7 yourself why didn't I ask? Why didn't I look? Why
8 didn't I --
9 A. And I ask myself first why didn't they
10 tell me.
11 Q. First, what's your answer to yourself?
12 What answer do you give us today as to why you
13 didn't ask?
14 A. I trusted in the system that I thought had
15 served us well and I'm sorry that I did.
16 Q. What system did you trust in that failed?
17 A. The system of reporting immediately to the
18 police. In this case, they knew and they had set
19 him free which I interpreted to mean they didn't
20 think he was a danger. The system that had us
21 restricting ministry so that he had no contact with
22 children and the system that put a supervisor in
23 place to whom he reported to be sure that he was
24 limiting his ministry while the investigation moved

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1 forward.
2 Q. Are the failures that you're referring to
3 now, Cardinal, your failures or the failures of
4 people who answer to you?
5 A. I think all of us failed in the end. I
6 must take responsibility for it.
7 Q. In October 15, 2005, the review -- Review
8 Board recommends his removal, correct?
9 A. They advised me to remove him without
10 telling me they thought he was guilty.
11 Q. Well, they wouldn't advise you to remove
12 him from ministry unless they received information
13 that caused them or gave them reason to believe,
14 correct?
15 A. No, that's correct. They didn't say that.
16 Had they said that, that would have been the end.
17 They didn't have the information necessary to
18 pursue an allegation. They told me that.
19 Q. Who told you that?
20 A. Leah McCluskey. In making the advice, she
21 said we have not finished the case. We can't
22 finish it. We're stymied.
23 Q. But the Board on October 15th recommended
24 to you remove him, right?

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1 A. They advised that he be removed from
2 ministry, that's correct.
3 Q. And that was the full board acting
4 unanimously, was it not?
5 A. I believe it was. I don't recall the --
6 you know. You've read the report.
7 Q. And Leah McCluskey doesn't sit on that
8 board. It was the -- it was your board that you
9 appointed as consultants on this issue that
10 unanimously made the recommendation of removal,
11 correct?
12 A. They had --
13 MR. KLENK: Please don't -- please don't point
14 at him.
15 MR. ANDERSON: I'm not pointing at him.
16 THE WITNESS: They advised that he be removed
17 from ministry but they could not tell me they
18 thought he was guilty --
19 BY MR. ANDERSON:
20 Q. Well --
21 A. -- which was a condition for removing from
22 ministry.
23 Q. Well, Cardinal, isn't guilt or innocence
24 to be determined by the civil authorities?

1 A. No. I didn't talk to Father McCormack.
2 It was Father Grace who had heard this from the
3 school.
4 Q. So it was Father Grace that gave you the
5 information that McCormack couldn't have committed
6 the sexual abuse.
7 Is that what you're saying?
8 A. There was an allegation to that point that
9 had to be investigated, go back and check. That
10 might not be true. In fact, it wasn't. And I
11 asked the Review Board to finish their work to
12 investigate that fact.
13 Q. Any other evidence upon which you relied
14 to disregard in -- in making the decision to
15 disregard the recommendation of -- of the Board
16 other than what Grace told you?
17 A. May I say, sir, I did not -- I'm sorry. I
18 did not disregard it. I said it wasn't yet ripe
19 for a conclusion and there were other comments that
20 apparently were coming from the school to say that
21 in place in the school was a policy that forbade
22 any adult to take a child alone outside of a
23 classroom.
24 The situation hadn't been investigated

1 A. Finally at the criminal case, yes.
2 Q. And when it comes to your priest in this
3 case, McCormack, upon the recommendation of your
4 Review Board that he be removed, you decided to
5 take the risk to leave him in ministry, didn't you?
6 A. They had not finished their investigation.
7 There was evidence I was getting from the school
8 that indicated he had to be innocent. And as far
9 as I knew, the police had finished their work and
10 they set him free but they certainly knew about it.
11 Q. And you're referring to the evidence.
12 Whose job is it then to collect the
13 evidence that pertains to guilt or innocence?
14 A. The person who was in charge of the office
15 for investigating who was Leah McCluskey.
16 Q. You chose to rely upon some evidence you
17 said from the school that he was innocent.
18 What evidence was that, Cardinal?
19 A. I was receiving allegations that he could
20 not possibly have done this because he was not
21 physically present in the school the two years
22 earlier when the abuse was supposed to have taken
23 place because he was laid up with an injured leg.
24 Q. Was that from Father McCormack?

1 fully yet.
2 Q. You said there were other comments besides
3 information given you by Father Grace.
4 Comments by whom to whom?
5 A. No. All the information I had that I'm
6 referring to now, sir, was from Father Grace.
7 Q. Okay.
8 So in terms of the evidence upon which you
9 relied in the decision to not follow the
10 recommendation came from Father Grace is what
11 you're saying?
12 A. The information. It didn't rise to the
13 level of evidence, I wanted it to be investigated
14 to complete the work of the Review Board. They
15 never finished their process.
16 Q. Isn't that board appointed to investigate?
17 A. No. They receive the results of the
18 investigation that's done by Leah. They scrutinize
19 but they don't go out physically and investigate.
20 We hire investigators sometimes.
21 Q. Leah is the investigator for the Board?
22 A. Yes.
23 Q. And they made recommendation to you based
24 on an investigation she had done, correct?

1 A. I don't think so because they couldn't --
2 they said they couldn't finish the investigation.
3 That was the problem. They were unable to finish
4 the investigation.
5 If they had finished the investigation,
6 they would have given me a recommendation that he
7 was guilty or not. They didn't do that.
8 Q. Cardinal, referring to the exhibit, moving
9 down, I'm going to direct your attention and I
10 think it should be highlighted. The sentence
11 begins with to the contrary, individual specific
12 protocols.
13 Do you see that sentence?
14 A. Yes, sir, I do.
15 Q. I'm going to read it and ask you a
16 question. It states to the contrary, individual
17 specific protocols for monitoring were not
18 addressed by the Professional Conduct
19 Administrative Committee which included the Vicar
20 of Priests and the Professional Responsibility
21 Administrator.
22 Who is then the Vicar of Priests?
23 A. Father Grace.
24 Q. And who is the Professional Responsibility

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1 Administrator?
2 A. Leah McCluskey.
3 Q. Moving down, the next highlighted portion
4 should be a sentence in the middle. It begins with
5 the audit identified.
6 Do you see that?
7 A. Yes, I do.
8 Q. It -- it states -- and I'll then ask you a
9 question -- the audit identified that had a
10 complaint of misconduct on the part of
11 Father McCormack in September of 2003 been properly
12 dealt with at the time, it would have identified
13 another alleged sexually abused minor by
14 Father McCormack. There's then -- it looks -- it
15 appears to be a typo but I read it to say but no
16 further investigation this complaint, the
17 September 2003 allegation was the watershed event
18 which carried the Archdiocese further into a
19 slippery slope due to lack of responsive and action
20 on the part of the Archdiocesan personnel to
21 another misconduct complaint against
22 Father McCormack.
23 I appreciate that's a long passage but
24 when reference is made to the watershed event which

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1 carried the Archdiocese further into a slippery
2 slope, what is your role in this chain of events
3 described as a watershed carrying the Archdiocese
4 into a slippery slope?
5 MR. KLENK: Objection to form.
6 THE WITNESS: I found about that complaint only
7 after the second arrest. The audit found, if I may
8 quote it myself, that Cardinal George did not know
9 what he needed to know to make a definitive
10 decision regarding Father McCormack because he was
11 not advised of all the information in possession of
12 his staff. I was not advised of that particular
13 information that is described as a watershed event
14 from years earlier.
15 MR. ANDERSON: Okay.
16 BY MR. ANDERSON:
17 Q. Let's go down to the next sentence I think
18 highlighted. It says Cardinal George was not
19 apprised of the entirety of information in
20 possession of the Archdiocese staff regarding the
21 credibility allegation.
22 Is that -- is that what it says?
23 A. Yes, it does, sir.
24 Q. You were advised of some information?

91

1 A. Oh, sure, yes.
2 Q. And that information was that
3 Father McCormack had abused a child?
4 A. No. It wasn't information, sir. That was
5 an allegation and the police had it and set him
6 free.
7 Q. And you were apprised that the police had
8 detained Father McCormack for the crime of sexual
9 abuse?
10 A. Yes, and set him free.
11 Q. And you -- and you were apprised of that
12 by Father Grace?
13 A. Yes.
14 Q. And others?
15 A. Well, first of all, by Father Grace
16 although he thought I knew when he did talk to me
17 about it.
18 Q. And you assumed that because the police
19 released him from custody that he was thus not
20 guilty?
21 A. Well, they also didn't charge him and I
22 did assume that, sir.
23 Q. Are you aware that Father Grace was
24 apprised that it was a credible allegation?

92

1 A. He did not speak that way to me.
2 Q. Did you ever ask Dan McCormack if he had
3 abused a kid?
4 A. No, I did not.
5 Q. To this day, have you ever?
6 A. No. He confessed in court so I'm sure he
7 did.
8 Q. Are you aware that he is alleged to have
9 abused up to 23 children?
10 A. I was not aware of that number, sir.
11 Q. At page four, the top of it -- It starts
12 actually at the bottom of three. It begins the
13 audit identified that on August 29, 2005,
14 Cardinal George approved the official appointment
15 of Father McCormack as Dean of the Deanery.
16 That's a supervisory position, isn't it?
17 A. It is, sir.
18 Q. And that was effective September 1, 2005.
19 It then goes on to state the office for
20 the Vicar for Priests.
21 And who was then the Vicar for Priests?
22 A. That would have been Father Grace.
23 Q. Had in their position -- possession. It
24 says their possession.

93

1 you.
2 Q. The highlighted portion says audit
3 review --
4 A. Yes.
5 Q. I'll read that and ask a question. Audit
6 review of Father McCormack's seminar files
7 failed to locate any documentation of allegations
8 of sexual misconduct or allegations of sexual abuse
9 on the part of Father McCormack. However,
10 interview of the former Vice Rector.
11 Who's the former Vice Rector?
12 A. That would have been at that time --
13 again, before I got here -- but I -- I believe it
14 was Father John Canary.
15 Q. Wasn't it Kicanas?
16 A. I had thought that Father Kicanas was the
17 Rector.
18 Q. Okay.
19 And it goes on to state of the seminary
20 identified that three distinct allegations of
21 sexual misconduct of both adults and of a minor on
22 the part of Father McCormack were brought to the
23 attention of the seminary officials in the spring
24 quarter of 1992. The former Vice Rector recalls

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1 Do you know who besides Grace?
2 A. The other Vicar for Priests is
3 Father Vince Costello.
4 Q. And it goes on to say in their possession
5 derogatory information concerning Father McCormack
6 which they delayed reporting to the Vicar General.
7 And who is then the Vicar General?
8 A. Father Rassas.
9 Q. Now -- now bishop?
10 A. Yes.
11 Q. It then states the Vicar General was
12 telephonically advised of the derogatory
13 information but allowed the appointment to proceed
14 without requiring further investigation into the
15 allegation.
16 So that would be Rassas?
17 A. Yes, sir.
18 Q. The next paragraph highlighted portion
19 beginning with audit review.
20 Do you see that?
21 A. Additional allegations, that paragraph,
22 sir?
23 Q. It begins with additional allegations --
24 A. I see. I see what you're saying. Thank

94

1 that these allegations were documented to
2 Father McCormack's file.
3 Have you seen that documentation?
4 A. Only the memo that the Vice Rector wrote
5 at the time. I have not seen the original. And
6 that came to my attention in January of 2006. I
7 remember reading it and being very disturbed by it.
8 Q. And what was it that was in it that
9 disturbed you?
10 A. What you've just read, sir.
11 Q. The memo reflected that there had been
12 multiple allegations of sexual misconduct by
13 McCormack in seminary, correct?
14 A. I believe there were only two when he was
15 a college seminarian and then the immediate
16 incidents of misconduct when he was in Mexico which
17 was the only time there was any indication about a
18 minor. The others were sexual misconduct with his
19 peers in the seminary, I believe.
20 Q. So that would be three involving minors
21 and there's some other adults?
22 A. No. One. I'm sorry, sir. One involving
23 a minor.
24 Q. One involving a minor?

96

1 A. Yes.
2 MR. KLENK: Jeff, we're getting near 12:30
3 here. Whenever you reach a suitable stopping
4 point.
5 MR. ANDERSON: Okay. I'll -- I'll go through
6 this. I'm almost done.
7 THE WITNESS: Sure.
8 MR. ANDERSON: All right.
9 BY MR. ANDERSON:
10 Q. I'm going to show you what is marked as
11 206.
12 A. Thank you.
13 MR. KLENK: Thank you.
14 BY MR. ANDERSON:
15 Q. And this is a Sun-Times article quoting a
16 number of folks, among them, Bishop Kicanas,
17 K-I-C-A-N-A-S. And it states referring to
18 McCormack and his seminary days, quote, it would
19 have been grossly unfair not to or -- have ordained
20 him meaning Father McCormack.
21 Based on your review of the memo you
22 received and as reflected in the Defenbaugh report,
23 do you agree with Kicanas's assertion?
24 A. No.

97

1 THE WITNESS: This is a memo based upon report
2 and the memo does say that his problem is drinking.
3 BY MR. ANDERSON:
4 Q. It also says that he had sexually abused
5 at least one minor --
6 A. Yes.
7 Q. -- and had engaged in inappropriate sexual
8 conduct --
9 A. Absolutely.
10 Q. -- with others --
11 A. That's --
12 Q. -- while in seminary?
13 A. But -- and that's why he should have never
14 been ordained. I agree with you, sir.
15 Q. And so he was not only a problem drinker,
16 he was a pedophile?
17 A. I believe you're correct, sir.
18 MR. ANDERSON: Let's take a break.
19 THE VIDEOGRAPHER: We are going off the record
20 at 12:36 p.m. This is the end of videotape number
21 two.
22 (A short break was taken.)
23 THE VIDEOGRAPHER: We are going back on the
24 record at 1:08 p.m. This is the beginning of

99

1 Q. He should never have been ordained, should
2 he, based on that -- based on that memo you
3 reviewed?
4 A. He would not have been ordained now and he
5 should never have been ordained then.
6 Q. The last paragraph of this document states
7 there was a sense -- and this is quoting Kicanas --
8 there was a sense that his activity was part of the
9 developmental process and that he had learned from
10 the experience. Kicanas said, quote, I was more
11 concerned about his drinking. We sent him to
12 counseling for that.
13 It's correct to say that that memo that
14 you reviewed and those documents regarding
15 McCormack's seminary years belie the assertion made
16 by Bishop Kicanas?
17 MR. KLENK: I would object to the extent that
18 this deals with any report from a mental health
19 advocate or he's done an analysis. I don't want
20 him to do that because we are precluded by law, as
21 you know, from getting into that sort of
22 information.
23 MR. ANDERSON: I think you can answer,
24 Cardinal.

98

1 videotape number three.
2 BY MR. ANDERSON:
3 Q. Cardinal, referring you back to
4 Exhibit 106, the Defenbaugh report, I direct your
5 attention to page 15 and in the middle of it -- it
6 may be highlighted -- the paragraph beginning with
7 during. I'm going to read that and then ask you
8 some questions.
9 During the review of the case files
10 involving allegations of sexual abuse of minors by
11 Father McCormack, it was determined that the
12 Archbishop was not notified of the
13 allegations/arrest of Father McCormack until three
14 days after the Archbishop's return to the
15 Archdiocese. During the preliminary activities and
16 inquiry phase of the review process, the PRA sends
17 a memorandum to the Chancellor.
18 The Chancellor is --
19 A. Mr. --
20 Q. -- Lago?
21 A. Jimmy Lago, yes.
22 Q. It then says the Archbishop's delegate.
23 And that is?
24 A. Father Dan Smilanik.

100

1 Q. And that's to the -- delegate to the
2 Board, correct?
3 A. Yes, that's correct.
4 Q. And then it says, the Office of Legal
5 Services.
6 And that would be?
7 A. Mr. O'Malley.
8 Q. And then it says the Victim's Assistance
9 Ministry.
10 And that would be?
11 A. Now it's Mike Honeycut. At that time, I
12 think it was Mr. Ralph Bonaccorsi.
13 Q. Then Ralph Bonaccorsi.
14 And then it says and the Vicar for Priests
15 which would have been?
16 A. Father Grace.
17 Q. Grace.
18 And it says advising them of the
19 allegation and requesting file reviews.
20 So all of these people received this
21 information at that point in time, correct?
22 A. As a request for further information that
23 they might have in order to bring the allegation
24 together, that's correct.

101

1 Q. And all of these people are also mandatory
2 reporters, are they not?
3 A. I am not entirely certain if every single
4 one was.
5 In this case, the police knew.
6 Q. The police already had this information --
7 A. Yes.
8 Q. -- that's where they got this information,
9 correct?
10 A. No. The allegation was made directly to
11 the police.
12 Q. Yes.
13 A. And so they had the victim, the accuser.
14 Q. And they're all aware of the police
15 involvement?
16 A. I'm sure they must have been. I would
17 think so, yes.
18 Q. And they're all working, effectively, for
19 you. You've appointed each of them, have you not?
20 A. Yes.
21 Q. And they're all to keep you informed of --
22 of the important matters relating to
23 Father McCormack and sexual abuse?
24 A. They followed a process. They informed me

102

1 according to the process.
2 Q. And is this a failure of these people or a
3 failure of process?
4 A. Well, people have process
5 responsibilities. All I meant to say was that the
6 Review Board system was set up to be sure that the
7 archbishop, whoever he might be, would not
8 interfere in the process and so that sometimes
9 there is -- it wasn't in the past an immediate
10 notification. There is now.
11 Q. As a result of Jimmy Lago's failure to
12 inform you of this information involving
13 Father McCormack, did you take action against him?
14 A. His obligation was to give the files that
15 he had to Leah McCluskey in order it put the
16 allegation together. He did not have an obligation
17 to inform me.
18 Q. He is -- he -- he was the Chancellor, was
19 he not?
20 A. That means he's in charge of files.
21 Q. And as Chancellor, he is one of your
22 consultants and advisors?
23 A. In the areas that he's responsible for,
24 yes.

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1 Q. And is it your position that the
2 Chancellor did not have an obligation to inform you
3 of information that he possessed that
4 Father McCormack was suspected of having abused?
5 A. That was not part of his formal
6 obligations at that time.
7 Q. And so do you fault him in any way for
8 failing to report this information in his
9 possession to you?
10 A. To me?
11 Q. Yes.
12 MR. KLENK: Objection, foundation. It assumes
13 he had information in his possession then.
14 MR. ANDERSON: That this allegation was
15 credible.
16 THE WITNESS: Oh, I don't know that he had that
17 information.
18 BY MR. ANDERSON:
19 Q. Have you taken any action against --
20 discipline of the bishop's delegate for his failure
21 to bring information to you at this time?
22 MR. KLENK: Object, again, foundation. It
23 assumes he had information.
24

104

1 BY MR. ANDERSON:
2 Q. Have you taken any action against the
3 delegate?
4 MR. KLENK: You can go ahead and answer it.
5 THE WITNESS: Oh, I'm sorry. I misunderstood.
6 His obligation is to see to it that in the
7 process, the canonical rules, the charter are
8 adhered to. It's not his direct obligation to
9 bring me anything except the Review Board
10 deliberations.
11 BY MR. ANDERSON:
12 Q. Going back to then Chancellor Lago, is it
13 correct that since this point in time referred to
14 in the report, Lago has even been given more
15 responsibility for dealing with sexual abuse of
16 minors in the Archdiocese?
17 A. We learned that information wasn't shared.
18 He is now the one to see to it that information is
19 shared as broadly as possible among all those
20 concerned.
21 He has a new responsibility since the
22 McCormack allegations.
23 Q. And the Vicar for Priests, Father Grace,
24 is referred to here.

105

1 but I couldn't tell you which ones exactly.
2 Q. Well, then Father Rassas, the Vicar
3 General, was promoted to Auxillary Bishop following
4 this failure?
5 A. That appointment was made in the summer
6 before this happened. It's a Roman appointment,
7 not mine.
8 Q. Cardinal, I'm going to direct your
9 attention to -- to Bob Davies for a moment.
10 Who is Bob Davies?
11 A. I'm sorry, I don't recognize the name.
12 Q. Let's get a document. I'm going to show
13 you Exhibit 111.
14 A. Thank you.
15 Q. And you'll see that it is a memorandum
16 from Leah McCluskey --
17 A. Uh-huh.
18 Q. -- regarding McCormack. It's dated in
19 February of 2006 and it refers to some information
20 earlier received wherein a Sister Mary Therese
21 Cusack, C-U-S-A-C-K --
22 A. Uh-huh.
23 Q. -- Imparted information and it -- to
24 Mr. Robert, Bob, Davies at the second page, first

107

1 What action, if any, have you taken --
2 pertaining to him based on the findings of
3 Defenbaugh?
4 A. We discussed what went wrong and there
5 have been corrections and I believe a letter is in
6 the file to be sure that the memory of this is not
7 lost.
8 Q. What action, if any, have you taken to --
9 pertaining to Father Rassas, now Bishop Rassas, in
10 connection with this?
11 A. We also have discussed this, why was
12 information not passed on and I believe the same
13 memorandum to keep us aware of what went wrong has
14 been placed in his file as well.
15 Q. So if I'm hearing you correctly, you
16 placed a letter of reprimand in the files of
17 Bishop Rassas and Father Grace?
18 A. Yes.
19 Q. Have you reprimanded anybody else for
20 failure to report or act in connection with
21 Father McCormack?
22 A. Again, we discussed it because of this
23 report to show how seriously wrong the system went
24 and I think letters have gone into other files too

106

1 paragraph -- the fourth paragraph. Excuse me.
2 You'll see after speaking with blank, Sister Mary
3 Therese Cusack contacted Mr. Bob Davies?
4 A. Uh-huh.
5 Q. Who was the consultant for Holy Family
6 School at the time?
7 A. Oh, okay. Yes.
8 Q. Are you aware that he's now assistant
9 superintendent for the school?
10 A. No. I think he was removed from that
11 position because this information wasn't brought
12 forward when it should have been.
13 Q. And was that an action taken by you?
14 A. No. By the superintendent of schools
15 who's responsible for the schools.
16 Q. And the superintendent of schools,
17 ultimately, answers to you. You oversee the
18 schools and education for the Catholic Archdiocese?
19 A. But I'm not involved in the schools. I
20 make no appointments. I don't hire. I don't let
21 people go. That is the job of the superintendent.
22 It's not my responsibility.
23 I supervise to see that they are Catholic
24 schools.

108

1 Q. Right.
2 You are the ultimate supervisor of the
3 Catholic education in the Archdiocese?
4 A. Of the mission of Catholic education in
5 the Archdiocese.
6 Q. And are you aware and did it come to your
7 attention that on five different occasions,
8 information came to Bob -- to the attention of Bob
9 Davies that was suspicious of McCormack having
10 sexually abused?
11 A. I was not aware of five. I had heard
12 about the one incident after McCormack was arrested
13 the second time.
14 Q. And as you sit here today, you're only
15 aware of one instance -- one instance in which
16 Davies received information from Sister Cusack or
17 others --
18 A. I was aware of the information --
19 Q. -- that McCormack was engaged in conduct
20 suspicious of sexual abuse?
21 A. I was aware of the information he received
22 from Sister Cusack.
23 Q. On how many occasions did she bring him --
24 it to his attention that McCormack was doing or

109

1 A. Was she the principal at the time or was
2 she --
3 Q. Yes.
4 A. Yes.
5 Q. Davies was working for Holy Family School
6 at the time and the Archdiocese Office of Catholic
7 Education so that would have made him a mandatory
8 reporter in education?
9 A. I don't know the details of the mandatory
10 reporting law for educators in the State of
11 Illinois. I'm sorry.
12 Q. And do you have any information that
13 either of them ever reported to civil authorities
14 the information received or perceived by either of
15 them concerning McCormack?
16 A. I don't believe they did.
17 Q. I want to show you Exhibit 115.
18 A. Thank you.
19 Q. I'm showing you 115. This is a memo dated
20 September 5, 2003.
21 This would be two years before McCormack's
22 arrest, Cardinal?
23 A. That's correct.
24 Q. And it concerns St. Agatha Parish and

111

1 saying things that were suspicious of abuse?
2 MR. KLENK: Objection, foundation.
3 THE WITNESS: This is the first I see this
4 memo, sir. I heard that she had received
5 information at least once. That's all I know.
6 BY MR. ANDERSON:
7 Q. And what did you understand Bob Davies's
8 response to her to have been when she brought it to
9 him?
10 A. He did not pass it on. That's the
11 important fact, I believe.
12 Q. Did you read and have you learned that he
13 said to her let it go?
14 A. I heard verbally an explanation of the
15 incident; that the parent did not want it pursued
16 and in that context, I believe he said we should
17 let it go.
18 Q. Was that -- would that have been Davies's
19 decision to make as an educator?
20 A. He -- he made a mistake and for that, he's
21 been demoted and reprimanded. I presume -- I
22 shouldn't presume anything. He made a mistake.
23 Q. At that time, Cusack would be a mandatory
24 reporter?

110

1 McCormack. And it is from a woman identified and
2 it states I took a call from a woman who would not
3 identify herself but gave me her phone number and
4 it's stated in here, isn't it?
5 A. Yes, it is.
6 Q. So if somebody wanted to know who this
7 woman was, it's not hard to find that out, is it?
8 A. They could have called that number, sir.
9 Q. Okay.
10 The second paragraph says her chief
11 concern is the number the teenage boys that are
12 always in the rectory. This has been going on for
13 more than a year and many others in the area are
14 talking about it. It then goes on to state in the
15 last paragraph, last weekend, Father McCormack took
16 several boys to Minnesota for shopping, I believe.
17 You would agree that the information in
18 this memo from Mary Ann is suspicious of sexual
19 abuse?
20 A. It raises a flag. It certainly does.
21 Q. And it should have been acted upon?
22 A. I believe it should have been.
23 Q. And wasn't?
24 A. I believe it was not.

112

1 Q. And Mary Ann Zrust, Z-R-U-S-T, is who?
2 A. At that time, she was the receptionist and
3 secretary in the Vicars For Priest office.
4 Q. And that was Father Grace?
5 A. In 2003, I'm not sure that it was
6 Father Grace.
7 Q. Well, it was the Vicar for Priest in any
8 case?
9 A. Yes.
10 Q. There was -- there was more than one Vicar
11 for Priest, though?
12 A. There were always two.
13 Q. So information of this type in this memo,
14 Exhibit 115, certainly would have gone from the
15 secretary to one of the vicars to whom she answered
16 and it would have been either father -- in 2003, it
17 would have been --
18 MR. ANDERSON: Am I in front of the camera?
19 THE VIDEOGRAPHER: A little bit.
20 THE WITNESS: That's okay.
21 MR. ANDERSON: I got to look -- I got to look
22 at this chart here. I can tell you who -- 2003,
23 Grace and Costello or Grace and Kaczorowski.
24 THE WITNESS: Yes.

113

1 Q. And --
2 A. -- when I found this out, you know, after
3 he was arrested.
4 Q. Who did you inquire you?
5 A. The Vicars for Priests.
6 Q. Who?
7 A. Father Grace.
8 Q. What was his explanation for his failure?
9 A. It was an anonymous report and in the
10 context, got lost in a lot of other things,
11 apparently.
12 Q. Did you say to him, Father Grace, giving
13 the phone number is not anonymous. All you have to
14 do is call her up and say, ma'am, what's your name?
15 This is important information. Did you point that
16 out to him?
17 A. Yes, I did.
18 Q. And his explanation was?
19 A. He made a mistake. He didn't follow-up.
20 Q. Father Grace or whoever it was that you
21 confronted with this is -- is under the -- under
22 the same requirements that you have been as a
23 priest, that is, to keep certain matters secret and
24 quiet to avoid scandal, correct?

115

1 BY MR. ANDERSON:
2 Q. So it would -- had -- there at that time
3 two Vicars for Priest?
4 A. Yes.
5 Q. And so whoever it was that she brought
6 this to should have taken action on this and
7 didn't, you know that now?
8 A. Yes. I regret deeply that action was not
9 taken.
10 Q. Have you ever asked Grace, Kaczorowski or
11 Costello why they didn't act on this action back
12 then in 2003?
13 MR. KLENK: Objection, assumes that they were
14 aware of it.
15 THE WITNESS: The anonymity, I think, perhaps
16 might have entered into it but you really must
17 have -- ask them. I can't speak for them. I'm
18 sorry for it.
19 BY MR. ANDERSON:
20 Q. My question to you, Cardinal, is did you
21 ask them? They're answering to you. You're their
22 boss. Did you ask them?
23 A. I inquired why there was no follow-up
24 and --

114

1 MR. KLENK: Objection to the form of the
2 question.
3 THE WITNESS: That's -- that has nothing to do
4 with this.
5 BY MR. ANDERSON:
6 Q. Well, isn't the disclosure of sexual abuse
7 by a priest scandalous if made public?
8 A. There is no accusation of sexual abuse
9 here, sir.
10 Q. There's a suspicion of an accusation of
11 sexual abuse here, isn't there?
12 A. I suppose a flag is raised as I said.
13 Q. So the Vicar for Clergy in 2003 in any
14 case chose to keep it a secret and not report it to
15 you or the civil authorities, correct?
16 A. I don't know that he chose to keep it a
17 secret. What you're talking about here is behavior
18 which is not sexual.
19 Q. I'm going to show you Exhibit 117 and you
20 will see it is a memo of July 13, 2005 to Father Ed
21 Grace and Father Vince Costello from then George
22 Rassas now bishop.
23 And Father Dan McCormack is being made a
24 dean, correct?

116

1 A. Yes. That's in July as you'll notice.
2 Q. And look at the handwriting.
3 Whose handwriting is that?
4 A. I can't tell you that, sir.
5 Q. As I read it, it says we suggested no
6 because of boys in rectory letter.
7 And you're the one that, ultimately,
8 appointed McCormack dean?
9 A. That's correct. I didn't see this.
10 Q. And it's not because it wasn't available
11 to you but it's because you didn't look or ask,
12 correct?
13 MR. KLENK: Objection to the form of the
14 question, compound.
15 THE WITNESS: The information wasn't given me
16 and in every case, the question asked is is he
17 vetted or isn't he --
18 BY MR. ANDERSON:
19 Q. And --
20 A. The response came back yes.
21 Q. And Rassas didn't tell you, did he?
22 A. He didn't tell me about this, no.
23 Q. And he didn't tell you that it was
24 suggested that he was not fit to be a dean because

117

1 A. The police let him go, sir. He was
2 innocent as far as they were concerned. We
3 conducted an investigation on the presumption of
4 innocence. He was freed with the civil authorities
5 full knowledge.
6 Q. Cardinal, who told you that Dan McCormack
7 was innocent?
8 A. The release to me meant they couldn't
9 charge him and they had reason to believe that he
10 was not a danger to children.
11 Q. You've never really believed in the zero
12 tolerance policy, have you?
13 A. I beg your pardon, sir, but that's
14 entirely inaccurate. I believe it.
15 Q. I want to direct your attention to 118.
16 This is to the file from Ed Grace. It's dated
17 August 30, '05. It states I was called at Queen of
18 All Saints rectory by Reverend McCormack. He
19 informed me that he was being questioned by police
20 at the local police station, correct?
21 A. That's what it says, yes, sir.
22 Q. Concerning an allegation made against him
23 by the mother of a ten-year-old boy. He put the
24 detective on the phone to explain the circumstances

119

1 of boys in the rectory letter?
2 A. No, he did not tell me that.
3 Q. So he was made dean by you?
4 A. Yes, I appoint deans.
5 Q. And then you received information that
6 McCormack was not fit and had been suspected of
7 abusing boys, correct?
8 A. After his second arrest, I received this
9 information that we're looking at now.
10 Q. And when did you rescind or did you ever
11 rescind the appointment of Dan McCormack to his
12 position as Dean of the Deanery?
13 A. When he's taken out of ministry, that
14 appointment is automatically rescinded.
15 Q. And that -- and that was January, was it
16 not?
17 A. That's correct.
18 Q. But you learned he had been arrested for
19 criminal sexual conduct of a minor -- albeit
20 released -- but arrested in October, correct?
21 A. Oh, I knew that at the end of August, sir.
22 Q. And in August when you knew that, you
23 chose to keep him in the position of Dean of
24 the Deanery as well as the ministry?

118

1 to me, correct?
2 A. Yes.
3 Q. Then it goes on to say in the last
4 sentence of the next paragraph, Father McCormack
5 succeeded in lowering the boy's pants and
6 fondling -- fondled his genitalia.
7 That's what it states, doesn't it?
8 A. It does.
9 Q. It goes on to state in the next sentence
10 detective found the boy's story credible?
11 A. It does say that.
12 Q. It goes on to state I asked if
13 Father McCormack was being detained. He said not
14 at that time. And it is Father Grace that says I
15 then suggested that given the hour, Father be sent
16 home and return the next morning with an attorney
17 to continue the interview.
18 Cardinal, was it Father Grace's job as
19 Vicar for Priests to suggest to the police that
20 McCormack be released and brought home?
21 A. Not as Vicar for Priests, no.
22 Q. I mean, Father Grace is out of line here,
23 isn't he?
24 A. I think it was very imprudent.

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1 Q. And it is also your policy and your
2 expectation that the Vicar for Priests will arrange
3 to get the attorney for the -- the -- the accused
4 child abusing cleric?
5 A. That does happen sometimes to be sure that
6 a process is fair. We see to it that lay people,
7 priests, others, even those who bring an accusation
8 have civil counsel.
9 Q. It's also -- is it your instruction as
10 cardinal to -- to Father Grace and others under
11 your control to -- excuse me.
12 Is it also -- let me ask you this, the
13 next sentence says I then spoke with Dan again and
14 advised him not to discuss the matter further with
15 the police.
16 So as I read this and as I just read it to
17 you, Father Grace, your Vicar for Priests, is
18 telling Dan McCormack don't talk to the police,
19 don't tell them that you've abused these kids,
20 don't tell them anything.
21 Is that something that you approve of?
22 MR. KLENK: I object to the form of the
23 question.
24 THE WITNESS: No. That's not part of his

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conviction or an arrest, in fact.
2 Q. Isn't it -- isn't it Father Grace's job to
3 first protect the children instead of protecting
4 the priest when the priest is accused of hurting
5 children?
6 A. It is. I can't believe that he believed
7 Father McCormack was a danger. He would have told
8 me, I think, if he really believed that but you're
9 right, the first obligation is to protect children.
10 That's the obligation of the police as well, I
11 believe.
12 Q. And it was the detective in this memo that
13 found the boy's story credible. So what
14 Father Grace believed, whether Dan was innocent or
15 not, is really -- is not important.
16 What the detective found is, though, isn't
17 it?
18 A. I didn't see this memo until after the
19 second arrest. In fact, until just a little while
20 ago. Certainly, the witness of the detective had I
21 received that would have meant the sequence of
22 events was very different.
23 Q. Going to the second page of this memo, it
24 states 9:30 a.m., I met with Dan at our office.

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1 responsibilities.
2 BY MR. ANDERSON:
3 Q. It looks to me, Cardinal, like this is
4 being -- Father Grace is trying to keep this secret
5 and avoid scandal.
6 Does it look that way to you?
7 A. It's a public arrest, sir. It's not a
8 secret.
9 Q. I know but right now, the only ones that
10 know are Father Grace, Father Dan and the police,
11 right?
12 A. At this point, yes.
13 Q. So the parishioners and the community of
14 faith don't know --
15 A. Not at this point.
16 Q. -- about this arrest, do they?
17 A. I don't know whether it was ever reported
18 in the police register. I really don't know that.
19 Q. Well, you do know that Father Dan did get
20 a lawyer and that was Pat Reardon because it's
21 reflected in this memo?
22 A. Yes.
23 Q. The Archdiocese hired him, right?
24 A. We pay for a lawyer until there is a

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1 That is at the office of the Archdiocese
2 that is of the Vicar for Clergy?
3 A. That's correct.
4 Q. That's your office?
5 A. No. It's the office of the Vicar for
6 Priests.
7 Q. It's in your offices, though, isn't it?
8 A. No. It's physically in another building.
9 Q. Oh, okay.
10 It states I asked Dan to tell what the
11 police had said to him and what he had said to them
12 but nothing else and the but nothing else is in
13 caps. Now, I read this to be recording that Grace
14 is asking him, that is, McCormack, to tell him what
15 he had told the police.
16 How do you read this? What is -- what is
17 Grace doing here and recording?
18 MR. KLENK: Object to the form of the question,
19 the speech followed by the question.
20 BY MR. ANDERSON:
21 Q. Let me put in this way, why is this in
22 caps?
23 A. I don't know why it's in caps.
24 Q. Grace is telling McCormack to keep his

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1 mouth shut so that he doesn't get in trouble, so
2 the Archdiocese doesn't get in trouble, right?
3 A. I don't believe that's true.
4 Q. Well, then what is true?
5 A. I think perhaps Father Grace's training as
6 a defense attorney was instrumental in his reacting
7 in this way but that's just conjecture on my part,
8 sir.
9 Q. Wasn't it your job to make sure that
10 Father Grace and other vicars and other leaders and
11 educators in this Archdiocese were trained in the
12 protection of children?
13 A. And they have been trained.
14 Q. And, again, at the next -- three
15 paragraphs down, it -- it reiterates the
16 detectives -- there are multiple detectives here --
17 witnessed the interview and found the boy credible.
18 Now we have more than one detective. We have
19 multiple detectives witnessing an interview of the
20 child who's been abused and finding the child to be
21 credible; is that right?
22 MR. KLENK: I object to the speech. I object
23 to the form of the question.
24

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1 Reardon and arranged for him to represent Dan.
2 So he's contacting the lawyer and making
3 arrangements for Dan McCormack to have a lawyer,
4 right?
5 A. Yes, but there, that sometimes is the
6 case.
7 Q. That's in accord with your policy?
8 A. When people need defense in a process,
9 whether it's canonical or civil, for the sake of
10 fairness, we often suggest that it might be good to
11 have a lawyer.
12 Q. I'm going to show you Exhibit 124.
13 A. Thank you.
14 Q. I'm not going to -- I'm not going to --
15 this is Exhibit 124 and this is dated September 15,
16 2005, two weeks after the police find the
17 allegation credible. And I'm not going to ask you
18 to read this because I know you've had a chance to
19 look at some of these things but my question to you
20 is there were reports in the media, information
21 disseminated by your office that the woman referred
22 to here?
23 A. Yes.
24 Q. And we know who we're talking about here

127

1 BY MR. ANDERSON:
2 Q. Is that the way you read this, Cardinal?
3 A. I read this a couple of weeks ago. I
4 deeply regret that they, themselves, didn't keep
5 Dan in custody.
6 Q. Cardinal, did you read this a couple weeks
7 ago for the first time in prepping for this
8 deposition?
9 A. It was one of the documents given to me,
10 yes.
11 Q. So that was the first time you've seen
12 this was in preparation for this today, right?
13 A. So far as I can recall.
14 Q. So now having seen this, is this going to
15 cause you to do anything different in the future
16 either as it pertains to Grace and the others in
17 your charge?
18 A. I've already spoken to Father Grace about
19 the responsibilities as the Vicar for Priests being
20 to protect children and to search for the truth,
21 not to -- to protect a priest as if he were a
22 client.
23 Q. Look at this memo at -- at the bottom, it
24 says today, 8-31-05. It says I contacted Pat

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1 as the mother, don't we?
2 A. Yes, sir.
3 Q. Okay.
4 It's -- It's reported in the media and
5 claimed that the family wouldn't come forward and
6 that's why no action was taken responsive to her
7 report.
8 Did you make that claim to the media?
9 A. That was my understanding at the time. I
10 did not have this memo.
11 Q. And who lead you to believe that at the
12 time you made that representation to the public in
13 the media?
14 A. Several times I kept asking whether or not
15 we could pursue this case and do the investigation
16 and each time, I was told they're still trying to
17 the get the allegation together.
18 Q. Who was that?
19 A. Well, the people whom we've mentioned.
20 Sometimes it was the Vicar for Priests or the
21 lawyer or Leah McCluskey even was talking about the
22 difficulties of getting an allegation in form to be
23 tried by the Review Board.
24 Q. So this exhibit and other information,

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1 through it, you kind of realized you were
2 misinformed then, correct?
3 A. I was not adequately informed.
4 Q. Exhibit 126 is from the Review Board dated
5 January 28, 2006.
6 This is addressed to you, Cardinal,
7 correct?
8 A. That's correct.
9 Q. And it's from -- is this all the members
10 of the Review Board --
11 A. I believe it's --
12 Q. -- appointed by you?
13 A. Yes, all the members at that time.
14 Perhaps there's one missing.
15 Q. In any case, you received this.
16 And did you know that you were going to
17 receive this before it was sent?
18 A. No, I did not.
19 Q. It states Dear Cardinal George, I'm
20 writing this letter on behalf of the Professional
21 Review Board members who participated in
22 January 24, 2006 teleconference regarding
23 Father Daniel McCormack.
24 It looks like the only one that was on

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1 to our attention and that action was not taken in a
2 timely manner.
3 What is your response to this?
4 A. I am very dismayed myself. This is
5 terrible that more precipitous action was not taken
6 so I share that concern. I understand it and I
7 share it as my own as well.
8 Q. Have you ever written a letter responding
9 to this letter to the Board?
10 A. I went and talked to them personally for
11 several hours.
12 Q. When they state we are extremely dismayed
13 that yet another claim,
14 Yet another claim is referring to what?
15 A. I presume the Bennett case.
16 Q. And this one is first referring to the
17 McCormack case, is it not?
18 A. It is.
19 Q. And then it's referring back to another
20 claim?
21 A. Yes.
22 Q. And that refers back to Bennett?
23 A. Well, they didn't make that explicit but I
24 presume in the context that's the case. I wouldn't

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1 the -- the Review Board was your delegate and that
2 was Father Smilanic?
3 A. Smilanic.
4 Q. Smilanic?
5 A. Yes.
6 Q. Did he choose not to sign on to this
7 purposefully or what?
8 A. I have no idea. I doubt that. I have no
9 idea.
10 Q. The second paragraph --
11 A. He is not technically a member of the
12 Review Board.
13 Q. He is the delegate?
14 A. Yes.
15 Q. In any case, is he the only one that's on
16 the Board that's not a signer of this letter?
17 A. I thought there were eight members of the
18 Board but perhaps not at this time.
19 Q. Well --
20 A. This is the Board speaking.
21 Q. Okay.
22 The Board says in the second paragraph we
23 are extremely dismayed that yet another claim of
24 clerical sexual abuse of a minor has been brought

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1 know what other case they could possibly be talking
2 about.
3 Q. Well, this is before Joseph Bennett was
4 removed from ministry by you, Cardinal.
5 A. He was removed around this same time and
6 we changed our policy to remove priests not after
7 they offended but even while they were being
8 investigated.
9 Q. In any case, on January 28, 2006,
10 Father Bennett had not been removed from ministry,
11 correct?
12 A. He was removed around that time. I'm not
13 sure of the exact date, either just before or just
14 after.
15 Q. It was February 1st, I think, that he was
16 removed. That was after this letter was sent to
17 you after the St. Agatha meeting.
18 A. If it was --
19 Q. Does that sound correct?
20 A. Yes, he was removed just after the
21 St. Agatha meeting.
22 Q. And --
23 A. I'm not sure when this letter was received
24 but.

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1 Q. The -- the next paragraph goes on to talk
2 about the media statements being made by you
3 wherein you are quoted, correct?
4 A. I presume that's a quote from me.
5 Q. And then it goes on in the next paragraph
6 to talk about the information pertaining to the
7 Review Board and criminal investigation, correct?
8 A. Which paragraph, please, sir?
9 Q. Well, third paragraph is -- I'll -- I'll
10 direct your attention to the fourth paragraph and
11 that states our recommendations were presented to
12 you on October 17, 2005 at the post-Review Board
13 meeting.
14 What is a post-Review Board meeting?
15 A. It's the meeting that I have with the head
16 of the Office For Investigation, Leah McCluskey,
17 and with my representative for canonical process to
18 the Review Board, Father Smilanic. They come to
19 see me after the Board to explain what the Board
20 said.
21 Q. Okay.
22 The Board then writes to you, you chose
23 not to act on them and we now have a situation that
24 reflects very poorly and unfairly on the Board.

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1 finding here because they hadn't considered all the
2 evidence as they themselves say, it is true there
3 was not a formal presentation of this allegation.
4 BY MR. ANDERSON:
5 Q. At the last -- next paragraph, the last
6 sentence states and they write to you we take
7 offense at the lack of truth telling.
8 A. I was mistaken in what I said. I didn't
9 realize that they had as much information as they
10 did. They still didn't have enough to pursue the
11 allegation as they say.
12 Q. Well, they use the words lack of truth
13 telling which is equivalent of a lie.
14 A. If I --
15 Q. Cardinal, let me ask the question.
16 A. I'm sorry. Please. I'm sorry.
17 Q. You're saying it was a mistake. They're
18 saying it was a lie?
19 A. Uh-huh.
20 Q. Right?
21 A. I presume they are.
22 Q. Exhibit 127 is DCSF pertaining to
23 McCormack?
24 A. Uh-huh.

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1 When they write that, you chose not to act
2 on their recommendations, that is correct, isn't
3 it?
4 A. That is --
5 Q. That was a choice that you made?
6 A. That is correct.
7 Q. Do you take responsibility for that?
8 A. Of course I must take responsibility for
9 it.
10 Q. How many kids did McCormack abuse after
11 you made that choice?
12 A. I believe that's being investigated now
13 but at least one and probably two that I know of
14 and there may be others.
15 Q. How many kids did Father Joseph Bennett
16 have -- are suspected of -- of having abused and
17 that have come forward after -- after you chose not
18 to act?
19 MR. KLENK: Object to the form of question,
20 compound.
21 THE WITNESS: If you mean how many allegations
22 have been made against Joseph Bennett, currently,
23 none. There were none made after the Review Board
24 had its finding. And, again, they didn't have a

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1 Q. And you've seen this now, have you not?
2 A. No, I've never seen this before. This is
3 the first time.
4 Q. Well, it -- it means that -- it says that
5 sexual molestation by McCormack at the second --
6 third paragraph as indicated finding means the DCSF
7 investigation found credible evidence of child
8 abuse, neglect. Credible evidence means that the
9 facts gathered during the investigation would lead
10 a reasonable person to believe that a child was
11 abused or neglected.
12 You didn't know that DCFS has ever made
13 such a finding?
14 A. No, I did not. With all my heart, I wish
15 they had given me this on December the 14th. They
16 gave it to Dan McCormack. Had they given it to me,
17 he would have been out immediately.
18 Q. Father Grace communicated to you that he
19 had been arrested and that the police had found the
20 allegations to have been credible enough to -- to
21 arrest and interrogate him, correct?
22 MR. KLENK: Objection, asked and answered.
23 THE WITNESS: And let him go.
24

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1 BY MR. ANDERSON:
2 Q. They let him go and so did you.
3 You kept him in the ministry, didn't you?
4 A. I did it because there was no evidence.
5 Q. Well, how can you say that you would have
6 acted on DCSF if you would have known it when you
7 didn't act when Father Grace advised you of the
8 arrest?
9 A. This is entirely different. They have a
10 judgment there that he did, in fact, abuse a child.
11 These are the people whom the State puts in charge
12 of children. If they say that, then, obviously,
13 this is the case.
14 Q. Didn't you put the Review Board to
15 investigate the allegations of sexual abuse so they
16 can make recommendations to you?
17 A. I did.
18 Q. And didn't they recommend Dan McCormack's
19 removal from ministry?
20 A. They didn't come to a conclusion that he
21 had done it.
22 Q. Didn't they recommend his removal from
23 ministry, Cardinal?
24 A. They advised that, yes.

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1 it to have been?
2 A. As you can see from the people to whom
3 this is copied, these are the people who are the
4 principals in getting the allegations together and
5 pursuing them with the Review Board so that a final
6 recommendation can be given to me.
7 Q. At the second page, you'll see at the
8 first sentence it says Mr. Fitzgerald determined
9 from officials at presentation campus that
10 Father McCormack has been teaching a math class for
11 four days per week at the school since
12 September 2005.
13 That's when he's supposed to be on
14 monitoring, isn't he?
15 A. Yes, and restricted.
16 Q. Yeah.
17 And then it says a parent named blank sat
18 in Father McCormack's classes, quote, the first few
19 weeks, end quote. Mr. Fitzgerald stated that
20 Father McCormack was also coaching boys -- the boys
21 basketball team at this school until yesterday when
22 Father Grace directed McCormack to cease contact
23 with the team.
24 So that was he was also coaching while

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1 Q. They recommended it?
2 A. They advised it. They advised it.
3 Q. And you didn't follow it --
4 MR. KLENK: Please don't point at him.
5 BY MR. ANDERSON:
6 Q. -- correct?
7 A. I couldn't follow it, sir.
8 Q. What kept you from following it?
9 A. There was no evidence. The investigation
10 hadn't been completed.
11 They completed the investigation.
12 Q. I'm showing you what's been marked 128.
13 This is Archdiocese of Chicago memorandum from
14 McCluskey regarding McCormack January 19, 2006 and
15 it's a brief question but the first sentence says a
16 meeting was held this afternoon in John O'Malley's
17 office regarding the allegations of sexual
18 misconduct made by blank against Dan McCormack.
19 The following was present for the meeting, John
20 O'Malley, Revered Grace, Diane Dunnagan, Dan
21 Fitzgerald, Ralph Bonaccorsi and Dan Smilanic.
22 Did you call this meeting?
23 A. No, I did not.
24 Q. And what did you understand the purpose of

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1 under these so-called restrictions, right?
2 A. Yes, that's right.
3 Q. The last sentence of this says it was
4 reported to Mr. Fitzgerald that Father McCormack
5 took the boys to Dave and Busters.
6 That's a bar and restaurant?
7 MR. KLENK: Objection, form of the --
8 foundation.
9 BY MR. ANDERSON:
10 Q. Well, it says an arcade, restaurant and
11 bar and then returned them home at the end of the
12 day.
13 A. That's what it says.
14 Q. So just to get this right, he's under
15 restriction while he's alleged to have been doing
16 this as recorded in this memo, right?
17 A. That's correct.
18 Q. Under monitoring, right?
19 A. That's correct.
20 Q. And he's been teaching since September
21 of 2005?
22 A. That's correct, unfortunately.
23 Q. And on monitoring since 2003 -- since
24 September of 2005?

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1 A. 2005, I believe. After the first arrest.
2 Q. Were you aware that Tom Walsh was supposed
3 to have been the monitor for --
4 A. Yes. I asked who the monitor was and he
5 is -- was the monitor.
6 Q. Were you also aware that Tom Walsh was at
7 another parish and he communicated that it was
8 difficult for him to be McCormack's monitor because
9 he's at another parish?
10 A. I think, sir, that information isn't
11 correct. He was a resident at St. Agatha's. That
12 was my understanding but maybe --
13 Q. Tom Walsh -- Tom Walsh was living there
14 but he wasn't working there. He was gone every day
15 from --
16 A. I see.
17 Q. -- 2:00 to 11:00, wasn't he?
18 A. Yes. He was responsible for other
19 pastoral duties.
20 Q. So if he's serving another faith
21 community, another pastorate, how can he be
22 monitoring McCormack?
23 A. I'm not supervising the monitoring but
24 monitor doesn't mean you live with them every

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1 moment of the day, I believe.
2 Q. I'm referring you to the Defenbaugh report
3 page 21.
4 Would you look back at that for a moment,
5 Cardinal?
6 A. Sure. I think it's here. Uh-huh.
7 Q. And I'm going to -- have you found 21 yet?
8 A. I have. Thank you.
9 Q. Okay.
10 This would be the first paragraph, the
11 first full sentence. I'm going to read it and then
12 ask you a question. The priest assigned to monitor
13 advised the Vicar for Priests that he would not be
14 able to actively monitor Father McCormack's
15 activities as this priest was assigned full-time
16 ministry at another church, was a teacher and coach
17 at a different school and would be away from the
18 rectory over the Labor Day weekend visiting family.
19 It goes on to state the priest was advised
20 by the Vicar for Priests to monitor
21 Father McCormack when the priest was around the
22 rectory and to advise that the priest was going to
23 be away from the rectory for an extended period of
24 time such as a period of absence of a week or more.

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1 It says the only follow-up this priest
2 received was possibly one to two telephone calls
3 from the Vicar for Priests within the first two
4 weeks of this, quote, monitoring, unquote, and
5 possibly one face to face meeting with the Vicar
6 for Priests?
7 Is this adequate monitoring?
8 A. No, of course not, sir.
9 Q. And Father Grace knew all this?
10 A. Yes.
11 Q. Let's go back to the Defenbaugh exhibit
12 again and at page four. I'm now going to ask you
13 about Father Bennett.
14 A. Sure.
15 Q. And look at page four, the last paragraph
16 in it, it states the audit found that delays in
17 removing Father Bennett from his pastoral duties
18 were primarily the result of Father Bennett not
19 having been provided canonical counsel. However,
20 this mere fact is not sufficient for not having
21 removed Father Bennett when the Review Board made
22 its recommendation to Cardinal George.
23 Now, it then states this action still
24 could have been taken while awaiting advice of

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1 canonical counsel. The Cardinal should immediately
2 remove a priest or deacon from pastoral duties as
3 soon as there is a belief that children could be at
4 risk and particularly at the recommendation of
5 removal by the PRA or Review Board.
6 Do you agree with this finding?
7 A. We have changed our policy because I agree
8 with that last sentence. At the time, protocols
9 did not permit me to remove someone who had not
10 been canonically counseled. The process was not
11 complete.
12 Q. And it is correct as stated here that you
13 didn't remove Father Joseph Bennett immediately
14 upon receiving information --
15 A. I did in the sense that I agreed to remove
16 him. Then when he came to me and said that he had
17 never had a chance to mount a defense, he had no
18 counsel, I said then the form of the investigation
19 is not complete and we must give him the counsel
20 and permit him to defend himself.
21 Q. Is it -- Is it because he didn't have
22 counsel or because you didn't believe that Bennett
23 had committed the offense?
24 A. Because he didn't have counsel. The

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1 process was not complete.
2 Q. Simply because of that?
3 A. The process was not complete, sir.
4 Q. And in the case of Joseph Bennett, you
5 didn't follow the recommendations they made to you
6 just as you did not follow the recommendation that
7 they had made to you involving McCormack?
8 A. Without counsel, the recommendation was
9 premature.
10 Q. So the counsel is to -- that is the canon
11 lawyer for Bennett, the one accused, right?
12 A. He had no chance to defend himself against
13 the accusation. It's an incomplete process.
14 Q. It's even more incomplete if it's not
15 protecting the children, isn't it?
16 A. You --
17 Q. It sounds, Cardinal -- let me -- let me
18 just ask you this, it sounds like you're more
19 concerned about the rights of -- of the accused
20 priests than you are the rights and the safety of
21 the children out there. That's what it sounds like
22 to me.
23 What do you say to that?
24 A. I say you're mistaken, sir. It is the

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1 protection of the children that is always primary
2 but within a process that presupposes some
3 fairness.
4 Q. So is this zero tolerance?
5 A. Yes, it's zero tolerance. Once there is
6 an allegation that is proven to the certain
7 threshold of reasonable cause to suspect, a priest
8 is removed and not returned.
9 Q. Look at Exhibit 134.
10 A. May I see that, please? Thank you.
11 Q. This is from Father Dan Smilanik, the
12 delegate on the Board, among other things. Your
13 delegate to the Board to McCluskey. It's dated
14 January 24, 2006.
15 And have you reviewed this?
16 A. No. I'm sorry. I didn't see this before.
17 Q. My reading of this is that canon law and
18 the Archdiocese policies does not require a
19 former -- a formal allegation from the victim for
20 you to remove a priest or initiate the Review Board
21 process.
22 MR. KLENK: Objection, compound question.
23 BY MR. ANDERSON:
24 Q. My question to you is is that correct?

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1 A. It's correct that we changed our policies
2 in the light of the McCormack allegations to permit
3 this kind of action to happen more quickly.
4 Q. Isn't it correct, Cardinal, that you have
5 the power as the Ordinary on suspicion or for any
6 reason to remove a cleric from an assignment on a
7 phone call if you feel that there is a -- for any
8 reason?
9 A. No, sir, that's not correct.
10 Q. That's not correct?
11 A. No.
12 Q. Okay.
13 Is it correct to say that you have the
14 power as the Ordinary to remove a priest from an
15 assignment pending an investigation by the Review
16 Board if there is a possible risk of harm to the
17 community of faith?
18 A. Yes, with a process that would follow.
19 Q. But you don't have to have the process go
20 forward. You can remove them while -- while the
21 process is underway, can't you?
22 A. With one exception, sexual abuse of a
23 minor. And since the process was formalized and
24 the discretion of the bishop was taken away by the

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1 norms, the process was more delineated. A bishop
2 didn't have the authority in these cases that he
3 had in other cases as a result of the special
4 norms.
5 Q. Cardinal, I might have misheard you but if
6 I heard you -- if I think I heard you correctly, I
7 think you said the norms took away your power to
8 remove Bennett or McCormack from their assignment
9 pending an investigation?
10 A. That's correct.
11 Q. So in other allegations except for sexual
12 abuse you can do that but with sexual abuse, you
13 couldn't? Is that what you're saying?
14 A. The discretionary power of the Ordinary
15 was reduced by the Holy See in these cases.
16 Q. So, in effect, it's the Holy See's fault
17 that you didn't remove McCormack and Bennett right
18 away?
19 MR. KLENK: Objection -- I object to the
20 question.
21 THE WITNESS: No, sir, you can't say that.
22 BY MR. ANDERSON:
23 Q. Well, you're saying that it was the
24 influence of the See upon -- upon the charter that

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1 comes in, it can be directed to the people who can
2 be of help.
3 Q. I want to switch to another subject now.
4 A. Yes.
5 Q. Mr. Anderson asked you some questions
6 about what was marked as Exhibit 106. Could you
7 get it there in front of you? Here we go. I'm
8 going to hand it to you.
9 A. Oh, yeah.
10 Q. Exhibit 106 is the Defenbaugh and
11 Associates report?
12 A. Yes, it is.
13 Q. Who is Daniel Defenbaugh?
14 A. He's a former FBI man who -- which is well
15 known and I think respected as an investigator. I
16 believe I mentioned he had investigated the
17 Oklahoma City bombings to try to get to the facts
18 of that case. Other very complex cases he's been
19 involved in. So we wanted to know what went so
20 wrong in the case of McCormack, why did this
21 terrible injury take place and we asked him to come
22 and make a report.
23 Q. So you asked Mr. Defenbaugh to make a
24 report?

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1 Defenbaugh's work but our work in response to it.
2 Q. You'll set that aside. I have just one
3 more area I want to touch on. I know it's late
4 here.
5 Could you find Exhibit 127 which is in
6 front of you. Tell you what, I'll give -- I'll
7 give you mine so we can move this along. Here we
8 go. I've handed you what's been -- take a look at
9 that. Got it?
10 A. Yes.
11 Q. I've handed you what's been marked as
12 Exhibit 127?
13 A. Uh-huh.
14 Q. And would you tell me what that is?
15 A. This is a notification from the Illinois
16 Department of Children and Family Services given to
17 Dan McCormack on December 14, 2006, not given to
18 the Archdiocese until January 31, 2006.
19 Q. And this letter from DCFS was sent to who?
20 A. Dan McCormack.
21 Q. And this letter states in the -- looks
22 like the third full paragraph, an indication means
23 that DCF investigations found credible evidence of
24 child abuse and neglect. Credible evidence means

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1 A. Yes.
2 Q. And -- and why did you ask Defenbaugh and
3 Associates to come in and take a look at the
4 Archdiocese and what happened in these cases?
5 A. So we would know what went wrong and we
6 could then correct the situation so it wouldn't
7 happen again.
8 Q. What did you do with this report that's
9 marked Exhibit 106 after you received it?
10 A. We released it to the press. We had a
11 press conference that presented it to them and it
12 is now on our website. It's public.
13 Q. And does this report recommend any changes
14 in how cases are treated in the Diocese?
15 A. The judgments have been taken to look at
16 our policies and make changes in the way we treat
17 the cases. We put together a group of 12 people
18 including a victim and a plaintiff's lawyer and
19 experts, some of who have been involved early on as
20 the Archdiocese addressed this in the early '90s
21 before I came, to see that the policy
22 recommendations that were indicated here have, in
23 fact, been put into place in the Archdiocese. They
24 made a report after a year to analyze not just

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1 that the facts gathered during the investigation
2 would lead a reasonable person to believe that a
3 child was abused or neglected.
4 Was this letter sent to -- to you?
5 A. No, it was not. No, it was not. This is
6 very painful.
7 Q. Was this letter sent to the offices of the
8 Archdiocese of Chicago?
9 A. No, it was not.
10 Q. Had you received this letter, what would
11 you have done?
12 A. Had I known that DCFS was investigating,
13 that would have been reason to remove
14 Father McCormack from ministry. Had I received
15 this, that would have been the equivalent of the
16 Review Board and he would have been out and that's
17 why I find it very painful to know that somebody
18 did believe and had concluded that he had abused a
19 child and we were not apprised of that information.
20 Q. You say you find it painful.
21 Why -- why is that?
22 A. Because children were abused after this
23 date when DCFS knew that he had most probably
24 abused a child.

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1 MR. KLENK: I have no further questions.
 2 FURTHER EXAMINATION
 3 BY MR. ANDERSON:
 4 Q. Cardinal, you said that had you known DCF
 5 was investigating, you would have removed McCormack
 6 but you did know that the Chicago Police were
 7 investigating McCormack and you didn't remove him,
 8 did you?
 9 A. I did not know they were investigating.
 10 They had released him.
 11 Q. But you knew they had arrested him and
 12 that means that they were investigating him.
 13 You knew that, didn't you?
 14 A. No, I did not.
 15 Q. You didn't know they had arrested him?
 16 A. Yes.
 17 Q. You didn't know they had detained him?
 18 A. Yes.
 19 Q. You -- what do you call the police
 20 interrogating him and arresting him if it's not an
 21 investigation? What do you call it?
 22 A. The conclusion of their investigation was
 23 they released him. That was -- they had terminated
 24 their investigation, I thought.

1 Q. You were just asked about the Defenbaugh
 2 report that was made public by you?
 3 A. Yes.
 4 Q. And when was that made public?
 5 A. I believe shortly after we received it.
 6 Q. And what's the date on it? That's okay.
 7 It was in 2007 or six?
 8 A. Six, I think. I don't see any date here.
 9 I'm sorry.
 10 Q. In any case, this report was prepared by
 11 you at your request under intense public pressure
 12 over the McCormack scandal, correct?
 13 MR. KLENK: I object to the form of the
 14 question.
 15 THE WITNESS: Well, it's fair enough but it was
 16 also internal pressure. We wanted to know what
 17 went wrong, a system that had worked, that had been
 18 effective in protecting children suddenly didn't
 19 work.
 20 BY MR. ANDERSON:
 21 Q. If you really wanted to know what went
 22 wrong when you made this report public, why didn't
 23 you have Defenbaugh make known to you and to the
 24 public what happened with Bennett that we've

1 revealed to you here today?
 2 A. I think he does go into the Bennett
 3 report.
 4 Q. He reaches a conclusion but he doesn't
 5 detail any of the facts pertaining to Bennett that
 6 underlies his conclusion or make reference to the
 7 files that we've reviewed together here today, does
 8 he?
 9 A. I don't recall that but I'll take your
 10 word for it. Those facts, of course, are decades
 11 old reported more recently. So I think there was a
 12 difference and perhaps -- I can't speak for
 13 Defenbaugh -- he thought the two cases were very
 14 different in the case --
 15 Q. Well, because the facts of Bennett were so
 16 old, are you suggesting that somehow because you
 17 know it happened in '63-'64 that Bennett somehow
 18 stopped abusing people in '63 or '64?
 19 A. I'm not suggesting anything.
 20 Q. Then why not make those facts as old as
 21 you think they may be public knowledge so it -- so
 22 it can be aired?
 23 A. When he was removed, the facts without
 24 going into details to expose a victim were made

1 public.
 2 Q. You were asked about caring about victims
 3 and what the Archdiocese has done.
 4 If you care that much about victims, why
 5 don't you make all the information that we have
 6 shared with you today and that has been shared with
 7 us just recently concerning all of this public and
 8 why haven't you?
 9 A. Mr. Anderson, I care very much about
 10 victims. I've talked to them. I really do.
 11 Q. Why don't you make this stuff public?
 12 A. What stuff?
 13 Q. The exhibits we reviewed here today that
 14 have just been revealed to us concerning
 15 Father Bennett, concerning Father Mayday,
 16 concerning Father McCormack, concerning
 17 Father Skriba and others.
 18 Why haven't these files been made known to
 19 the public?
 20 A. The question is to take incidents that
 21 involve minor children and publish them as stories?
 22 Q. Are you done with the answer?
 23 A. I'm sorry. I answered with a question.
 24 Q. Okay.

1 A. But it's -- It just seems to me not to be
2 the thing to do. The victims themselves would not
3 want to see their stories paraded in public, I
4 think. They should make that public if they want
5 to. I don't think we have a right to make those
6 stories public.
7 Q. The information that we've shared with you
8 today is not accessible to these victims about what
9 the Archdiocese knew and when they knew it and what
10 they did and what they didn't do with it. Only you
11 have this information and your representatives,
12 Cardinal.
13 A. I am not aware of that. I think if
14 someone asked are there other victims, they're told
15 that there are. When information is asked for,
16 provided you're not violating someone else's
17 privacy, my understanding is that it's given.
18 Q. Cardinal, you were shown by counsel AOC 1
19 that is the -- the Mayday letter of April 11, 2007.
20 And you said that you released this letter for a
21 number of reasons --
22 A. This is not what you're talking about
23 here.
24 Q. I know.

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1 And one of the reasons was because the
2 facts of this case are so public, right?
3 A. I'm not sure this letter was released to
4 the public.
5 Q. I'm referring to AO one -- AOC 1, the
6 one --
7 A. This is -- this is a private letter to
8 Alfonso Graham.
9 Q. Just a moment. I'm referring to the
10 exhibit you were given earlier and shown earlier,
11 that's the Parole Commission in Wisconsin letter.
12 You made that public?
13 A. I'm not aware of the fact that we made
14 this public. This is the April 11, 2007 letter.
15 Q. Yes. Okay,
16 You wrote this letter -- excuse me. You
17 didn't make this public.
18 You wrote this letter for the reasons you
19 stated, right?
20 A. Yes.
21 Q. The primary motivating reason that you
22 wrote this letter on April 11, 2007 was because you
23 and this Archdiocese was under intense public
24 scrutiny concerning your handling of sexual abuse

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1 of the priests, correct?
2 A. No, that's not correct.
3 Q. Well, you state in the last letter because
4 of the facts of his case are so public.
5 You're referring to the Mayday case or the
6 McCormack case?
7 A. This is about Mayday.
8 Q. Okay.
9 A. We had publicized the allegations as they
10 came forward when we went to parishes where the
11 victims had lived.
12 Q. The fact is that you didn't make this
13 information public until April 11, 2002 because
14 it -- 2007 because scandal could be avoided by not
15 making this out and known to others?
16 MR. KLENK: Objection to the form of the
17 question.
18 THE WITNESS: Would you please repeat the
19 question?
20 MR. ANDERSON: I'll withdraw the question.
21 BY MR. ANDERSON:
22 Q. I'm going to refer you to 45. You'll see
23 that 45 is dated January 20, 2007.
24 A. Uh-huh.

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1 Q. This pertains to Mayday and this is a
2 Review Board meeting that is four months before the
3 letter to the Parole Commission in Wisconsin,
4 correct?
5 A. Yes.
6 Q. You'll see that at the second paragraph,
7 the Board also made the following recommendations
8 regarding Father Mayday based upon the information
9 provided that the cleric is scheduled to be
10 released from prison in October 2007. And
11 recommendation to you number two there is on a
12 nine-zero vote that Cardinal George -- George
13 writes a letter and follows up with a phone call to
14 the Wisconsin Prosecutors Office to state that the
15 Archdiocese of Chicago recommends and supports that
16 Father Mayday's sentence is extended.
17 In fact, you wrote this letter because the
18 Review Board recommended it, correct?
19 A. Not only the Review Board, the Vicars For
20 Priest, everyone concerned and I as well thought
21 that he was a danger.
22 Q. And why did it take you four months to do
23 it after they recommended it?
24 A. The man was in prison and the authorities

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EXECUTIVE SUMMARY

Defenbaugh & Associates, Inc. (D&A) was retained by the Archdiocese of Chicago to conduct an independent due diligence review regarding sexual abuse of children allegations by two (2) Archdiocesan Priests; to identify any issues in the Archdiocesan policies and procedures, to include communication protocols and flow of information, both internal and external; and thereafter offer recommendations for remediation.

It is pointed out that this audit was conducted by exception only. Therefore, any positive accomplishments by the Archdiocese of Chicago, and the auditors recognized many positive actions during this audit on the part of the Archdiocese, with regard to the education, prevention, assistance and procedures for determination of fitness for ministry regarding victims or allegations of sexual abuse, are not noted in this report.

Defenbaugh & Associates, Inc. was retained by the Archdiocese of Chicago as an independent contractor, not as an employee of the Archdiocese. The Archdiocese agreed to furnish and make available to D&A, upon request, any and all records pertaining to any and all subjects of review. The Archdiocese also agreed to allow D&A accessibility to interview any employee of the Archdiocese who may have information concerning the subjects of the review or their activities. During this process, the Archdiocese of Chicago allowed and authorized D&A open access to any and all individuals and records for review which was sine qua non¹ to acceptance of the audit contract. Requests for interviews of Archdiocesan personnel and review of documents were furnished by the Archdiocese of Chicago without delay and without restraint. The auditors found the entire staff of the Archdiocese of Chicago to be professional, cooperative and forthright in their responses.

The audit identified 33 issues in the six (6) criteria areas as follows:

- I. Failures to Comply with Abused and Neglected Child Reporting Act (ANCRA) – Failures to Report
- II. Failures to Communicate (Internally & Externally)
 1. Delayed Notification of Sexual Abuse by Priest Allegation to Cardinal
 2. How to proceed upon receipt of an allegation

¹ something absolutely indispensable or essential

3. Receipt of Additional Allegations of Sexual Abuse
 4. Insufficient Training of Archdiocesan and Office of Catholic Schools Personnel in Responding to and Notification of Sexual Abuse Allegations
 5. Anonymous Complaints
 6. Recordation of Response to Requests for Information
 7. Delayed Reporting of Derogatory Information and Failures to Investigate
- III. Failures to Follow Established Procedures and Protocols
 - IV. Failures in Monitoring of Priest Alleged to Have Sexually Abused a Minor
 - V. Failures to Conduct a Complete and Thorough Review of Living Priest's Files for any Impropriety/Misconduct
 - VI. Process Review Issues

Respective matters of concern are detailed in the Gap Analysis section of this report as an individual issue(s) with finding(s) and recommendation(s) for remediation within the criterion area where attention is required.

The most significant finding of this audit was the failure of the various Archdiocesan departments involved with issues of allegations of clerical misconduct of minors to communicate with each other, both orally and in the recordation of facts known to each archdiocesan staff, respectively, who are delegated a responsibility in handling these issues. The audit found that communication of information and facts known or in the possession of various individuals were not communicated amongst each other which caused a watershed effect into a slippery slope whereby the Archdiocese could not recover once the information became misplaced or omitted.

The audit found the Archdiocese of Chicago to have policies and procedures in place in order to respond to allegations of clerical sexual abuse of a minor. The audit identified that the Archdiocese of Chicago is not in compliance with its own policies, procedures and protocols. Specific Archdiocesan policies, procedures and protocols were not implemented in the sexual abuse allegations in the Father (Fr.) McCormack matter. Failure to report allegations of clerical sexual abuse of minors on the part of numerous individuals within the Archdiocesan staff and the Office of Catholic Schools since October 1999 only exacerbated this state of affairs to the point of violating Illinois Criminal Statute - Abused and Neglected Child Reporting Act. Even after the arrest / detainment of Fr. McCormack on an allegation of sexual abuse of a minor in August 2005, Archdiocesan personnel delayed reporting this arrest / detainment to Cardinal George for almost three (3) days even though Cardinal George was present within Archdiocesan territory and available for such notification. The audit also found that lack of effective communication between the Department of Children and Family Services and the Archdiocese only worsened and magnified the situation. Further, even though

certain Archdiocese personnel had within its possession information from local law enforcement and the State's Attorney that the August 2005 allegation against Fr. McCormack was "credible," the recommendation for removal of Fr. McCormack of his pastoral duties and to sever Fr. McCormack's contact with minors was not made until October 15, 2005 when the Review Board recommended that Fr. McCormack be removed from the ministry. Prior to that time certain procedures and protocols were not followed by the Archdiocese. The Archdiocese did not follow the basic spirit of their own established guidelines. Appropriate administrators at Our Lady of the Westside Schools were not informed of the "monitoring" of Fr. McCormack. Fr. McCormack was only orally advised of certain minimal restrictions regarding contact with minors and there was no follow through by the Archdiocese to ensure compliance. To the contrary, Individual Specific Protocols (ISPs) for monitoring were not addressed by the Professional Conduct Administrative Committee which included the Vicar of Priests and the Professional Responsibility Administrator; the ISPs were not established as directed by policy, nor were they applied. Fr. McCormack ignored immediately and independently ignored and violated these instructions to the point of continuing to coach the basketball team of minors, to teach algebra to minors, to allegedly begin to create an after school program for minors and to take minors out of the state on a shopping trip. The audit identified a total breakdown in communication amongst the Archdiocesan staff assigned to react to allegations of sexual abuse of minors. The audit identified that had a complaint of misconduct on the part of Fr. McCormack in September 2003 been properly dealt with at the time, it would have identified another alleged sexually abused minor by Fr. McCormack. But not further investigation this complaint, the September 2003 allegation was the watershed event which carried the Archdiocese further into a slippery slope due to lack of responsive and action on the part of archdiocesan personnel to another misconduct complaint against Fr. McCormack. The audit found that Cardinal George did not know what he needed to know to make a definitive decision regarding Fr. McCormack from October 1999 through December 2005 because he was not advised of all the information in possession of his staff. Cardinal George was not apprised of the entirety of information in possession of Archdiocesan staff regarding the credibility of the allegation of sexual abuse of a minor by Fr. McCormack. The audit found that the Archdiocese was in possession of various allegations of sexual misconduct on the part of Fr. McCormack of which Cardinal George was not apprised. This global information included allegations from Fr. McCormack's seminarian days from 1988 through 1991 concerning sexual interaction and/or suspicious sexual activity with two (2) adult males and one (1) male minor; allegedly having a male student pull down his pants in 1999; and having boys in the rectory in 2003; and the September 2003 allegation of misconduct which, had it been investigated at the time would have identified another alleged victim of Fr. McCormack. The audit finds that had Cardinal George been told the entirety of this information and these incidents, he may have reached a different decision concerning Fr. McCormack's status after being informed of the August 2005 arrest / detainment of Fr. McCormack.

The audit identified that on August 29, 2005 Cardinal George approved the official appointment of Fr. McCormack as Dean of Deanery III-D effective September 1, 2005. The Office for the Vicars for Priests had in their possession derogatory information

concerning Fr. McCormack which they delayed reporting to the Vicar General. The Vicar General was telephonically advised of the derogatory information but allowed the appointment to proceed without requiring further investigation into the allegation or withdrawing the appointment letter until resolution of the allegation. Withdrawal of the appointment letter and/or holding it in abeyance until resolution of the allegation would have avoided the appearance that the Archdiocese promoted Fr. McCormack immediately after his arrest / detainment for alleged sexual abuse of a minor.

Additional allegations have been brought to the attention of Archdiocese of Chicago personnel of sexual misconduct and allegations of sexual abuse of a minor in one (1) incident and two (2) separate incidents involving adult males, by Fr. McCormack during 1988 and 1991 during his time at Niles College and St. Mary of the Lake. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of allegations of sexual misconduct or allegations of sexual abuse on the part of Fr. McCormack; however, interview of the former Vice Rector of the seminary identified that three (3) distinct allegations of sexual misconduct of both adults and of a minor on the part of Fr. McCormack were brought to the attention of the seminarian officials in the spring quarter of 1992. The former Vice Rector recalls that these allegations were documented to Fr. McCormack's file. Accordingly, seminarian officials followed guidelines as set forth at that time. The Archdiocese of Chicago needs to remind all seminaries, colleges and universities associated with the Archdiocese that any and all allegations of misconduct on the part of seminarians must be documented into their personnel files and not removed; reiterate standards of ministerial behavior and appropriate boundaries for clergy in their academic programs; and have these standards clearly articulated and publicized. The Archdiocese should require that all individual seminarian files, both high school and college, be transferred with the priest after being ordained to whatever diocese, or eparchy, he is assigned. The auditors recommend that all seminarian files, along with other Archdiocesan files, of all living priests assigned to the Archdiocese should be reviewed, preferably by an outside party, for any allegation(s) of misconduct and address the allegation(s) by today's standards, policies and procedures. The Archdiocese of Chicago cannot afford to have additional incidents or allegations of clerical sexual misconduct of minor to appear in the future with prior knowledge of that misconduct. Finally, the Archdiocese of Chicago must ensure that all allegations of clerical sexual misconduct be brought to the attention of all appropriate officials, both internal departments and external agencies, in order that appropriate and required action is taken.

The audit found that delays in removing Fr. Bennett from his pastoral duties were primarily the result of Fr. Bennett not having been provided canonical counsel; however, this mere fact is not sufficient reason for not having removed Fr. Bennett when the Review Board made its recommendation to Cardinal George. This action still could have been taken while awaiting advice of canonical counsel. The Cardinal should immediately remove a Priest or Deacon from pastoral duties as soon as there is a belief that children could be at risk and particularly after recommendation of removal by the PRA or Review Board.²

² Section 1104.8.1.

The audit found that numerous individuals assigned to the Archdiocese of Chicago and Office of Catholic Schools, many in supervisory positions, did not know or have forgotten what actions to take when an allegation of sexual abuse of a minor comes into their possession or to their personal attention. Training programs and advisories for Archdiocesan and Office of Catholic Schools staff, such as memoranda and pamphlets, are apparently ineffective. The audit also found the Archdiocese of Chicago is not in compliance with the Charter for the Protection of Children and Young People in ensuring that the Safe Environment Program and background investigations are conducted on anyone in a position of trust in contact with minors.

The audit also found that many policies, procedures and guidelines of the Archdiocese of Chicago are not in sync with each other and need to be revised and updated.

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BACKGROUND

The Archdiocese of Chicago has recently experienced two groups of allegations of sexual abuses of children against two (2) priests (Father [Fr.] Daniel J. McCormack and Fr. Joseph R. Bennett) assigned to the Archdiocese. These allegations of sexual abuse were brought to the attention of the Archdiocese without appropriate reaction by the Archdiocese. The Archdiocese of Chicago desired an independent lessons learned review and assessment of these incidents to identify any issues in Archdiocesan policies and procedures, to include communication protocols and flow of information, both internal and external; and thereafter presentation of recommendations for remediation. *Defenbaugh & Associates, Inc. (D&A)* was retained by the Archdiocese of Chicago to conduct this due diligence review. This report will be set forth detailing the following areas: 1) Process Review; 2) Protocol Examination; 3) Problem Identification; 4) Gap Analysis. Findings of identified issues are presented herein under the Gap Analysis Section of this report and appropriate recommendations are made for remediation in areas of documented concern.

It is pointed out that this audit was conducted by exception only. Therefore, any positive endeavors by the Archdiocese of Chicago, and there are many positive accomplishments, with regard to the education, prevention, assistance and procedures for determination of fitness for ministry regarding victims of sexual abuse are not noted in this report.

Defenbaugh & Associates, Inc. was retained by the Archdiocese of Chicago as an independent contractor, not as an employee of the Archdiocese. The Archdiocese agreed to furnish and make available to *D&A*, upon request, any and all records pertaining to any and all subjects of review. The Archdiocese also agreed to allow *D&A* accessibility to interview any employee of the Archdiocese who may have information concerning the subjects of the review or their activities. During this process, the Archdiocese of Chicago allowed and authorized *D&A* open access to any and all individuals and records for review which was sine qua non³ to acceptance of the audit contract. Requests for interviews of Archdiocesan personnel and review of documents were furnished without delay and without restraint.

³ something absolutely indispensable or essential

INTERVIEWS

Individuals from the following departments or agencies were interviewed during this review:

ARCHDIOCESE OF CHICAGO

- Archbishop of Chicago
- Vicar General
- Chancellor
- Legal Services Department
- Personnel Services Department
- Office of Professional Responsibility (OPR)
- Office of the Judicial Vicar
- Office of the Vicar for the Priests
- Assistance Ministry Department
- Cardinal's Delegate to the Review Board
- Director of Communications
- Archdiocese of Chicago Review Board (selected members)
- Priests (selected)
- Sisters (selected)

LOCAL OFFICIALS

- Office of Catholic Schools (OCS) Assistant Superintendent (Vicariate I)
- OOC Assistant Superintendent (Vicariate III)
- Our Lady of the Westside Schools and St Agatha's (Administrator, Principal, Assistant Principal, selected Priests, Sisters, teachers and monitor)

PUBLIC OFFICIALS

- Assistant Cook County State's Attorney Sex Crimes Unit Chief
- Assistant Lake County State's Attorney Criminal Division Chief
- Illinois Department of Children & Family Services (DCFS) (General Counsel and Management Team Coordinator)

DOCUMENT REVIEW

The following records or documents were reviewed during this audit:

- 1) United States Conference of Catholic Bishops (USCCB), Charter for the Protection of Children and Young People (latest revised edition)
- 2) Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry (Effective 7-15-2003)
- 3) Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry (Draft – no effective date)
- 4) Essential Norms for Diocesan/Eparchial Policies Dealing with allegations of Sexual abuse of Minors by Priests or Deacons, First Approved by the Congregation for Bishops, December 8, 2002
- 5) Memorandum of Understanding between the Archdiocese of Chicago and the State's Attorneys for Cook and Lake Counties, Illinois dated October, 2003
- 6) Reports and Findings of the 2003, 2004 and 2005 audits of the Archdiocese of Chicago regarding the Charter for the Protection of Children and Young People sponsored through the USCCB and audited by the independent firm, The Gavin Group
- 7) Illinois Criminal Statute 325, Section 5, Abused and Neglected Child Reporting Act (ANCRA)
- 8) Office of Professional Responsibility Work Flow Chart (Revised 9/21/2005)
- 9) Archdiocese of Chicago Parent Guide, Parent Handbook to the Child Lures Prevention Program
- 10) Archdiocese of Chicago Virtus Protecting God's Children Quick Reference Guide
- 11) Archdiocese of Chicago Virtus Protecting God's Children, Participant Workbook
- 12) Pamphlet regarding the Archdiocese of Chicago Assistance Ministry resources, support and reporting
- 13) Archdiocese of Chicago Office of Professional Responsibility pamphlet

- 14) Illinois Department of Children and Family Services (DCFS) pamphlet on reporting Child Abuse and Neglect
- 15) Important Notice flyer on reporting accusations of child abuse
- 16) Office for the Protection of Children and Youth flyer on Protecting God's Children for Adults
- 17) Archdiocese of Chicago undated memorandum providing contact information for Archdiocesan personnel and positions involved in the process regarding abuse of individuals
- 18) Archdiocese of Chicago Code of Conduct for Church Personnel
- 19) Archdiocese of Chicago draft Code of Ethical Conduct
- 20) Archdiocese of Chicago Policy for Openness and Transparency in Communication Regarding Sexual Misconduct
- 21) Archdiocese of Chicago website review of items, policies, procedures and announcements regarding Keeping Children Safe and the topical allegations
- 22) Public communications and correspondence by the Archdiocese of Chicago regarding the allegations of sexual abuse against Fathers McCormack and Bennett
- 23) Review of electronic database employed by the Archdiocese of Chicago in tracking, recordkeeping and workflow of allegations against clergy (priests and deacons) (RADAR)
- 24) Archdiocese of Chicago Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct -- "Two Minute Drill" (Revised 02/22/00)
- 25) Commitment to Improving Child Safety and Protection. Joint Protocol for the Archdiocese of Chicago and the Department of Children and Family Services 02/22/2006
- 26) Independent Specific Protocols for monitoring Priests accused of allegations of sexual abuse of minors
- 27) Protocol for Canonical Advocates Who are Retained by Clerics Incardinated into the Archdiocese of Chicago Pursuant to and Allegation of Sexual Abuse with a Minor dated August 15, 2005
- 28) Actions to Improve Response to Child Abuse Allegations within the Archdiocese -- letter dated February 14, 2006 from Archdiocesan Chancellor Jimmy M. Lago

to Reverend Clergy, Catholic School Leadership, Colleagues in Ministry,
Administrative Staff, and Fellow Employees

- 29) Manual for Mandated Reporters, Illinois Department of Children & Family Services, Children's Justice Task Force, Revised September 2005
- 30) Joint Protocol for the Archdiocese of Chicago and the Department of Children & Family Services – Commitment to Improving Child Safety and Protection dated 02/22/2006
- 31) Draft agreement between the Archdiocese of Chicago and Illinois Department of Children & Family Services with regard to the handling of allegations of clerical abuse of minors
- 32) Office of Catholic Schools "School Crisis Response Handbook for Educators" provided to all OCS Administrators
- 33) Handbook for Elementary and Secondary School Administrators, latest revision in 2000, section titled "Child Abuse"

PROCESS REVIEW

Since September 21, 1992, the Archdiocese of Chicago has had policies and procedures in place to address allegations and issues related to sexual abuse of minors by clerics. The United States Conference of Catholic Bishops (USCCB) approved the Charter for the Protection of Children and Young People and Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Abuse of Minors by Priests or Deacons in 2002. After receiving recognition by the Apostolic See on December 8, 2002, and promulgated by the USCCB, the Charter and the Essential Norms became effective March 1, 2003. While many provisions of the Charter and the Essential Norms were contained in the above mentioned policies and procedures of the Archdiocese of Chicago, Cardinal George directed that their existing policies and procedures be amended so as to incorporate the provisions of the Charter and the Essential Norms. The revised policies and procedures became effective July 15, 2003.

In conducting this Process Review, specific portions of "*SECTION 1100, SEXUAL ABUSE OF MINORS: POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY, Part I, Church Personnel, Book II The People of God.*," (Amended 6/24/2003; effective 7/15/2003) (hereafter referred to as either *SECTION 1100, SEXUAL ABUSE OF MINORS* or *SECTION 1100*) were reviewed. The focus of this review was on *SECTION 1104, "Review Process for Continuation of Ministry,"* while other sections, where appropriate, were also reviewed.

The "Review Process for Continuation of Ministry" is broken down into the following phases or processes:

1. Preliminary Actions and Inquiry
2. Initial Review
3. Preliminary Investigation
4. Review for Cause
5. Supplemental Review

It was discovered during this review that there existed two different versions of *SECTION 1100, SEXUAL ABUSE OF MINORS* on the Archdiocese of Chicago website. One version, identified as "Amended 6-24-2003, effective 7-15-2003," appeared at: <http://policy.archchicago.org/policies/bk2ttl3chpt1num110071503.pdf>. Another version "Amended 8-07-2002, effective 6/24/2002," was found through a link from http://www.archdiocese-chgo.org/keeping_children_safe/other.shtml to *Clerical Sexual Misconduct Policies and Procedures*. This issue was brought to the attention of the Office of Legal Services, which has since corrected this oversight.

Preliminary Actions and Inquiry

During this phase of the Review Process, the victim or a third party reports the allegation of sexual abuse of a minor by telephone, in writing, email, or in person to the

Professional Responsibility Administrator (PRA). Upon receipt of the allegation, the PRA is required to promptly report the allegation to the public authorities, to include notification to the Illinois Department of Children and Family Services, when appropriate, and to the appropriate State's Attorney. Internally, the Vicar for Priests makes the initial notifications to select individuals/entities within the Archdiocese; informs the cleric of the allegation against him; requests his response to the allegation; and assesses whether the safety of children requires interim action.

On February 22, 2006, the Archdiocese of Chicago signed a Joint Protocol for the Archdiocese and the Department of Family Services in a "Commitment to Improving Child Safety and Protection." Step three of this protocol states in part: "The Department of Children and Family Services will take the lead in all child abuse investigations involving any clergymen, employee, or volunteer of the Archdiocese. The Department will provide to clergy all the required due process rights, such as notice and hearing. The Archdiocese of Chicago will suspend its own investigation until DCFS has completed its child abuse and neglect investigation...." In the Protocol signed by representatives of both parties, no indication is given as to the length of time the Department will take to conduct its own investigation. Without some time frame parameters for the Department's investigation, the delay of the Archdiocese's investigation as a result of this suspension could have a significant negative impact on the effectiveness of the investigation conducted by the Archdiocese.

During this phase, the PRA is also required to develop an appropriate record keeping system to ensure accountability for and security of the information collected following the report of an allegation. The PRA maintains a hardcopy system of records which addresses inquiries and investigations of allegations of sexual abuse of a minor by clerics. Complementing that system is a Microsoft Access 2000 database titled "RADAR" which was created in-house by personnel from the Office of Legal Services with the assistance of Archdiocesan Information Technology (IT) personnel. The purpose of RADAR is to assist with tracking work flow and to provide, on a timely basis, the status of ongoing cases involving allegations of sexual abuse of minors by clerics. It is administered by the Office of Legal Services which provides requested reports to specific entities within the Archdiocese. For example, one of the reports created is the Director of Communications to keep abreast of information regarding allegations so that they can accurately respond to media questions. Another report with case status information is provided to the Review Board prior to each of their meetings. The Office of Legal Services uses RADAR to track notification to insurance administrators and to the State's Attorney and to review the PRA work flow to ascertain the ongoing progress of a case.

Security of the database is controlled through limited access and passwords. Backup copies are maintained by the Archdiocesan IT Department. While "RADAR" is effective at providing a means by which the PRA is able to keep abreast of the current status of sexual abuse investigations, it needs to be upgraded to a more current version of the database software and could also use enhancements to its effectiveness by someone with a specialty in database design.

It was also noted that "RADAR" is used by several departments within the Archdiocese of Chicago. The Office of Legal Services, the Victim Assistance Ministry, the Vicar for Priests, and the Office of Professional Responsibility each have access to RADAR. Interviews by the Auditors determined that the Vicar and Co-Vicar for Priests do not use RADAR; therefore information contained in RADAR is not complete.

The PRA is responsible for providing the person making the allegation with a written statement containing information about their right to make a report of such allegation to public authorities." A review of allegation files prepared by the PRA reflected that accusers had been provided with a copy of *SECTION 1100, SEXUAL ABUSE OF MINORS*. *SECTION 1100* is quite lengthy and its language is not necessary directed towards the general public. Its content can be confusing to some. It is noted that the PRA does furnish other pamphlets and information with the appropriate contact names and telephone numbers to include the DCFS advisory pamphlet.

During the review of the case files involving allegations of sexual abuse of minors by Fr. McCormack, it was determined that the Archbishop was not notified of the allegation/arrest of Fr. McCormack until three (3) days after the Archbishop's return to the Archdiocese. During the Preliminary Activities and Inquiry phase of the Review Process, the PRA sends a memorandum to the Chancellor, the Archbishop's Delegate, the Office of Legal Services, the Victim's Assistance Ministry, and the Vicar for Priests, advising them of the allegation and requesting file reviews. In the files reviewed by the Auditors, no indication was noted that the Archbishop was specifically notified of allegations or arrests of clerics by the PRA.

Also during this phase, the PRA is required to "review the cleric's files or background." As a matter of established procedure, this task has been accomplished via a written request from the Office of Professional Responsibility (OPR) to the Victim Assistance Ministry, the Vicar for Priests, the Chancellor, the Office of Legal Services, and the Archbishop's Delegate to the Review Board for them to provide any relevant information in their files which pertain to the accused or the accuser. Files of the Seminaries, where the cleric attended are not specifically requested to be reviewed for pertinent information via this request although the Seminaries have only recently been listed in the copy count of the request memorandum. In addition, relevance of the material disclosed during the review is left to the discretion of the reviewer who may not be privy to the full facts of the inquiry.

The Procedure in support of *SECTION 1104.3.6.3* states, "For the sake of due process, the accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When necessary, the Archdiocese will supply canonical counsel to the priest or deacon. (*USCCB Charter, art. 5, and USCCB Essential Norms §§6 and 8.A*) During the Father Bennett investigation by the Archdiocese, it was discovered in November 2005 that Father Bennett did not have a canonical advocate assigned; the original allegation having been made in December 2003. As a result, the final decision in that matter was delayed by Cardinal George to allow Father Bennett to consult with canonical counsel.

Once the PRA has obtained the written statement of the accuser, the PRA is required to give the accused a reasonable opportunity to respond to the allegations. No specific time frame for this response is set forth beyond "reasonable opportunity" however, the PRA does specify a specific time for response in her letter(s) to the attorney for the accused.

Initial Review

During this phase, the Review Board meets to conduct an Initial Review within approximately three to five days after the PRA has obtained the pertinent information from the accuser or other responsible source, and has also given the accused a reasonable opportunity to respond to the allegation(s), either personally or through canonical or civil legal counsel. At the Initial Review, the Review Board advises the Archbishop whether the information received at least appears to be true of an offense; whether the interim actions recommended by the PRA were appropriate to provide for the safety of children; of its recommendations based on its expertise regarding the scope and course of the investigation; and what further interim action should be taken with respect to the allegation.

During the Auditors review of the allegation case files on Fathers Bennett and McCormack, it was noted that there was no documentation contained therein which reflected what specific information was provided to the Review Board during the Initial Review.

Preliminary Investigation

Once the Review Board has determined that the information received during the Initial Review seems to be true of an offense, a preliminary investigation in harmony with canon law is initiated. The Archbishop then appoints a lay auditor, who can also be the PRA in this matter. If necessary, the lay auditor may retain professional assistance when necessary and appropriate to conduct the thorough investigation. The Lay Auditor conducting the investigation prepares oral and written reports of these inquiries containing the findings of such investigations. These reports are to include descriptions of actions taken by the PRA, additional inquiry as may be required, and identification of information that was not available to the PRA.

The Auditors review of allegation files on Fathers Bennett and McCormack found the files to be generally complete. However, it was noted that documentation existed only for investigative activities which were successfully completed.

Review for Cause

At the Review for Cause, the Review Board is tasked to determine whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor, whether prior determinations as to ministry by the cleric should be altered, and what further action, if any, should be taken with respect to the allegation. Their findings and

recommendations are then provided to the Archbishop for consideration during his decision as to how to proceed with the matter.

The Auditors review of the allegation files failed to locate any reports written by the PRA and provided to the Review Board during the Review for Cause.

Supplemental Review

Supplemental Reviews are conducted to consider new information about a determination or recommendation made in connection with a prior review.

No issues were identified for this phase of the process.

OFFICE OF PROFESSIONAL RESPONSIBILITY WORK FLOW CHART (REVISED 9/21/2005)

Auditors were provided with a copy of the above document for review during this due diligence review. The document delineates the flow of work during the Review Process of allegations of sexual abuse of minors by clerics. This document was compared with *SECTION 1100, SEXUAL ABUSE OF MINORS; POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY* (Amended 6/24/2003; effective 7/15/2003), the policies and procedures currently in effect.

It was immediately determined that the steps charted in the Work Flow Chart corresponded to steps contained in *SECTION 1100, SEXUAL ABUSE OF MINORS*. However, the flow of the majority of steps in the Work Flow Chart did not coincide with the progression of steps within *SECTION 1104, REVIEW PROCESS FOR CONTINUATION OF MINISTRY*.

INITIAL REVIEW VERSUS PRELIMINARY INVESTIGATION

Step number 6-3 of the Work Flow Chart, "PRA begins investigation," clearly indicates that an investigation is to be conducted at this stage of the work flow. However, the Initial Review does not take place until step number 13 in the Work Flow Chart. Step number 19 indicates, "PRA collects additional information." According to *SECTION 1104*, this is the step where the investigative activity is to take place; after the Initial Review and before the Review for Cause. This phase of the Review Process per *SECTION 1104* calls for the Preliminary Investigation to be conducted. The Work Flow Chart gives the impression that the investigation takes place before the Initial Review.

The Initial Review, per *SECTION 1104*, takes place after both the accuser and the accused are interviewed by the PRA, a background check of the cleric is conducted via record checks, and appropriate inquiries are made about the allegation. The results are then provided to the Review Board for consideration during the Initial Review. In simpler terms, *SECTION 1104* categorizes this activity as more of a preliminary inquiry

to ascertain if, in fact, the allegation seems to be true. The questions to be considered by the Review Board at the Initial Review, as explained in SECTION 1104, are:

§1104.8.1. Questions for Review

1104.8.1. Policy At the Initial Review meeting, the Board shall advise the Archbishop; (1) whether the information received at least seems to be true of an offense (cf. canon 1717, §1); (2) whether the interim actions recommended by the Administrator were appropriate to provide for the safety of children; (3) of its recommendations based on its expertise regarding the scope and course of the investigation; and (4) what further interim action should be taken with respect to the allegation.

On the other hand, the Preliminary Investigation, per SECTION 1104 states:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)

Procedures

- a) Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.
- b) Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)
- c) The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available.

According to paragraph b), it is during the Preliminary Investigation that the detailed and comprehensive investigation is to be conducted.

PROFESSIONAL CONDUCT ADMINISTRATIVE COMMITTEE (PCAC)

SECTION 1100, SEXUAL ABUSE OF MINORS, states that the PCAC "advises the Archbishop and his staff on administrative issues related to clerical sexual misconduct and other matters. The Committee also coordinates the administrative response to such

matters." According to information provided to the auditors, minutes of meetings for the PCAC are not written, nor is there written mission or responsibilities statements. The information provided also indicates that the PCAC coordinates actions, recommends actions, advises the Cardinal, the Vicar General, the Chancellor and everyone else with responsibilities, but they exist without an official mandate or specific authority.

Step 5-1, of the Work Flow Chart, indicates "Working Agencies - Search Records for prior knowledge, documentation regarding accused/victim; Advise PRA, PCAC of all history; and Open file & record." Information provided to the auditors indicates that the PCAC members, who appear to be the Working Agencies mentioned in the Work Flow Chart, are requested via memorandum from the OPR to advise of any information they may have in their files regarding the accused or the victim. In essence, the PCAC members are to advise themselves, and the PRA of the results of the record check requests. There is no indication as to what the PCAC members are to do with the information provided to them or what their actual role is with respect to the allegation of sexual abuse.

It is essential to point out that the PCAC is an internal committee, without an official mandate or specific authority or mission statement meant, to facilitate administration and implementation of responsibilities of the group which coordinates actions, recommends actions, advises Cardinal George, the Vicar General, the Chancellor and other departments with various responsibilities. The PCAC is not, nor ever has been, intended to subjugate the responsibilities of the Review Board which is independent.

ADMINISTRATIVE CHECKLIST FOR HANDLING ALLEGATIONS OF CLERICAL SEXUAL MISCONDUCT - "TWO MINUTE DRILL" (REVISED 02/22/00)

The audit found this Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct - "Two Minute Drill" (Administrative Checklist) was utilized and practiced by the PCAC in the past in order to prepare for responding to an allegation of sexual abuse of a minor received by the Archdiocese of Chicago. The audit found this Administrative Checklist comprehensive and practical for use during notification of an allegation of sexual abuse of a minor and also an effective tool to draw upon as a training document. The audit identified this Administrative Checklist recognizes a Coordinator of the Process - Center of Gravity (CG) who "is authorized to guide the process along from beginning to end." The Administrative Checklist also states in pertinent part: "The Advisory Committee ought to review this arrangement on a regular basis." Review of this Administrative Checklist identified it to track and follow the present policies and procedures as set for by the Archdiocese of Chicago for handling allegations of clerical sexual misconduct. The audit also found that the Administrative Checklist has not been practiced or utilized "in years."

MISSING STEP

It was also noted that step number 17 was missing from the Work Flow Chart with no explanation provided as to why.

CANON AND CIVIL LAW COUNSEL

A step that is clearly indicated in the Work Flow Chart, Step number 10-1, is the Vicar for Priests advises the accused of his civil and canon law rights. This step is made early on in the Work Flow Chart. This step is not clearly indicated in *SECTION 1100, SEXUAL ABUSE OF MINORS*, whereas it should be.

Step 14-2-1, "PRA contacts VP" (Vicar for Priests), does not provide the purpose for the contact thus, is it considered necessary?

According to the Work Flow Chart, the majority of the activities required during the Preliminary Investigation are conducted prior to the Initial Review, with several steps still carried out during that portion of the Review Process. While the progress delineated in the Chart does not correspond directly to the *SECTION 1100, SEXUAL ABUSE OF MINORS*, its sequence of steps was found to be logical for the most part.

PROTOCOL EXAMINATION

FAILURES IN MONITORING OF PRIEST ALLEGED TO HAVE SEXUALLY ABUSED A MINOR

When the Cook County State's Attorney's office initially declined to press formal charges against Fr. McCormack after his arrest / detainment by Chicago Police department in August 2005, Fr. McCormack was allowed to continue to stay at the rectory at St. Agatha. Restrictions were orally furnished to Fr. McCormack by the Vicar for Priests which entailed instructing Fr. McCormack not to be alone with children, not to have children in the rectory and not to teach his assigned algebra class. Another Priest, who also lives at the rectory, was designated to "monitor" Fr. McCormack. This Priest was furnished oral instruction by the Vicar for Priests only that Fr. McCormack was not to be alone with children in the rectory. From interview of individuals involved in setting these monitoring instructions, nothing could be found regarding any instruction restricting Fr. McCormack's activities as basketball coach. The Priest assigned to monitor Fr. McCormack's activities was not advised as to the purpose for the monitoring, was given only vague direction of what activities to monitor with no outlined instructions, and was not told to document Fr. McCormack's activities. This Priest was only told that Fr. McCormack was not to be alone with children at the rectory. The Priest stated to the auditors that he was not told what to do if Fr. McCormack violated this monitoring restriction; however, other interviews reflected that the priest was told to notify appropriate Archdiocesan personnel in the event of any issue or problem which came to the attention of the priest assigned the "monitoring." In any event, the audit

found no records to reflect specific direction and responsibilities of the "monitoring" priest such as would have been documented had Archdiocesan policies been followed and Individual Specific Protocols been issued. The Priest assigned to monitor advised the Vicar for Priests that he would not be able to actively monitor Fr. McCormack's activities as this Priest was assigned full time ministry at another church, was a teacher and coach at a different school, and would be away from the rectory over the Labor Day weekend visiting family. The Priest was advised by the Vicar for Priests to monitor Fr. McCormack when the Priest was around the rectory and to advise if the Priest was going to be away from the rectory for an extended period of time, such as a period of absence of a week or more. The only follow-up this Priest received was possibly one-to-two telephone calls from the Vicar for Priests within the first two weeks of this "monitoring" and possibly one face-to-face meeting with the Vicar for Priests. The Priest was absent from the rectory over the Christmas 2005 holiday period at the time of an alleged sexual abuse of a minor by Fr. McCormack. The Priest did not advise anyone from the Archdiocese of this absence inasmuch as the Priest had no recent follow-up from the Archdiocese regarding this "monitoring."

Fr. McCormack immediately and independently ignored and violated these instructions. Fr. McCormack, on his own volition, approached a female adult group home parent and requested her presence in the classroom "to help out with the kids" when Fr. McCormack taught classes at Our Lady of the Westside. The audit found that the "monitoring" by this adult instructor was sporadic at best. This adult parent was only available to "monitor" the class three days a week for the first couple months and then, due to a schedule change, could only be present in the class on Thursdays, of which the adult parent did not "monitor" Fr. McCormack's class each and every Thursday.

There is also an allegation in Archdiocesan files that Fr. McCormack took three male minors to Minnesota over the 2005 Labor Day weekend. (Christmas Holiday)

The audit identified that the Department of Children & Family Services has a Safety Plan which is implemented based upon the safety of children. This Safety Plan is flexible in its execution and customized to meet the needs of the individual case. The audit found that the independent auditor focusing on the monitoring issue did not contact DCFS to review their Safety Plan protocols.

FAILURES TO REPORT ALLEGATIONS OF SEXUAL ABUSE OF A MINOR

This audit identified an allegation of possible misconduct with children by Fr. Daniel J. McCormack which was reported to the office of the Vicar for Priests on September 5, 2003. It is noted that no allegation of sexual abuse was initially alleged in this original complaint. The memo documenting this September 5, 2003 allegation reflects the allegation was reported by a female who furnished her telephone number for a return call to ensure appropriate action was taken in response to the complaint. The office of the Vicar for Priests advised this complainant that there could be no guaranteed action to the complaint inasmuch as the complainant wanted to remain anonymous. The audit found that a complainant who leaves a telephone number and requests a return call to be

notified of the status of the complaint is not considered an anonymous complaint. The office of the Vicar for Priests failed to notify other Archdiocesan offices of this complaint or follow up with the complainant. There was no action to this complaint until 28 months later, in January 2006, when Fr. McCormack was arrested for sexual abuse of a minor and appropriate files were reviewed. Initial investigation revealed that this "anonymous" complainant was the grandmother of an alleged victim who was on the basketball team coached by Fr. McCormack. This matter has since been turned over to DCFS and the Cook County State's Attorney.

Additionally, interview of Office of Catholic Schools St. Agatha personnel identified an educator who received a complaint sometime during the second or third week of January 2006 from a St. Agatha student who experienced sexual abuse by an usher in the bathroom of a Protestant church. This educator contacted two employees of DCFS at the DCFS hotline on February 2, 2006 but was advised by these DCFS employees that inasmuch as the usher was not considered a "caretaker" DCFS could not take the complaint. The St. Agatha educator, not knowing what to do next, discussed this matter with a counselor assigned to St. Agatha by the Archdiocese Assistance Ministry due to the Fr. McCormack situation. This counselor contacted the Cook County State's Attorney who took the complaint. The counselor detailed to the St. Agatha educator the mission responsibilities of the Archdiocese Office of Professional Responsibility and the Professional Responsibility Administrator. The educator indicated to the auditors of her need to learn the appropriate procedures to be taken in alert and notification procedures in sexual abuse of minor allegations.

During interviews of Archdiocesan personnel, it was determined that the Archdiocese is in the process of implementing effective liaison with the Illinois Department of Children & Family Services. The audit found the Illinois Department of Children & Family Services have authority to investigate and indicate a finding from an allegation of abuse of a minor which, if found to be true, the subject of the investigation is listed in the State Central Register and remains on the State Central Register for fifty (50) years. State law requires certain occupations to have background checks conducted with the Central Register. Entry of a subject on this State Central Register will preclude an "Indicated" person from obtaining certain positions of trust as it pertains to contact with children. Audit review of Fr. McCormack's file revealed a letter from DCFS to Fr. McCormack dated December 14, 2005 and received by the Archdiocese Office of Professional Responsibility on January 31, 2006 advising Fr. McCormack that investigation by DCFS determined a finding against Fr. McCormack indicating Sexual Molestation.

The audit identified past substantiated cases where priests withdrew from ministry due to reason to suspect clerical sexual abuse of a minor. These priests have since resigned from the priesthood and are not presently subject to Archdiocesan control. The audit found that this resigned priest could pose a threat to children. The audit finds that the Archdiocese of Chicago should use the Central Register⁴ in concert with the Illinois Department of Children & Family Services to identify whether past substantiated cases of

⁴ 325 ILCS/7.14, (from Ch. 23, par. 2057.14), Sec. 7.14

Archdiocesan priests withdrawn from ministry should be identified as "Indicated" offenders.

FAILURES TO FOLLOW ESTABLISHED PROCEDURES AND PROTOCOLS

The Archdiocese of Chicago has policies and procedures in effect to ensure appropriate civil authorities are alerted of an allegation of sexual abuse of a minor, including the Department of Children & Family Services and the appropriate office of the State's Attorney(s) and internal notification of those Archdiocesan entities in order to take appropriate action in response to the allegation. The audit identified that the Archdiocese relies on the Professional Conduct Administrative Committee to be the vehicle for providing advice to the Cardinal as to recommended actions to ensure control of the situation.⁵

The Archdiocese of Chicago has an Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct - "Two Minute Drill" (Revised 02/22/00). The audit found this checklist an effective tool for handling allegations of sexual abuse of minors. However, interview of Archdiocesan personnel revealed that this Administrative Checklist has not been employed or practiced by the Archdiocese in years. The audit found that once restructured to coincide with updated and current policies and procedures, this Administrative Checklist should be a viable document to use after notification has been made of an allegation of clerical sexual abuse of a minor.

FAILURES TO COMPLY WITH THE CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

The Archdiocese of Chicago stated in their 2004 Audit Response regarding deficiencies noted in Article 12 - Safe Environment Programs that Safe Environment training would be completed for priests and deacons by May 1, 2005 and, in Article 13, that background checks for all active Archdiocesan priests would be completed by January 1, 2005. The audit found that all Priests and teachers have signed the Code of Conduct forms. However, at the time of interview on February 24, 2002, the audit identified that one staff member at Our Lady of the Westside had not completed a background check nor had this staff member attended Virtus training. As of February 28, 2006, this staff member had completed the background check and has been given the location and dates on Virtus training sessions being offered. Five additional staff members at Our Lady of the Westside were not registered online with the Virtus training program. The Virtus Lures training program for children and parents is just beginning at St. Agatha. The Archdiocese of Chicago has not mandated a vehicle to monitor and identify which children or which parents have participated in the Lures program. The audit also identified that although all priests and teachers have completed the required background checks, and there have been background investigation of 29,000 volunteers, at St. Agatha, there have been less than a dozen background checks completed on volunteers.

⁵ Note that the PCAC and its recommendations are not intended to intrude on the Review Board but to ensure the matter is brought before the review Board.

PROBLEM IDENTIFICATION

FR. MCCORMACK ALLEGATION REPORTED IN 1999

An allegation in October 1999 of sexual abuse by Fr. McCormack was made by a nun, who, at that time, was principal of Holy Family School. The nun advised that a fourth-grade male student at her school told her Fr. McCormack had told him to pull down his pants so Fr. McCormack could measure the boy, who had asked if he could be an altar server.

The nun said the boy's mother met with Fr. McCormack, after which the mother asked the nun not to pursue the issue. However, the nun also related that she observed Fr. McCormack and the child's mother in a subsequent meeting. After the meeting, the nun questioned Fr. McCormack who would only repeat that he had "used poor judgment." At a later time, the nun had heard that the child's mother was sporting a new ring and paid for the child's tuition in cash. The nun discussed this matter with an Assistant Superintendent at the Office of Catholic Schools, and hand-delivered a letter describing the events from her to the front desk at the Archdiocese. Search by Archdiocesan personnel had not discovered the letter allegedly written in the late winter to early spring of 2000/2001 after exhaustive search in 2006. At the time in 1999, it appeared that neither the nun nor the school officials reported the accusation to civil authorities, which is Archdiocesan policy and also a matter of law under Illinois Criminal Statute 325, Section 5, Abused and Neglected Child Reporting Act. The nun reported it to an official from the Office of Catholic Schools, and was allegedly told by that official, "If the parents aren't pushing it, let it go." This allegation was not reported by Archdiocesan personnel to the Department of Children and Family Services or to local law enforcement as required by law.

KNOWLEDGE AND SUSPICION OF SEXUAL ABUSE OF MINORS BY CATHOLIC SCHOOL PERSONNEL WITHOUT PROPERLY NOTIFYING APPROPRIATE PUBLIC OR ARCHDIOCESAN PERSONNEL

Interview of Office of Catholic Schools (OCS) personnel who are associated with Our Lady of the Westside Schools revealed that numerous allegations and/or suspicious activities on the part of Fr. Daniel McCormack were brought to the attention of OCS personnel from October 1999 through December 2005. The audit found that OCS personnel considered these allegations and/or suspicions credible enough for the teachers to conduct their own informal monitoring of their students when Fr. McCormack was present. Not one of these allegations or suspicious activities was brought to the attention of either the proper personnel at the DCFCS, the office of the State's Attorney or the appropriate Archdiocesan personnel. The audit found that the primary reason for not reporting was that each of the OCS personnel either was unaware of the proper procedures for reporting or that one thought the other would report or had reported the allegation or suspicious activity. Audit interviews found that most all of the OCS personnel interviewed were not familiar with the Abused and Neglected Child Reporting

Act or the responsibilities of the Archdiocesan Office of Professional Responsibility or the Professional Responsibility Administrator.

FAILURES TO COMMUNICATE (INTERNALLY & EXTERNALLY)

1. Delayed Notification of Sexual Abuse by Priest Allegation to Cardinal

Fr. Daniel J. McCormack was arrested / detained by Chicago Police Department on August 30, 2005 on an allegation of sexual abuse of a minor. The audit found that Cardinal George was available for notification of this arrest / detainment at that time. His Eminence Francis Cardinal George, OMI, returned to the United States from an overseas trip on August 22, 2005 and took vacation from August 23 through 27, 2005. Cardinal George arrived and stayed at the Cardinal Stritch Retreat Center which is part of the University of St. Mary of the Lake University campus in Mundelein, Illinois from late evening on August 28, 2005 through noon on September 1, 2005. Cardinal George returned to his office at the Archdiocese of Chicago on September 2, 2005. Cardinal George was telephonically informed of Fr. McCormack's arrest / detainment and subsequent release by the Vicar for Priests at approximately 3:00 PM on September 2, 2005. Interviews of involved parties identified that the Archdiocese of Chicago did not follow policy in notification of Cardinal George of the arrest / detainment of Fr. McCormack.

2. How to proceed upon receipt of an allegation

Through interviews, the audit identified that during the McCormack issue, the Archdiocese, as a whole, displayed great consternation to the point of becoming mired in semantics as it pertains to the meaning of allegation,⁶ attempting to identify if the allegation(s) was "formal or informal" "credible or not credible" "substantiated or unsubstantiated" "second party or third party" and what to do with the "allegation." at the onset of receiving the allegation. As previously noted, there were times when these concerns and non-action on the part of Archdiocesan personnel created situations whereby children were placed at risk.

3. Receipt of Additional Allegations of Sexual Abuse

During the audit process, additional allegations have been brought to the attention of the Archdiocesan personnel of sexual misconduct and allegations of sexual abuse of a minor in one incident and two (2) separate incidents involving adult males, by Fr. McCormack during 1988 and 1991 during his time at Niles College. Information regarding these three (3) incidents came to the attention seminary officials of Mundelein in 1992. These allegations have been received by the Archdiocese of Chicago since Fr. McCormack's January 2006 arrest for alleged sexual abuse of a minor was made public. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of allegations of sexual misconduct or an allegation of sexual abuse with a minor on the part of Fr.

⁶ Allegation: The assertion, claim, declaration or statement of a party to an action. ... Black's Law Dictionary, Sixth Edition, West Publishing Co. 1990

McCormack; however, interview of the former Vice Rector of the seminary identified that the three (3) distinct allegations of sexual misconduct with both adults and a minor on the part of Fr. McCormack were brought to the attention of the seminary officials of Mundelein in the spring quarter of 1992. The former Vice Rector recalls that these allegations were documented to Fr. McCormack's file. These allegations centered on Fr. McCormack's time in the college seminary, circa 1988 through 1989 where Fr. McCormack attended Niles College of Loyola University which was in operation from 1968 until 1994. In the Fall, 1994, Niles College changed its name to St. Joseph Seminary College. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of the actual accusation of the allegations of sexual misconduct or allegations of sexual abuse on the part of Fr. McCormack. The former Vice Rector recalls that these allegations were documented to Fr. McCormack's file. Accordingly, seminarian officials followed guidelines as set forth at that time. Fr. McCormack was counseled for alcohol abuse as identified by recommendations from other professionals. The former Vice Rector noted that had these allegations been brought to the attention of seminarian officials today, Fr. McCormack would have been removed from the seminary.

4. Insufficient Training of Archdiocesan and Office of Catholic Schools Personnel in Responding to and Notification of Sexual Abuse Allegations

Interview of Office of Catholic Schools staff members, which included administrators, teachers, sisters and priests assigned to Our Lady of the Westside Schools, found none were well versed in Archdiocesan policies and procedures regarding allegations of sexual abuse of minors and, in some cases even less familiar with the Abused and Neglected Child Reporting Act. One staff member, an Assistant Principal, who received a complaint from a student who was a victim of an attempt by an adult to sexually abuse him, called the DCFS Hotline; however, when told that DCFS could not take the complaint, the staff member did not know what next steps to take. The staff member discussed the complaint with an Assistance Ministry Counselor, assigned to St. Agatha due to the Fr. McCormack allegations. The counselor telephonically notified the office of the Cook County State's Attorney and also furnished the staff member with information regarding the Archdiocesan Office of Professional Responsibility and its Professional Responsibility Administrator. Upon direct questioning by the auditors, this staff member was unaware of the Professional Responsibility Administrator.

5. Anonymous Complaints

The audit found certain staff members of the Archdiocese of Chicago with the responsibility for administrating allegations of cleric misconduct of sexual abuse of a minor to characterize a complaint of misconduct by a cleric where the complainant does not immediately want to reveal their name as anonymous and therefore conducted no action with the complaint. The audit found that a complainant who leaves a telephone number and requests a return call to be notified of the status of the complaint is not considered an anonymous complaint. Furthermore, no action to an anonymous complaint by Archdiocesan personnel is also found to be in violation of the Archdiocese own policies.

6. Recordation of Response to Requests for Information

A review of personnel related files maintained by various offices within the Archdiocese of Chicago identified the common use of an internal written communication which is herein identified as a "memo to the file." They are written on blank paper and are used to reflect the results of conversations, either in person or over the telephone. These "memos to the file" appear to be used to address whatever topics or issues that may have come to the attention of the person writing the memo. These memos were noted by the Auditors to provide a written summary of the content of the activity being documented. In some instances, and where necessary, the content is delineated in greater detail. It was noted that these "memos to the file" routinely do not indicate what action made have been taken as a result of the conversation, if any, nor do they contain resolution to the issues being addressed. For example, one "memo to the file" reviewed by the Auditors reflected a complaint to the Archdiocese of sexual misconduct by a former seminary student/present priest by a parent of a fellow student. In the memo reviewed, there was no indication as to what was done to resolve or handle the complaint. In addition, there was no indication that the memo had been forwarded to the appropriate office within the Archdiocese for handling, in this case the Office of Professional Responsibility.

7. Delayed Reporting of Derogatory Information and Failures to Investigate

Fr. McCormack was arrested / detained by Chicago Police Department on allegations of sexual abuse of a minor. The audit identified that on August 29, 2005 Cardinal George approved the official appointment of Fr. McCormack as Dean of Deanery III-D⁷ effective September 1, 2005. Office for the Vicars for Priests had in their possession derogatory information concerning Fr. McCormack which they delayed reporting to the Vicar General. The Vicar General was telephonically advised of the derogatory information but allowed the appointment to proceed without requiring further investigation into the allegation or withdrawing the appointment letter until resolution of the allegation. However, the Vicar General did not hold the appointment letter in abeyance until further investigation could be conducted regarding the derogatory information.

FAILURES TO CONDUCT A COMPLETE AND THOROUGH REVIEW OF LIVING PRIEST'S FILES FOR ANY IMPROPRIETY/MISCONDUCT

The audit found that allegations of clerical sexual abuse of minors can be found in various files throughout the Archdiocese of Chicago from the Seminary Files – both high school and college – to personnel (Chancellor) files - to the PRA Allegation Files. According to interviews of Archdiocesan personnel, file reviews of Archdiocesan files have been conducted, for the specific for the purpose of identifying any allegation of sexual misconduct by Priests or Deacons assigned to the Archdiocese of Chicago by Archdiocese personnel on two separate occasions, the last being in approximately 2002. However, Seminary Files were not reviewed in either Archdiocesan file review process.

⁷ Catholic New World, September 11-24, 2005 issue.
http://www.catholicnewworld.com/cnw/issue/1_021906.html

As previously identified, the audit found that additional allegations of sexual misconduct regarding Fr. McCormack during the time he was in the seminary have been brought to the attention of the Archdiocese since his January 2006 arrest. However, these allegations were not located in Fr. McCormack's seminarian file(s) although information regarding this documentation was avowed.

GAP ANALYSIS

I. FAILURES TO COMPLY WITH ABUSED AND NEGLECTED CHILD REPORTING ACT -- FAILURES TO REPORT

Issue #1: Employees of the Archdiocese of Chicago have violated the Illinois Criminal Statute, Abused and Neglected Child Reporting Act. The audit identified three (3) separate allegations of sexual abuse of minors which were brought to the attention of the Archdiocese of Chicago in October 1999, September 2003 and January 2006, respectively. It is noted that an allegation in October 1999 is past Illinois Statute of Limitations. The September 2003 allegation of misconduct on the part of Fr. McCormack abuse of a minor was not reported to the Archdiocesan Office of Professional Responsibility until January 2006 after the second arrest of Fr. McCormack. It was then determined that this allegation was an allegation of sexual misconduct of a minor on the part of Fr. McCormack and therefore should have been reported to the Illinois Department of Children and Family Services, the Cook County State's Attorney or the as required by civil law and Archdiocesan policy. The memo documenting this September 5, 2003 allegation reflects that the allegation was reported by a female, who furnished her telephone number for a return call to ensure appropriate action to the complaint. Subsequent investigation in January 2006 revealed that this complainant was the grandmother of an alleged victim of sexual abuse by Fr. McCormack who was on Fr. McCormack's basketball team. The office of the Vicar for Priests advised this complainant that there could be no guaranteed action to the complaint inasmuch as the complainant wanted to remain anonymous. The audit found that a complainant who leaves a telephone number and requests a return call to be notified of the status of the complaint is not considered an anonymous complaint. The January 2006 allegation of sexual abuse of a minor was initially reported to the Illinois Department of Children and Family Services and later through a contracted counselor to the Cook County State's Attorney but not the Archdiocesan Office of Professional Responsibility.

The audit identified that the Department of Children & Family Services employs a Safety Plan which is implemented based upon the safety of children. This Safety Plan is flexible in execution and customized to meet the needs of the individual case. The audit found that the independent auditor focusing on the monitoring issue did not contact DCFS to review their Safety Plan. Auditors were unable to find whether DCFS implemented a Safety Plan in the Fr. McCormack matter.

Finding:

The Illinois Criminal Statute, Abused and Neglected Child Reporting Act (325 ILCS 5/) states in pertinent part:

"Person responsible for the child's welfare" means ... person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including ... educational personnel ... members of the clergy. "Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs." (325 ILCS 5/3) (from Ch. 23, par. 2053)

"Persons required to report; ... school personnel, educational advocate assigned to a child pursuant to the School Code ... shall immediately report or cause a report to be made to the Department. Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (a) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

"Whenever such person is required to report under this Act in his capacity ... as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

"Any person who knowingly and willfully violates any provision of this Section ... is guilty of a Class A misdemeanor for a first violation." (325 ILCS 5/4) (from Ch. 23, par. 2054)

Interview of appropriate personnel at the office of the State's Attorney of Cook County, Illinois identified that the Statute of Limitations for prosecution of violations of the Abused and Neglected Child Reporting Act is three (3) years. The State's Attorney of Cook County has recently prosecuted violations of the Abused and Neglected Child Reporting Act and would consider prosecution of all similar matters presented.

The Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry, Section 1104.2. Reporting Requirements, Compliance and cooperation, Policy states in pertinent part:

Archdiocese of Chicago Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct - "Two Minute Drill" (Revised 02/22/00), Appendix B, Page 10, #2. This section addresses "anonymous allegations." It states, in pertinent part: "Nevertheless, such anonymous calls or reports that initially lack adequate information must still be reported to appropriate individuals."

According to the United States Conference of Catholic Bishops (USCCB), Charter for the Protection of Children and Young People - Article 4, Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.

Audit found that the Chicago Child Advocacy Center (CAC) has numerous training programs regarding abuse and neglected minors. The CAC provides a training program taught in the Chicago public school system. Review of the CAC website reflects the CAC is providing a Fall Training Series: Child Abuse Training Series for Mandated Reporters.

Additionally, the Department of Children and Family Services have Trauma Teams who are available in situations where consultation is needed by the Assistance Ministry.

Recommendations for Remediation:

1. Violations of Illinois Criminal Statutes regarding mandatory reporting of Abused and Neglected Child Reporting Act must be reported by the Department of Legal Services of the Archdiocese of Chicago to the Cook County State's Attorney for prosecutive opinion.
2. The Archdiocese of Chicago should establish a training curriculum for instructing Archdiocesan employees in their responsibilities to report allegations of sexual abuse of minors and procedures for conveying same. All Archdiocesan employees, *including anyone who works with children*, (emphasis added) should attend Protection of Children Awareness training. Curriculum for this training should include specific guidance in notification and reporting procedures of allegations of sexual abuse of minors. Both the State's Attorney's office and the Department of Children and Family Services should be invited to furnish a block of instruction at each training event. Utilizing both the State's Attorney and the Department of Children and Family Services in this training program will establish the absolute sincerity and commitment of the Archdiocese in its pledge to protect children and also set the somber tone as to the obligation of each employee to report any and all allegations of sexual abuse of children to the proper authority(s). Attendance at this Protection of Children Awareness training should be mandatory and documented. There should be an acknowledgement by each Archdiocesan employee of their individual reporting responsibilities and their acknowledgement of the sanctions for non-reporting of an allegation should be recorded in the individual employee's personnel file.
3. The Archdiocese of Chicago should affect appropriate liaison with the Chicago Child Advocacy Center and have selected Archdiocesan personnel, particularly all individuals assigned to the office of Vicar for Priests, attend the Child Abuse Training Series for Mandated Reporters.
4. The Archdiocese of Chicago should ensure that new policies regarding "monitoring" of priests accused of sexual misconduct of minors allegations are developed and implemented in concert with DCFS Safety Plan and DCFS policies and procedures.

Issue #2: The audit identified past substantiated cases where a priest was withdrawn from ministry due to reason to suspect clerical sexual abuse of a minor who have since resigned from the priesthood and are not subject to Archdiocesan control. The audit found that this resigned priest could pose a threat to children.

Finding:

325 ILCS 5/7.14, (from Ch. 23, par. 2057.14), Sec. 7.14. All reports in the central register shall be classified in one of three categories: "indicated", "unfounded" or "undetermined", as the case may be. After the report is classified, the person making the classification shall determine whether the child named in the report is the subject of an action under Article II of the Juvenile Court Act of 1987. If the child is the subject of an action under Article II of the Juvenile Court Act, the Department shall transmit a copy of the report to the guardian ad litem appointed for the child under Section 2-17 of the Juvenile Court Act. All information identifying the subjects of an unfounded report shall be expunged from the register forthwith, except as provided in Section 7.7. Unfounded reports may only be made available to the Child Protective Service Unit when investigating a subsequent report of suspected abuse or maltreatment involving a child named in the unfounded report; and to the subject of the report, provided that the subject requests the report within 60 days of being notified that the report was unfounded. The Child Protective Service Unit shall not indicate the subsequent report solely based upon the existence of the prior unfounded report or reports. Notwithstanding any other provision of law to the contrary, an unfounded report shall not be admissible in any judicial or administrative proceeding or action. Identifying information on all other records shall be removed from the register no later than 5 years after the report is indicated. However, if another report is received involving the same child, his sibling or offspring, or a child in the care of the persons responsible for the child's welfare, or involving the same alleged offender, the identifying information may be maintained in the register until 5 years after the subsequent case or report is closed. Notwithstanding any other provision of this Section, identifying information in indicated reports involving serious physical injury to a child as defined by the Department in rules, may be retained longer than 5 years after the report is indicated or after the subsequent case or report is closed, and may not be removed from the register except as provided by the Department in rules. Identifying information in indicated reports involving sexual penetration of a child, sexual molestation of a child, sexual exploitation of a child, torture of a child, or the death of a child, as defined by the Department in rules, shall be retained for a period of not less than 50 years after the report is indicated or after the subsequent case or report is closed. (Source: P.A. 94-160, eff. 7-11-05.)

<http://www.ilga.gov/legislation/ilcs/documents/032500050K7.14.htm>

(325 ILCS 5/7.15) (from Ch. 23, par. 2057.15) Sec. 7.15. The central register may contain such other information which the Department determines to be in furtherance of the purposes of this Act. Pursuant to the provisions of Sections 7.14 and 7.16, the Department may amend or remove from the central register appropriate records upon good cause shown and upon notice to the subjects of the report and the Child Protective Service Unit. (Source: P.A. 90-15, eff. 6-13-97.)

Recommendation for Remediation:

1. The Archdiocese of Chicago should continue with establishing effective liaison with DCFS.
2. The Archdiocese of Chicago, in concert with DCFS, should prioritize referred Archdiocesan closed cases to ensure that those matters with a higher potential of risk be immediately addressed. The audit finds that the Archdiocese of Chicago should use the Central Register in concert with the Illinois Department of Children & Family Services to identify whether past substantiated cases of Archdiocesan priests withdrawn from ministry should be identified as "Indicated" offenders.

II. FAILURES TO COMMUNICATE (INTERNALLY & EXTERNALLY)

1. Delayed Notification of Sexual Abuse by Priest Allegation to Cardinal

Issue #3: The audit found that delayed notification of three days to Cardinal George of an arrest of a priest assigned to the Archdiocese of Chicago is an egregious lapse of judgment on the part of Archdiocesan hierarchy.

Finding: Dominion and leadership structure of an Archdiocese is well defined and controlled. Logic alone should dictate that the Cardinal be immediately advised of any situation or incident which could negatively impact the Archdiocese of Chicago or the Cardinal, notification and criminal charges brought against a diocesan priest and most importantly, an allegation of abuse of a minor by a diocesan priest should be at the forefront of every employee of the Archdiocese of Chicago.

SECTION 1100, SEXUAL ABUSE OF MINORS; POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY (Amended 6/24/2003; effective 7/15/2003) states in pertinent part:

- 1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:*
- (1) report the allegation to the Assistance Minister;*
 - (2) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;*
 - (3) inform the cleric and request his response;*
 - (4) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.*

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation: That His Eminence Francis Cardinal George take administrative action deemed appropriate.

Issue #4: Archdiocese of Chicago officials did not follow policy in notification of Cardinal George of the arrest/detainment of Fr. McCormack.

Finding:

1104.7. Preliminary Actions and Inquiry

- 1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:*
- (5) report the allegation to the Assistance Minister;*
 - (6) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;*
 - (7) inform the cleric and request his response;*
 - (8) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.*

Procedure

- a) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Archbishop for the sake of the common good (see canon 223, §2 of the Code of Canon Law and §§ 1104.10 and 1104.12 of these Archdiocesan policies).*

- b) *In making such assessments and recommendations, the Administrator may consult with the Archbishop, his delegate, and persons designated by the Archbishop.*
- c) *Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric's voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude. (Cf. c. 1341)*
- d) *The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and the accused, so long as this does not interfere with the investigation by civil authorities. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §7)*
- e) *The Administrator must schedule and give effective notice of any meetings of the Board.*

Recommendation for Remediation: His Eminence Francis Cardinal George should take appropriate administrative action as deemed appropriate.

2. How to proceed upon receipt of an allegation

Issue #5: Non-action to an allegation(s) of misconduct or clerical sexual abuse on the part of the Archdiocese created situations whereby children were placed at risk

Finding: Allegation, for the purpose of this report, is delineated as the assertion, claim, declaration or statement of a party to an action as defined by Black's Law Dictionary.

Recommendation for Remediation: The Archdiocese of Chicago should instill upon its priests, employees and parishioners that it is essential, crucial and critical to the wellbeing of children that they report any and all allegations of misconduct which may have any undertone of a possible sexual misconduct nature. If it is unclear to an individual in receipt of the allegation whether that information warrants reporting to the appropriate authorities, their concerns should be shared with the Professional Responsibility Administrator whose responsibility it is to manage the process for the Archdiocese of Chicago and assist with mandatory reporting.

3. Receipt of Additional Allegations of Sexual Abuse

Issue #5: During the audit process, additional allegations have recently been brought to the attention of the Archdiocese of Chicago of sexual misconduct and allegations of sexual abuse of a minor in one incident and two (2) separate incidents involving adult males, by Fr. McCormack during 1988 and 1991 during his time at Niles College and St. Mary of the Lake. Information regarding these three (3) incidents came to the attention seminary officials of Mundelein in 1992. These allegations have been received by the Archdiocese of Chicago since Fr. McCormack's January 2006 arrest for alleged sexual abuse of a minor was made public. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of allegations of sexual misconduct or allegations of

sexual abuse on the part of Fr. McCormack; however, interview of the former Vice Rector of the seminary identified that the three (3) distinct allegations of sexual misconduct of both adults and of a minor on the part of Fr. McCormack were brought to the attention of the seminarian officials of Mundelein in the spring quarter of 1992.

Finding: Seminarian files are not reviewed by the Archdiocese of Chicago. Seminarian files are not complete with documentation of allegations of misconduct on the part of a seminarian.

Recommendation for Remediation:

1. The Archdiocese of Chicago should remind all seminaries, colleges and universities associated with the Archdiocese that any and all allegations of misconduct on the part of their seminarians must be documented into their respective personnel files and not be removed.
2. The Archdiocese of Chicago should require that all individual seminarian files, both high school and college, be transferred with the priest after being ordained to whatever diocese / eparchy he is assigned.
3. The Archdiocese of Chicago should remind all seminaries, colleges and universities associated with the Archdiocese to reiterate standards of ministerial behavior and appropriate boundaries for clergy in their academic programs and have these standards clearly articulated and publicized.
4. The Archdiocese of Chicago should review all seminarian files, along with other Archdiocesan files, of all living priests assigned to the Archdiocese for any allegation(s) of misconduct and ensure the allegation(s) is addressed to abide by the standards, policies and procedures of the United States Conference of Catholic Bishops (USCCB), Charter for the Protection of Children and Young People (latest revised edition) and the Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry (Effective 7-15-2003). The Archdiocese of Chicago cannot afford to have additional incidents of allegations of clerical sexual misconduct of minor to appear in the future with prior knowledge of that misconduct and that appropriate action was taken.
5. It was determined that the Archdiocesan personnel have brought these recent allegations to the attention of the State's Attorney; however, the entirety of these allegations had not been brought to the Professional Responsibility Administrator or, where appropriate, to the Department of Children & Family Services. The Archdiocese of Chicago must ensure

that all allegations of clerical sexual misconduct be brought to the attention of all involved departments, both internal and external, in order that appropriate required action is taken.

4. Insufficient Training of Archdiocesan and Office of Catholic Schools Personnel in Responding to and Notification of Sexual Abuse Allegations

Issue #6: Specific Office of Catholic Schools' personnel, including certain administrators, certain teachers, certain sisters and certain priests at Our Lady of the Westside Schools who were interviewed during this audit, have not received sufficient training, guidance or instruction for them to have the knowledge, realization or wherewithal as to what to do when an allegation of sexual abuse of a minor is received. The training received by Office of Catholic School's personnel has been conducted but has obviously been ineffective.

Finding: Interview of Office of Catholic Schools staff members, which included administrators, teachers, sisters and priests assigned to Our Lady of the Westside Schools, found none were well versed in Archdiocesan policies and procedures regarding allegations of sexual abuse of minors and, in some cases even less familiar with the Abused and Neglected Child Reporting Act. Additionally, as previously stated, Office of Catholic Schools personnel, and in particular administrators such as Principals and Assistant Principals, have had in their personal possession allegations and suspicions of sexual abuse of minors by Fr. McCormack from October 1999 through December 2005, and even in some cases conducted their own informal monitoring of their students when in Fr. McCormack's presence; yet these Principals and Assistant Principals failed to notify the proper civil authorities, law enforcement authorities or Archdiocesan personnel who are specifically assigned the responsibility to react to allegations of sexual abuse to minors by Archdiocesan personnel.

Recommendation for Remediation: As previously recommended, the Archdiocese of Chicago should establish a more robust training curriculum for reemphasizing the instructing Archdiocesan employees in their responsibilities to report allegations of sexual abuse of minors and procedures for conveying same. All Archdiocesan employees, including clerics and religious, should attend Protection of Children Awareness training. Curriculum for this training should include specific guidance in notification and reporting procedures of allegations of sexual abuse of minors. Both the State's Attorney's office and the Department of Children and Family Services should be invited to furnish a block of instruction at each training event. Utilizing both the State's Attorney and the Department of Children and Family Services in this training program will establish the absolute sincerity and commitment of the Archdiocese in its pledge to protect children and also set the somber tone as to the obligation of each employee to report any and all allegations of sexual abuse of children to the proper authority(s). Attendance of this Protection of Children Awareness training should be mandatory and documented. There should be an acknowledgement by each Archdiocesan employee of their individual reporting responsibilities and acknowledgement of the sanctions for non-reporting of an allegation should be recorded in the individual employee's personnel file.

This training should start with all Office of Catholic Schools personnel assigned to Our Lady of the Westside Schools.

5. Anonymous Complaints

Issue #7: As with the Archdiocese of Chicago consternation over the definition of allegation, the audit identified instances where the definition of an "anonymous" allegation also was a cause of trepidation. The audit found certain staff members of the Archdiocese of Chicago, with the responsibility for administrating allegations of cleric misconduct of sexual abuse of a minor, to characterize a complaint of misconduct by a cleric where the complainant does not immediately want to reveal their name as anonymous and therefore conducted no action with regard to the complaint. The audit found that a complainant who leaves a telephone number and requests a return call to be notified of the status of the complaint is not considered an anonymous complaint. Furthermore, no action to an anonymous complaint was also found to be in violation of the Archdiocese own policies.

Finding:

§1104.2. Reporting Requirements, Compliance and Cooperation

1104.2. Policy All persons associated with the Archdiocese are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the Archdiocese will advise and support a person's right to make a report to public authorities. (Cf. USCCB Essential Norms, §11 and §§1104.4.3(2) and 1104.7.1 of these Archdiocesan policies) In addition, all Archdiocesan clergy and all religious, employees, and volunteers working for the Archdiocese shall comply fully with the letter and spirit of this process. These personnel are expected to promptly report allegations of a cleric's sexual abuse of a minor to the Professional Responsibility Administrator unless prohibited by applicable Church law. Other clerics and religious working in the Archdiocese are expected to cooperate with the process consistent with their particular status within the Archdiocese. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. The Archdiocese will take all appropriate steps to protect the good name and reputation of all persons involved in this process. (Cf. Canon 220 and USCCB Essential Norms, §6).

Procedures

- e) Anonymous Allegations: The Administrator ordinarily will not process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry. The Administrator shall report all such allegations to the Board at its next regularly scheduled meeting and the Board shall review the Administrator's action.*

Recommendation for Remediation:

1. The Archdiocese of Chicago should ensure that all anonymous calls or reports that initially lack adequate information are still be reported to appropriate individuals, that being the Professional Responsibility Administrator.

2. The Archdiocese of Chicago needs to reiterate this policy to all Archdiocesan staff members who are involved with the administration of complaints of allegations of cleric sexual abuse of minors.

6. Recordation of Response to Requests for Information

Issue #8: A review of personnel related files maintained by various offices within the Archdiocese of Chicago identified the common use of an internal written communication which is herein identified as a "memo to the file." They are written on blank paper and are used to reflect the results of conversations, either in person or over the telephone. These "memos to the file" appear to be used to address whatever topics or issues that may have come to the attention of the person writing the memo. These memos were noted by the Auditors to provide a written summary of the content of the activity being documented. In some instances, and where necessary, the content is delineated in greater detail. It was noted that these "memos to the file" routinely do not indicate what action made have been taken as a result of the conversation, if any, nor do they contain resolution to the issues being addressed. For example, one "memo to the file" reviewed by the Auditors reflected a complaint to the Archdiocese of sexual misconduct by a former seminary student/present priest by a parent of a fellow student. In the memo reviewed, there was no indication as to what was done to resolve or handle the complaint. In addition, there was no indication that the memo had been forwarded to the appropriate office within the Archdiocese for handling, in this case the Office of Professional Responsibility.

Finding: Without documentation of action taken regarding an issue of cleric misconduct, the Archdiocese of Chicago is unable to defend those actions. The adage, "If it is not documented, it is not there; if it is not there, it was not done" is significant to this issue. Documentation of an action taken during any matter, but particularly with regard to an allegation of cleric sexual misconduct of a minor, is essential to the legal defensibility of Archdiocesan' decisions.

Recommendation for Remediation: "Memos to the file," or any other similar documents, should clearly indicate the action taken by the writer toward resolution of any problems or issues presented therein. The memo(s) should also contain a listing of any copies distributed to other parties within the Archdiocese.

7. Delayed Reporting of Derogatory Information and Failures to Investigate

Issue #9: Fr. McCormack was arrested / detained by Chicago Police Department on August 30, 2005 on an allegation of sexual abuse of a minor. The audit identified that on August 29, 2005 Cardinal George approved the official appointment of Fr. McCormack as Dean of Deanery III-D⁸ effective September 1, 2005. Office for the Vicars for Priests had in their possession derogatory information concerning Fr. McCormack which they delayed reporting to the Vicar General. The Vicar General was telephonically advised of

⁸ Catholic New World, September 11-24, 2005 issue,
http://www.catholicnewworld.com/cnw/issue/1_021906.html

the derogatory information but allowed the appointment to proceed without requiring further investigation into the allegation or withdrawing the appointment letter until resolution of the allegation.

Finding: The Vicar General did not hold the appointment letter in abeyance after the arrest / detention of Fr. McCormack until further investigation could be conducted regarding the derogatory information.

Recommendation for Remediation: The Archdiocese of Chicago should ensure that appropriate policies and procedures are in place and followed concerning any and all allegations of misconduct of a priest and that the allegation(s) is thoroughly investigated.

III. FAILURES TO FOLLOW ESTABLISHED PROCEDURES AND PROTOCOLS

Issue #10: The Archdiocese of Chicago is not in complete compliance with the Charter for the Protection of Children and Young People insofar as it pertains to Article 12 Safe Environment Programs that Safe Environment training and Article 13. The audit found that all Priests and teachers have signed the Code of Conduct forms. However, the audit found that although the majority of teachers have completed the safe environment training, there are a number of staff members at Our Lady of the Westside Schools who have not completed the safe Environment training. The Virtus Lures training program for children and parents is just beginning at St. Agatha. The Archdiocese of Chicago and/or the Office of Catholic Schools has not mandated that a vehicle to monitor and identify which children or which parents have participated in the Lures program be established. The audit also identified that although all priests and teachers have completed the required background checks, and there have been background investigation of 29,000 volunteers throughout the Archdiocese; at St. Agatha, there have been less than a dozen background checks completed on volunteers.

Finding: The Charter for the Protection of Children and Young People states in pertinent part:

ARTICLE 12. Dioceses/eparchies are to maintain "safe environment" programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.

ARTICLE 13. Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513).

§1103.1. *Screening and Education of Clerics and Seminarians states in pertinent part:*

1103.1. Policy The Archdiocese shall evaluate the background of all Archdiocesan personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513). The Archdiocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse. (Cf. USCCB Charter, art. 13)

Recommendations for Remediation:

1. The Archdiocese of Chicago should provide immediate resources and oversight to ensure that anyone in a position of trust has a completed background check and that all employees and volunteers complete the Safe Environment training.
2. The Archdiocese of Chicago should establish proper oversight to hold the Office of Catholic Schools responsible for ensuring compliance with the Charter for the Protection of Children and Young People; Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report; and Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry. The Archdiocese of Chicago should incorporate an appropriate tickler system to monitor this activity and thus ensure compliance.
3. The Archdiocese of Chicago should immediately institute the Lures training program for children and parents at St. Agatha. Completion of this training by parents and students should be documented and tracked in order to reflect whether this training could or will have a positive effect on reporting of sexual child abuse allegations. This action should aid in the healing process within the community.
4. The Archdiocese of Chicago should advise the Gavin Group, or other entity conducting audits of the Charter for the Protection of Children and Young People of the results of this issue in order that audit procedures can be refined to specifically identify the status of volunteer background investigations and of this finding in order that compliance can continue to be monitored by an independent entity.

Issue #11: An allegation of sexual abuse of a minor at a Protestant church has recently been brought to the attention of the Archdiocese of Chicago. DCFS and Cook County State's Attorney have been appropriately advised of this allegation.

Finding: The Charter for the Protection of Children and Young People states in pertinent part:

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

Recommendation: The Archdiocese of Chicago should affect appropriate liaison with this church to notify them of the allegation of sexual abuse to a minor within their purview. This incident appears to be an opportune time for reaching out to another ecclesial community to discuss issues of mutual interest.

IV. FAILURES IN MONITORING OF PRIEST ALLEGED TO HAVE SEXUALLY ABUSED A MINOR

Issue #12: The Archdiocese of Chicago failed to implement Individual Specific Protocols (ISP) established for monitoring Priests who are accused of an allegation of sexual abuse of minors. Archdiocese policy on monitoring is inadequate and ineffective and does not accomplish the primary goals of protecting children and the integrity of the Church.

Finding:

Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry, Section 1104.12. Monitoring states in pertinent part:

1104.12.1 Policy. "Monitoring protocols and programs for those who have been accused or have engaged in sexual abuse of minors must reflect the primary goals of protecting children and the integrity of the church."

1104.12.3. Policy. "Monitoring programs and protocols should be applied on a case by case basis but must include certain essential components."

Procedures

"?While the monitoring protocol approved by the Review Board in a given case might include myriad of controls or restrictions that have proven helpful, all cases must include certain elements. They are:

- ✓ continuing oversight by the Review Board with periodic evaluation and reports to the Archbishop;*
- ✓ a written protocol signed by the cleric which sets forth the particular requirements applicable to him;*
- ✓ restrictions from being alone with anyone under the age of 18;*
- ✓ periodic physical evaluation and psychological reports as recommended by the Review Board;*
- ✓ regular individual spiritual direction;*
- ✓ communication with leaders and others as appropriate in the cleric's residence in order that they are meaningfully apprised and able to assist in the program;*
- ✓ a provision requiring clerics who use the Internet to provide the Professional Responsibility Administrator with a monthly printout of the Internet sites visited."*

The Individual Specific Protocols are established for Priests who are accused of an allegation of sexual abuse to minors and are documented to implement the primary goal of promoting the safety of minors. These Individual Specific Protocols contain, at a minimum:

1. The client is restricted from being alone with a minor or minors, that is anyone under the age of 18, without the presence of another responsible adult.
2. Therapy with the suggested frequency of ____ times per week/month (please circle one) as recommended by _____ (name of therapist). Attendance to therapy is to be reflected on "Clergy Daily Log" forms.
3. Continued regular Spiritual Direction with the suggested frequency of ____ times per week/month (please circle one) as recommended by _____ (name of spiritual director). Attendance to Spiritual Direction is to be reflected on "Clergy Daily Log" forms.
4. The "Clergy Daily Log" to be completed on a daily basis and co-signed by the monitor. The log is a tool that is used for the protection of minors, the cleric, the monitor and the Archdiocese. Although it identifies time periods, it is intended to provide a general record of the day rather than a detailed clock. If you are describing an off-site activity, please include your destination and the general purpose of the visit or activity. For example, it is enough to indicate that you did personal shopping at a given Shopping Center rather than the details of each individual store. However, if your self-description is challenged or a complaint is lodged with the Archdiocese, some documentation and verification may be necessary to sufficiently address the situation.
5. Abide by the assignment of residence to _____
6. Must complete and submit the "Travel/Vacation Agreement", and obtain concurrence with the Agreement, prior to a scheduled departure. In the event of a prolonged stay in a particular location, the Archdiocese is required to notify the Ordinary of that place of your presence there.
7. Attendance at a recommended support group _____ (please indicate specific support group). Recommended frequency of ____ times per week/month (please circle one). Attendance at a recommended support group is to be reflected on "Clergy Daily Log" forms.
8. No inappropriate use of computers, software, Internet capabilities, communications tools or video technology. The standards articulated in the Policies and Procedures of the Archdiocese of Chicago and the Handbook For Archdiocesan Employees apply as they do to all Archdiocesan personnel.
9. No ministerial participation in the public celebration of the Eucharist or any other Sacrament or Sacramental without the prior, written permission of the Vicar for Priests.
10. Refrain from wearing any garb that would give the appearance of, or seem to infer, a priest/deacon who has canonical faculties and is currently assigned to some ministry (e.g., the 'clerical shirt').
11. On-site visits by the PRA and the VP annually to include a meeting with the cleric.

Recommendations for Remediation: The Archdiocese of Chicago should conduct a thorough and complete review of its policy and practices to monitor priests accused of allegations of sexual abuse of minors and establish sound, logical protocols and practices for individuals accused of an allegation of sexual abuse of minors. The audit acknowledges the fact that the Archdiocese of Chicago is already in the process of conducting a thorough review of Archdiocesan monitoring policies and practices by another independent consultant.

V. FAILURES TO CONDUCT A COMPLETE AND THOROUGH REVIEW OF LIVING PRIEST'S FILES FOR ANY IMPROPRIETY/MISCONDUCT

Issue #13: Past file reviews by the Archdiocese of Chicago have been incomplete and ineffective in identifying past allegations of sexual abuse by clerics or indications of a potential problem or danger sign of a cleric's propensity or susceptibility to sexually abuse.

Finding: File reviews of Archdiocesan files have been conducted for the specific purpose of identifying any allegation of sexual misconduct on the part of Priests or Deacons assigned to the Archdiocese of Chicago by Archdiocese personnel on two separate occasions, the last being in approximately 2002. Seminary Files were not reviewed in either Archdiocesan file review process.

Recommendation for Remediation: The Archdiocese of Chicago should have an independent file review of all personnel and personnel-related records conducted for the purpose of identifying any allegation of sexual abuse of a minor, misconduct and/or any activity of impropriety by living Priests or Deacons. Should the Archdiocese accept this recommendation, this process should entail an all inclusive, comprehensive and complete review which would examine, analyze and evaluate the full range of allegations or activities, to include, but not limited to, misuse of position, personal misconduct, and/or alleged violation of law (against Criminal Law, against Civil Law or against Canonical Law).

VI. PROCESS REVIEW ISSUES

Issue #14: Cardinal George has directed that the revised policies and procedures (*SECTION 11000, SEXUAL ABUSE OF MINORS*) be promulgated by posting their full text on the Archdiocese of Chicago's Internet web site. For the Archdiocese to demonstrate its commitment to transparency and openness, it must ensure that the message it presents to the public is correct and up to date.

Finding:

From the Introduction to SECTION 1100, SEXUAL ABUSE OF MINORS:

"Many of the provisions of the USCCB' Charter and the Essential Norms have been contained in the Archdiocese of Chicago's policies and procedures since 1992. To the extent that they were inconsistent, Cardinal George directed that the policies and procedures of the Archdiocese of Chicago be amended so as to incorporate the provisions of the USCCB Charter and Essential Norms. These amendments were discussed with the Review Board, the Archdiocesan Pastoral Council and the Presbyteral Council. Following these consultations and the unanimous recommendation of his Administrative Council, Cardinal George approved these revised policies and procedures on June 24, 2003, effective July 15, 2003. They are promulgated by posting the full text on the Archdiocese of Chicago's Internet web page, mailing to all Archdiocesan priests, and publishing a summary in The Catholic New World, the official newspaper of the Archdiocese of Chicago." (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Archdiocese of Chicago should conduct periodic reviews of its website to ensure that the information contained therein is accurate and up-to-date.

Preliminary Actions and Inquiry

Issue #15: The PRA maintains a hardcopy system of records which addresses inquiries and investigations of allegations of sexual abuse of a minor by clerics. Complementing that system is a Microsoft Access 2000 database titled "RADAR." This database was created in-house by personnel from the Office of Legal Services with the assistance of Archdiocesan Information Technology (IT) personnel. Security of the database is controlled by limited access and passwords. Backup copies are maintained by the Archdiocesan IT Department. While "RADAR" is effective at providing a means by which the PRA is able to keep abreast of the current status of sexual abuse investigations, it needs to be upgraded to a more current version of the database software and could use enhancements to its effectiveness by someone with a specialty in database design. It was also noted that "RADAR" is used by several departments within the Archdiocese of Chicago.

Finding:

§1104.6. Confidentiality and Disclosure of Information

1104.6. Policy Information generated in connection with the process set forth in Sections 1104.4 and 1104.5 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

Procedures

- a) *The Administrator is the custodian of all information described in Sections 1104.4 and 1104.5 and shall develop an appropriate record keeping system to ensure accountability for and security of the information. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)*
- b) *The Administrator shall maintain the information in a confidential fashion and may not disclose such information except as follows: (Auditor Note: Further points within this section are not applicable to this issue.)*

Recommendations for Remediation:

1. The Archdiocese of Chicago should upgrade its Access database software to the current version (Access 2002) or to the soon to be released version later this year. (Auditor Note: This recommendation is not intended to be interpreted as an endorsement for Microsoft Access. This software package is specifically mentioned because it is the current software being used by the Archdiocese and personnel assigned to using it are most comfortable with its capabilities.)

Changing to a different software platform would significantly increase the learning curve for the users.)

2. The Archdiocese of Chicago should contract with a software developer with expertise in Microsoft Access to review the current database and provide guidance to enhancing its capabilities.

Issue #16: The PRA is responsible for providing the person making the allegation with a written statement containing information about the right to make a report of such allegation to public authorities." A review of allegation files prepared by the PRA reflected that accusers had been provided with a copy of *SECTION 1100, SEXUAL ABUSE OF MINORS*. Section 1100 is quite lengthy and its language is not necessary directed towards the general public. Its content can be confusing to some.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.1. Policy Upon receipt of the allegation, the Administrator promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about the right to make a report of such allegations to public authorities and will support this right. (Cf. USCCB Charter, art. 4, USCCB Essential Norms, §11, and §§1104.2 and 1104.4.3(2) of these Archdiocesan policies)

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: In fulfilling the above requirement, the PRA should provide the accusers not only a copy of *SECTION 1100, SEXUAL ABUSE OF MINORS*, but also a document which specifically delineates the methods by which the accuser can report allegations to public authorities. This document should include the contact telephone numbers (Hotlines) of the appropriate agencies.

Issue #17: During the review of the case files involving allegations of sexual abuse of minors by Fr. McCormack, it was determined that the Archbishop was not notified of the allegation against and arrest / detainment of Fr. McCormack until three (3) days after the Archbishop's return to the Archdiocese. During the Preliminary Activities and Inquiry phase of the Review Process, the PRA routinely sends a memorandum to the Chancellor, the Archbishop's Delegate, the Office of Legal Services, the Victim's Assistance Ministry, and the Vicar for Priests, advising them of the allegation and requesting file reviews. In the files reviewed by the Auditors, no indication was noted that the Archbishop is specifically notified of allegations against, arrest or detainment by law enforcement of clerics or any Archdiocesan employee for that matter.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:

- (1) report the allegation to the Assistance Minister;
- (2) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;
- (3) inform the cleric and request his response;
- (4) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Cardinal (Archbishop of Chicago) should be specifically included in the copy count of the notification memorandum prepared for the above individuals.

Issue #18: During this phase, the PRA is directed to "review the cleric's files or background." As a matter of established procedure, this has been accomplished via a written request from the Office of Professional Responsibility (OPR) to the Victim Assistance Ministry, the Vicar for Priests, the Chancellor, the Office of Legal Services, and the Archbishop's Delegate to the Review Board to provide any information in their files which pertain to the accused or the accuser. Files of the Seminary where the cleric attended are not specifically requested to be reviewed for pertinent information via this request. In addition, relevance of the material disclosed during the review is left to the discretion of the reviewer who may not be privy to the full facts of the inquiry. Finally, there is no indication in the Allegation Files that these record reviews have been concluded.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.1. Policy Upon receipt of the allegation, the Administrator promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about the right to make a report of such allegations to public authorities and will support this right. (Cf. USCCB Charter, art. 4, USCCB Essential Norms, §11, and §§1104.2 and 1104.4.3(2) of these Archdiocesan policies)

Procedure

The Administrator shall review the cleric's files⁹ or background, make appropriate inquiries about the allegation, and prepare a report of all available information for presentation to the Board either orally or in writing at the Initial Review meeting. The

⁹ Note that there are different files kept by various Archdiocesan offices, e.g., the Office of the Chancellor, Vicar for Priests, the Archbishop's Delegate, the Diocesan Priests' Placement Board and the PRMAA. These files are managed under the coordination of the Chancellor or his delegate. See §700 Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies and §1106 Priest Personnel Records.

Administrator shall reduce an oral report to writing as soon as practical after the Initial Review meeting and make copies of this report available to the Board, the Archbishop, his delegate, and such other persons that the Archbishop may designate. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendations for Remediation:

1. The requested file reviews should include all files, to include the Seminary records of the accused.
2. The request for records review should be revised to have all files relevant to the accused be provided to the OPR for review by the PRA. The PRA is in a more informed position to determine what is relevant to the allegations. In addition, the PRA's personal review of the files ensures that the reviews are conducted.
3. The PRA should document the results of all record reviews, to include both positive and negative results.

Issue #19: During this phase of the process, the PRA is called upon to make a recommendation to the Archbishop regarding whether interim action, to include temporary withdrawal from ministry, restrictions, or other actions deemed appropriate by the Archbishop. A review of the records by the auditors of Fr. Joseph Bennett found no indication that this issue was being addressed by the PRA, nor was any indication given as to whether any of these actions had been considered.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:

- (1) report the allegation to the Assistance Minister;*
- (2) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;*
- (3) inform the cleric and request his response;*
- (4) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.*

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The PRA should document the decision for each case as to whether interim actions are, or are not necessary, to include the factors considered during this decision making process. Should other Archdiocesan officials be consulted in this matter, their input should also be documented by the PRA.

Issue #20: During the Fr. Bennett investigation by the Archdiocese, it was discovered in November 2005 that Fr. Bennett did not have a canonical advocate assigned; the original allegation having been made in December 2003. The final decision in this matter appears

to have been delayed by Cardinal George to allow Fr. Bennett to consult with and be defended by canonical counsel. The audit found that the November 2005 delays in removing Fr. Bennett from his pastoral duties were primarily the result of Fr. Bennett not having been provided canonical counsel; however, this mere fact is not sufficient reason for not having removed Fr. Bennett when the Review Board made its recommendation to Cardinal George. This action still could have been carried out while awaiting the advice of canonical counsel.

Finding:

§1105.1. Removal from Ministry, Penalties and Restrictions

1105.1. Policy When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395, §2).¹⁰ While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing the abundant mercy of God's infinite graces, the Church also acknowledges the need to do penance for one's sins, that there are consequences for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness.

A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; Graviora Delicta, Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Archbishop how to proceed (Article 13, "Procedural Norms" for Motu proprio Sacramentorum sanctitatis tutela, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Archbishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese will supply canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process.

B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest. (cf. USCCB Charter, art. 5, and USCCB Essential Norms §8)

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

§1104.7. Preliminary Actions and Inquiry

1104.7.2. Policy Ordinarily, the Administrator shall also promptly do the following:

- (9) report the allegation to the Assistance Minister;
- (10) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;
- (11) inform the cleric and request his response;

¹⁰ Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or suffering from a related sexual disorder that requires professional treatment. (Cf. USCCB Essential Norms, §8, footnote 4)

(12) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.

Procedure

- f) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Archbishop for the sake of the common good (see canon 223, §2 of the *Code of Canon Law* and §§ 1104.10 and 1104.12 of these Archdiocesan policies).
- g) In making such assessments and recommendations, the Administrator may consult with the Archbishop, his delegate, and persons designated by the Archbishop.
- h) Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric's voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude. (Cf. c. 1341)
- i) The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and the accused, so long as this does not interfere with the investigation by civil authorities. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*, §7)
- j) The Administrator must schedule and give effective notice of any meetings of the Board.

§1104.8.1. *Questions for Review*

1104.8.1. *Policy At the Initial Review meeting, the Board shall advise the Archbishop: (1) whether the information received at least seems to be true of an offense (cf. canon 1717, §1); (2) whether the interim actions recommended by the Administrator were appropriate to provide for the safety of children; (3) of its recommendations based on its expertise regarding the scope and course of the investigation; and (4) what further interim action should be taken with respect to the allegation.*

Procedure

The Board shall consider the Administrator's report, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

§1104.9.1. *Questions for Review*

1104.9.1. *Policy At the Review for Cause the Board shall determine: (1) whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor; (2) whether prior determinations as to ministry by the cleric should be altered; and (3) what further action, if any, should be taken with respect to the allegation.*

Procedure

The Board shall consider the Administrator's reports, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

Recommendations for Remediation:

1. Canonical counsel should be identified and assigned to the accused at or about the same time that the accused has retained civil legal counsel. This activity should take place early on during the Review Process to ensure that the accused is afforded appropriate canonical counsel and no delays in the process are encountered due to a lack of assigned canonical counsel.
2. During interview with the Auditors, Archdiocese Canonical Counsel advised of a draft Archdiocese policy which requires that canonical advocates in cases involving sexual abuse of minors are to be obtained from outside of the Archdiocese. It is recommended that this draft be formalized into policy and that this requirement be included in *SECTION 1100 SEXUAL ABUSE OF MINORS*.
3. The Cardinal should immediately remove a Priest or Deacon from pastoral duties as soon as there is a reasonable belief to suspect the allegation is true that children could be at risk and particularly after recommendation by the PRA or Review Board.¹¹

Issue #21: As per the February 22, 2006, Joint Protocol for the Archdiocese of Chicago and the Department of Children and Family Services in a "Commitment to Improving Child Safety and Protection," the Archdiocese is to "suspend its own investigation until DCFS has completed its child abuse and neglect investigation." No specific time frame parameters are provided in the Joint Protocol for the length of time a DCFS investigation would take to complete its investigation. This "indefinite" suspension could have a significant negative impact on the effectiveness of the Archdiocese's investigation.

Finding: February 22, 2006, Joint Protocol for the Archdiocese of Chicago and the Department of Children and Family Services in a "Commitment to Improving Child Safety and Protection," the Archdiocese is to "suspend its own investigation until DCFS has completed its child abuse and neglect investigation."

Recommendation for Remediation: The Archdiocese of Chicago should revisit this issue with the Department of Children and Family Services to establish approximate time frame parameters for the DCFS investigation to ensure that the Archdiocese can begin its investigation within a reasonable period of time and take appropriate action after the allegation has been made.

Issue #22: All personnel with access to RADAR do not use it. Interview determined that one of its potential users was not aware of his password for entry into the database.

Finding: The purpose of RADAR is to assist with tracking work flow and to provide, on a timely basis, the status of ongoing cases involving allegations of sexual abuse of minors. If not utilized by all appropriate departments, RADAR is an ineffective system.

¹¹ Section 1104.7.2 assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.

Recommendation for Remediation: All personnel who have authorized access to RADAR who do not currently use it should be provided with a refresher course on its benefits and usage. In addition, use of the database should be mandated by the Archdiocese of Chicago to ensure that its contents are complete and up to date. Otherwise, RADAR will be an inefficient and ineffective monitoring instrument.

Initial Review

Issue #23: During the Auditors review of the allegation case files on Fathers Bennett and McCormack, it was noted that there was no documentation contained therein which reflected what information was provided to the Review Board during the Initial Review.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.1. Policy Upon receipt of the allegation, the Administrator promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about the right to make a report of such allegations to public authorities and will support this right. (Cf. USCCB Charter, art. 4, USCCB Essential Norms, §11, and §§1104.2 and 1104.4.3(2) of these Archdiocesan policies)

Procedure

The Administrator shall review the cleric's files¹² or background, make appropriate inquiries about the allegation, and prepare a report of all available information for presentation to the Board either orally or in writing at the Initial Review meeting. The Administrator shall reduce an oral report to writing as soon as practical after the Initial Review meeting and make copies of this report available to the Board, the Archbishop, his delegate, and such other persons that the Archbishop may designate. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Archdiocese of Chicago should implement a procedure whereby a copy of the reports presented to the Review Board during the Initial Review should be included in the appropriate case files.

Preliminary Investigation

Issue #24: The Auditors review of allegation files on Fathers Bennett and McCormack found the files to be generally complete. However, it was noted that documentation

¹² Note that there are different files kept by various Archdiocesan offices, e.g., the Office of the Chancellor, Vicar for Priests, the Archbishop's Delegate, the Diocesan Priests' Placement Board and the PRMAA. These files are managed under the coordination of the Chancellor or his delegate. See §700 *Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies* and §1106 *Priest Personnel Records*.

existed only for investigative activities which were "positive" in nature, meaning that substantive information was documented; however, information which revealed that no information existed, or "negative" information, if you will, was found not to be documented into the file.

Finding:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)

Procedures

- a) Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.*
- b) Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation.*
- c) The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)*

Recommendation for Remediation: All investigative activity should be documented in the case files, to include both negative and positive results. For example, leads (investigative avenues) which were followed-up on which failed to produce any results favorable to or against the accused should be documented. This documentation would then reflect the full extent of the measures that were taken to ensure all investigative avenues were explored and all avenues of / for consideration were explored and documented.

Issue #25: During the review of the investigation into the allegations against Fr. Bennett, it was determined that the Review for cause had to be continually postponed to allow time for the PRA to gather additional information requested by the Review Board. This investigation, which began in December 2003, was not finally assessed by the Review Board until November 2005. The audit found that assignment of a trained investigator

with the experience to identify potential leads and follow up on them without having to rely on others to set out the investigative avenues would not only enhance the investigation but also speed up the investigative process.

Finding:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)

Procedures

- a) *Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.*
- b) *Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation.*
- c) *The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available.*

Recommendation for Remediation: The Archdiocese of Chicago should consider the use of retired law enforcement investigators to assist with the Preliminary Investigation which will require a significant amount of time and investigative knowledge. Their activities would be overseen by the PRA to ensure that the Code of Canon Law, as it applies to these matters, are followed and that the requirements of the Archdiocese are met. In addition, assistance by an experienced investigator would relieve the PRA of some of her investigative responsibilities and thus providing some relief in her workload.

Review for Cause

Issue #26: The Auditors review of the Allegation Files failed to locate any reports written by the PRA and provided to the Review Board during the Review for Cause.

Finding:

§1104.9.1. Questions for Review

1104.9.1. Policy At the Review for Cause the Board shall determine: (1) whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor; (2) whether prior determinations as to ministry by the cleric should be altered; and (3) what further action, if any, should be taken with respect to the allegation.

Procedure

The Board shall consider the Administrator's reports, information provided by the Archbishop's Delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Archdiocese of Chicago should implement a procedure whereby a copy of the reports presented to the Review Board during the Review for Cause should be included in the appropriate case files.

**OFFICE OF PROFESSIONAL RESPONSIBILITY WORK FLOW CHART
(Revised 9/21/2005)**

Issue #27: The Office of Professional Responsibility Work Flow Chart (Revised 9/21/2005) places the investigation of an allegation before the Initial Review has been conducted. The Initial Review, per SECTION 1100, is to take place after both the accuser and the accused are interviewed by the PRA, a background check of the cleric is conducted via records checks, and appropriate inquiries are made about the allegation. SECTION 1100 also states that a "thorough investigation of an allegation" is conducted during the Preliminary Investigation phase of the Review Process.

Finding: The Office of Professional Responsibility Work Flow Chart is not in concert with SECTION 1100, SEXUAL ABUSE OF MINORS.

Recommendation for Remediation: If the Work Flow Chart accurately reflects the sequence steps currently being followed during an investigation of an allegation of sexual abuse of a minor by a cleric, then SECTION 1100, SEXUAL ABUSE OF MINORS should reflect these procedural steps in the order indicated in the chart.

Issue #28: In the Work Flow Chart provided to the auditors, step number 17 is missing with no explanation provided as to why.

Finding: Administrative errors such as missing steps in process or protocol document such as the PRA Work Flow Chart could appear conspicuous to the eye or the mind of others.

Recommendation for Remediation: The Archdiocese of Chicago should review the PRA Work Flow Chart for accuracy, detail, and clarity, making corrections where appropriate.

PROFESSIONAL CONDUCT ADMINISTRATIVE COMMITTEE (PCAC)

Issue #29: The PCAC is mentioned in SECTION 1100; however, the PCAC is meant, to facilitate administration and implementation of responsibilities of the group which coordinates actions, recommends actions, advises Cardinal George, the Vicar General, the Chancellor and other departments with various responsibilities, but without an official mandate or specific authority or mission statement. The PCAC is not, nor ever has been intended to subjugate the responsibilities of the Review Board which is independent.

Finding:

§1104.3. Review Board

1104.3. Policy The recommendations described in Section 1104.1 shall be made to the Archbishop by a Review Board, which will function as a confidential consultative body to the Archbishop in discharging his responsibilities (hereinafter "Board"; cf. USCCB Charter, art. 2, and USCCB Essential Norms, §4):

§1104.3.7. Duties

1104.3.7. Policy The Board shall have the duty to:

- (1) *recommend to the Archbishop a candidate or candidates for the position of Professional Responsibility Administrator;*
- (2) *supervise the Professional Responsibility Administrator in cooperation with the Archdiocesan Director of Personnel Services;*
- (3) *advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry (Cf. USCCB Charter, art. 2, and USCCB Essential Norms, §4.A.)*
- (4) *offer advice on all aspects of these cases, whether retrospectively or prospectively (Cf. USCCB Essential Norms, §4.C.)*
- (5) *make such other recommendations which the Board in its sole discretion determines to be appropriate to reduce the risk to children.*
- (6) *recommend guidelines for the inquiries of the Professional Responsibility Administrator, the proceedings of the Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;*
- (7) *submit, with the assistance of the Professional Responsibility Administrator, an annual budget proposal to the Archbishop at a time to be specified. The budget proposal shall be incorporated into the proposal for the Department of Personnel Services and may be considered as part of the Archdiocesan budget process in consultation with the Review Board.*
- (8) *review these policies and procedures for dealing with sexual abuse of minors; (Cf. USCCB Essential Norms, §4.B)*
- (9) *cooperate with the Professional Responsibility Administrator, the Vicar for Priests, and the Professional Conduct Administrative Committee¹³ in developing and implementing educational programs for themselves and those participating in this process; and*

¹³ The Professional Conduct Administrative Committee advises the Archbishop and his staff on administrative issues related to clerical sexual misconduct and other matters. The PCAC also coordinates the administrative response to such matters. The PCAC does not intrude on the independence of the Review Board. The PCAC ensures that an allegation of cleric sexual misconduct is brought to the attention of the Review Board.

(10) *seek the advice of such experts and consultants as the Board deems necessary and appropriate.*

Recommendation for Remediation: The Archdiocese of Chicago should delineate an official mandate of the PCAC with specific authority and a specific mission statement to ensure the PCAC does not encroach on the specific responsibilities of the Review Board.

Issue #30: According to the Office of Professional Responsibility Work Flow Chart, the PCAC is advised of the results of records searches for prior knowledge and documentation regarding the accused and the victim. No explanation is indicated as to what the PCAC is to do with this information. Without a clear mission statement and its responsibilities properly delineated, the function of the PCAC during the Review Process is entirely unclear.

Finding: In order for any committee to be effective, mission responsibilities should be clearly established and documented, particularly when the committee recommends action to be taken.

Recommendations for Remediation:

1. The Archdiocese of Chicago should develop a clear mission statement for the PCAC, to include its membership composition, authorities, responsibilities, and procedures.
2. Responsibilities of the PCAC with respect to their involvement during the Review Process should also be delineated and included in *SECTION 1100, SEXUAL ABUSE OF MINORS*.

ADMINISTRATIVE CHECKLIST FOR HANDLING ALLEGATIONS OF CLERICAL SEXUAL MISCONDUCT – “TWO MINUTE DRILL”

Issue #31: The audit found the Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” (Administrative Checklist) to be a comprehensive and practical document to ensure the policies and procedures were followed as set forth by the Archdiocese of Chicago for handling allegations of clerical sexual misconduct. This audit also found that this Administrative Checklist had been utilized and practiced by the PCAC in the past in order to respond to allegations of sexual abuse of minors received by the Archdiocese of Chicago. Additionally, the audit found the Administrative Checklist as an effective tool to draw upon as a training document. However, the audit also found that the Administrative Checklist has not been practiced or utilized “in years.”

Finding: The Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” (Administrative Checklist) was used by the Professional Conduct Administrative Committee as a hands-on tool set forth to follow and track responsibilities and guide the process along from beginning to end. The

Administrative Checklist was revised February 22, 2000; however, it was not practiced nor utilized during Fr. McCormack's arrest on August 30, 2005.

Recommendations for Remediation:

1. The Archdiocese of Chicago should review the Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – "Two Minute Drill" to ensure it follows and tracks Archdiocese revised policies and procedures as they apply to responding to allegations of clerical sexual misconduct. Thereafter, the Archdiocese, through the PCAC, should immediately apply the Administrative Checklist upon notification of any and every allegation of clerical sexual misconduct brought to the attention of the Archdiocese.
2. The Archdiocese of Chicago should establish a tickler system as a reminder to review, practice and train with the Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – "Two Minute Drill". Training with the Administrative Checklist should be in a tabletop exercise format. The goals of a tabletop exercise are: 1) The development of the participants with the knowledge, skills, abilities and core competencies to develop those core skills and address the essential elements of the scope, planning, application and coordination of emergency operations to facilitate this integration; 2) Development of concepts, principles, practices and approach for the planning, mitigation, response, recovery and coordination of the Archdiocese to a major critical incident; and 3) Education of Archdiocesan personnel with the essential elements to assist with preparing and standing up for a critical incident.

Issue #32: The Professional Responsibility Administrator is not provided equal access to all personnel-related files during the review of the accused cleric's backgrounds.

Finding: With regard to the review of accused files, in the Vicar for Priests section of the "Two Minute Drill," Page 4, # 3, it states in pertinent part: "Within the claims of confidentiality, the VP (Vicar for Priests) should inform the PFRA (Professional Fitness Responsibility Administrator) of all pertinent (regarding the present allegation) material in the priest's file at the VP's office. If there is any question of confidential material, the VP consults with the Archbishop's Delegate." However, under Appendix B, Page 12, #13, it states in pertinent part: "The Administrator will then obtain the priest's file from the Chancellor, review it, and attempt to gather any other relevant information regarding the current allegation(s) (which time permits) before and for the Review by the PCAC. Accordingly, the PFRA can review the Chancellor's files but not the Vicar for Priests files. The audit finds that this process does not give the impression of openness and transparency. In one instance (the VP files), the review is solely for information relevant to the current allegation. From this perspective, historical information may, in fact, be pertinent and relevant. In the Fr. McCormack cases, historical information would have been very relevant to the overall situation. As a matter of fact, probative evidence is now coming to light.

Recommendation for Remediation:

1. The Archdiocese of Chicago should ensure that all policies and procedures are in concert with each other.
2. The Professional Responsibility Administrator should have the same access to all files in order to personally review for allegations of cleric sexual misconduct of a minor.

CIVIL AND CANON LAW COUNSEL

Issue #33: According to the Work Flow Chart, the majority of the activities required during the Preliminary Investigation, as per *SECTION 1100*, is conducted prior to the Initial Review, with several investigative steps still carried out during that portion of the Review Process. While the sequence of steps delineated in the Chart do not correspond directly to the *SECTION 1100, SEXUAL ABUSE OF MINORS*, its sequence of progression is logical for the most part.

Finding:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)

Procedures

- a) Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.*
- b) Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation.*
- c) The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)*

Recommendations for Remediation:

1. If, in fact, the Work Flow Chart delineates the actual process of investigations currently being followed in these matters, the Archdiocese should revise *SECTION 1100, SEXUAL ABUSE OF MINORS* to reflect the review process delineated in the Work Flow Chart. This recommendation is made with the understanding that the recommendations from the review of *SECTION 1100* appearing above are incorporated into any revisions of the policies and procedures.
2. A revision / update of the Administrative Checklist for the Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” should also follow in line with any revision of *SECTION 1100*.

END REPORT

Approved: _____

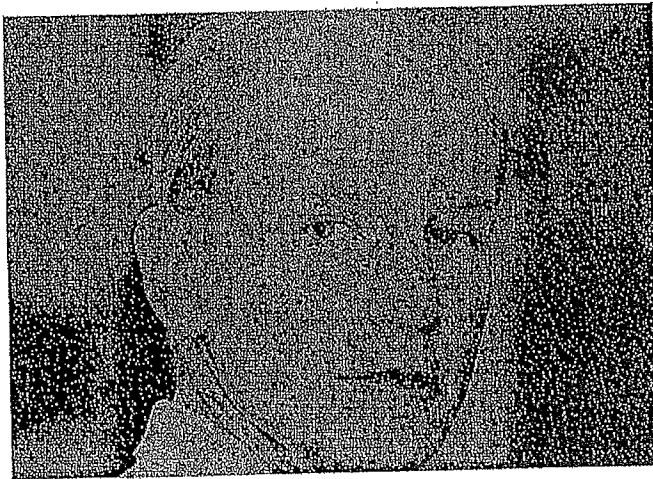
Bishop: I Was More Worried about Priest's Drinking Abuse | Backed Ordaining McCormack Despite Reports of Sex 'Improprieties'

By Susan Hogan
Chicago Sun-Times
November 14, 2007

<http://www.suntimes.com/lifestyles/religion/648822,CST-NWS-bishop14.article>

While rector of Mundelein Seminary in the 1990s, Bishop Gerald Kicanas says he knew about three reports of "sexual improprieties" against then-seminarian Daniel McCormack.

Still, Kicanas supported McCormack's ordination, he told the Sun-Times.



Daniel McCormack
Photo by Brian Jackson

RELATED STORIES

• George elected to lead bishops

"It would have been grossly unfair not to have ordained him," said Kicanas, now bishop of Tucson, Ariz., who was interviewed Tuesday after his election to vice president of the U.S. Conference of Catholic Bishops.

McCormack went to prison in July for molesting five boys while assigned to a West Side parish.

U.S. bishops are trying mightily at their assembly in Baltimore this week to portray the scandals as largely a problem of the past. The McCormack case exposed the Archdiocese of Chicago's recent failures when allegations surfaced before the priest's 2006 arrest.

Mundelein officials learned in 1992 about sexual accusations against McCormack involving two adult males and a minor. The incidents began in 1988 when McCormack was at a seminary school known as Niles College, according to archdiocesan reports.

"There was a sense that his activity was part of the developmental process and that he had learned from the experience," Kicanas said. "I was more concerned about his drinking. We sent him to counseling for that."

Ex 200

McCormack was ordained in 1994. The following year, Kicanas became a Chicago auxiliary bishop.

The archdiocese's vicar general, the Rev. John Canary, also worked at Mundelein at the time. He recently told the Sun-Times that McCormack should have never been ordained.

Kicanas disagrees, saying there was no "credible" allegation against McCormack.

"I don't think there was anything I could have done differently," Kicanas said.

Contact: shogan@suntimes.com

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



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MEMORANDUM

To: File - PFR-277
From: Leah McCluskey, Professional Responsibility Administrator
Re: McCormack, Rev. Daniel J. [Withdrawn] [REDACTED]
Date: February 12, 2006

PRA spoke with Sr. Mary Therese Cusack via phone on January 26, 2006 regarding the alleged abuse of [REDACTED] [minor] by Rev. Daniel J. McCormack in October 1999 at Holy Family School. Sr. Mary Therese was the principal of Holy Family at the time of the alleged abuse.

At the beginning of the January 26th phone call, PRA explained to Sr. Mary Therese that the reason for the call was to ask her recollections of the alleged incident of abuse of [REDACTED] by Fr. McCormack. It was also explained to Sr. Mary Therese the reason for PRA's involvement in the matter, as well as the role of the Office of Professional Responsibility. Sr. Mary Therese agreed to speak with PRA and was extremely cooperative throughout the phone conversation.

When asked, Sr. Mary Therese stated that she was principal of Holy Family from 1985 through 2000, until the principal position was eliminated. Sr. Mary Therese referred to the merging of Holy Trinity, St. Colistus, and Holy Family.

When asked, Sr. Mary Therese stated that Fr. McCormack was first appointed sacramental minister on Sundays at Holy Family. Sr. Mary Therese stated that some time after Fr. McCormack's appointment, Bishop Manz informed her that Fr. McCormack "missed kids," as he [Fr. McCormack] was assigned to St. Joseph's Seminary. The discussion between Bishop Manz and Sr. Mary Therese led to Fr. McCormack presiding over the weekly all school mass at Holy Family. Sr. Mary Therese stated that she was thrilled at the time to have Fr. McCormack celebrate the all school mass, as they did not have a priest assigned to the school, and that in her opinion the cleric was a wonderful homilist. She informed PRA that the all school mass took place in the chapel behind the altar at Holy Family Church every Friday at 9:00am.



Recalling the alleged incident involving [REDACTED] Sr. Mary Therese believes that it was a Monday morning in the winter [October 1999] when [REDACTED] mother had come to see her in the school office. Sr. Mary Therese described [REDACTED] parents as wonderful and supportive at the school. She also remarked that [REDACTED] father "couldn't hold a job." Referring back to the time of the incident, Sr. Mary Therese stated that [REDACTED] came to her office and closed the door.

Sr. Mary Therese explained to PRA that the Friday before [REDACTED] came to see her, [REDACTED] had been sent to the sacristy to retrieve the book used for the readings [at the all school mass] and to bring it back to his class. As per Sr. Mary Therese, [REDACTED] was in fourth grade at the time and he had gone to retrieve the book on the Friday in question so that his class could prepare the readings for the next week. Sr. Mary Therese stated that [REDACTED] fourth grade teacher at the time was Mr. Roel Vivit. She believes that Mr. Vivit is currently a part of the Inner City Teaching Core, teaching at either Francis Xavier Ward at Old St. Pat's or Cathedral.

Referring back to the time of the incident, Sr. Mary Therese stated that [REDACTED] informed her that [REDACTED] had disclosed the incident to her [REDACTED] the Friday before. [REDACTED] informed Sr. Mary Therese that [REDACTED] had told her that when he had gone to the sacristy to retrieve the book, he ran into Fr. McCormack. [REDACTED] told his mother that he told Fr. McCormack that he wanted to be an altar boy. [REDACTED] reported to Sr. Mary Therese that Fr. McCormack responded to [REDACTED] request by saying something to the effect of, "...sure...take down your pants, I need to measure you [for his cassock]..." When asked by PRA, Sr. Mary Therese stated that she does not remember if [REDACTED] informed her if [REDACTED] did or did not take his pants down when instructed by Fr. McCormack. As she thought about it, Sr. Mary Therese continued by expressing that she is not sure, but that [REDACTED] may have asked at the time something to the effect of "...why did Fr. McCormack have him [REDACTED] take down his pants?" Sr. Mary Therese stated that she then gave [REDACTED] Fr. McCormack's phone number from the directory "...because she [REDACTED] wanted to talk to him..."

After speaking with [REDACTED] Sr. Mary Therese contacted Mr. Robert [Bob] Davies, who was the consultant for Holy Family School at the time. Sr. Mary Therese informed PRA that she told Mr. Davies of the conversation with [REDACTED] regarding the alleged incident between Fr. McCormack and [REDACTED]. As per Sr. Mary Therese, Mr. Davies said to her "...keep me posted..."

Sr. Mary Therese stated that after her conversation with [REDACTED] she tried to call Fr. McCormack every day and left him messages each time. She explained to PRA that she had Fr. McCormack's private phone number, but that she never heard back from him. Sr. Mary Therese stated that Fr. McCormack never returned her phone calls. She believes that the week after the incident was exam week in the school. Sr. Mary Therese stated that [REDACTED] came back to see her on Thursday, three days after the initial meeting between the two regarding the alleged incident. [REDACTED] informed Sr. Mary Therese that she had called Fr. McCormack several times and that he would not return the phone calls. Sr. Mary Therese informed [REDACTED] that Fr. McCormack would not return her

phone calls either. [REDACTED] then informed Sr. Mary Therese that she had planned to wait for Fr. McCormack at the all school mass the next day [Friday morning] so that she could talk to him about the incident involving [REDACTED]. That same Thursday night at 11:00pm, Sr. Mary Therese attempted to reach Fr. McCormack via phone again. Sr. Mary Therese left Fr. McCormack a message on his answering machine to inform him that [REDACTED] would be waiting for him the next day to talk about the incident with [REDACTED] that had taken place the Friday before.

Sr. Mary Therese stated that the next day [Friday], she arrived at Holy Family School at approximately 6:30am. She saw that Fr. McCormack had arrived at the front door of the school at 7:00am that day and walked inside. Sr. Mary Therese informed PRA that she and Fr. McCormack were both standing inside the front area of the school "friendly" talking to each other as the two greeted children and parents as they walked back and forth to begin the day. At approximately 7:45am, a parent had asked Sr. Mary Therese if they could speak privately in her office about a tuition issue. Sr. Mary Therese noted that the time was approximately 7:45am, as school began at 8:00am.

Once Sr. Mary Therese and the parent were finished speaking, they exited her office. Upon leaving her office, Sr. Mary Therese saw Fr. McCormack and [REDACTED] talking in his office with the door closed. When asked by PRA, Sr. Mary Therese stated that her office was directly across from Fr. McCormack's and that there was a window next to his office door, which is how she could see the cleric and [REDACTED] talking inside.

Sr. Mary Therese waited outside of her/Fr. McCormack's door until it was time to read the prayers over the PA system. She went inside her office again while the prayers for the day were read. Upon conclusion of the prayers being read, Sr. Mary Therese walked outside of her office again, which is when she saw [REDACTED] and Fr. McCormack walking out of his office together. As per Sr. Mary Therese, [REDACTED] then told her "...everything's fine...I understand now what happened [the Friday before between Fr. McCormack and [REDACTED]]"

After [REDACTED] left the school that day, Sr. Mary Therese remembers feeling relieved. Fr. McCormack then walked up to Sr. Mary Therese. She recalls that his face was red and his eyes were [looking] down and never left the floor during the next exchange. Sr. Mary Therese asked Fr. McCormack, "Dan, what happened?" Fr. McCormack replied to her, "I used very poor judgment." Sr. Mary Therese asked again, "Dan, did you ask the boy [REDACTED] to take his pants down?" Fr. McCormack again replied, "I used very poor judgment." Sr. Mary Therese then asked him, "Dan, could you give me a yes or a no?!" She noted that Fr. McCormack then began backing away from her, his eyes still never leaving the floor as he again replied, "I used very poor judgment...I have to go." Sr. Mary Therese stated that Fr. McCormack continued to back away from her until he was gone.

When asked by PRA, Sr. Mary Therese stated that she never heard anything again from [REDACTED] or Fr. McCormack about the incident involving [REDACTED]

The following Monday, Sr. Mary Therese's secretary at the school told her that the [REDACTED] had "...paid several hundred dollars in tuition..." The fact of the payment struck Sr. Mary Therese as unusual at the time, as [REDACTED] had many full and half siblings at the school and their parents were often not up to date with the tuition. When asked by PRA for clarification, Sr. Mary Therese stated that the secretary informed her that [REDACTED] had paid the tuition in cash.

At this point during the January 26th phone call, Sr. Mary Therese referred back to the time period of the alleged incident. Sr. Mary Therese stated that the same day after she tried to talk to Fr. McCormack about the incident, she called Mr. Davies. She explained to Mr. Davies what had happened, that she had seen [REDACTED] and Fr. McCormack meeting with the door closed, the exchange that she had with [REDACTED] as well as her attempt at a conversation with the accused. Sr. Mary Therese thinks that Mr. Davies told her that he would "get back" to her. As per Sr. Mary Therese, later that same day Mr. Davies did call her back. Sr. Mary Therese stated that Mr. Davies informed her something to the effect of, "...as long as the parent is satisfied, let it go..." As per Sr. Mary Therese, she told Mr. Davies that *she* [Sr. Mary Therese] was not satisfied. Sr. Mary Therese stated that Mr. Davies again told her to "...let it go..." The following Monday when she learned that the [REDACTED] had paid all of their tuition, Sr. Mary Therese again called Mr. Davies. She informed PRA that Mr. Davies told her, "Mary, let it go."

When asked by PRA, Sr. Mary Therese stated that she did not speak with anyone else at the Archdiocese of Chicago about the incident involving Fr. McCormack and [REDACTED] except for Mr. Davies.

When asked, Sr. Mary Therese stated that her date of birth is [REDACTED]. After leaving Holy Family School, Sr. Mary Therese did not look for another principalship. Sr. Mary Therese continues to do some work for the Archdiocese of Chicago as well as volunteering at the Information Desk at Our Lady of Resurrection.

Sr. Mary Therese then spoke of Sr. Mary Therese Freymann, who to her recollection worked with "the computer lab" at Holy Family around the time of the alleged abuse of [REDACTED] by Fr. McCormack. As per Sr. Mary Therese Cusack, Sr. Mary Therese Freymann came to her approximately one week to ten days after the alleged incident and asked, "Do you know what they're saying about Fr. Dan [McCormack]?" Sr. Mary Therese Cusack stated that she then closed the door and told Sr. Mary Therese Freymann about the alleged incident.

At this point during the January 26th phone call, Sr. Mary Therese Cusack informed PRA that approximately two weeks prior she had received a phone call from Sr. Mary Therese Freymann. As per Sr. Mary Therese Cusack, Sr. Mary Therese Freymann said to her, "Fr. Dan [McCormack] is at it again...what should Barb [Westrick, principal of St. Agatha's] do?" Sr. Mary Therese Cusack then suggested to Sr. Mary Therese Freymann that Ms. Westrick be informed to call Mr. Davies in the Office of Catholic Schools.

Referring back to the time of the alleged incident, Sr. Mary Therese stated that she "kept a record" of what had taken place. Sr. Mary Therese stated that she typed this record and that it was approximately two pages in length. She then mentioned that the Monday or Tuesday after [REDACTED] came to see her for the first time to talk about the incident, she called Sr. Marion Murphy. Sr. Mary Therese stated that Sr. Marion was in charge of the Literacy Program at the time. As per Sr. Mary Therese, she explained to Sr. Marion that the reason for her call was to tell her "what happened [the alleged incident concerning Fr. McCormack and [REDACTED] and that "...I think you [Sr. Marion] should know [about the incident] as administrator of the parish." The following day, Sr. Marion informed Sr. Mary Therese that she [Sr. Marion] had called Mr. Davies at the Office of Catholic Schools. Sr. Marion informed Sr. Mary Therese that she also asked Mr. Davies if the dean or the vicar [of the Vicariate] should be called about the alleged incident. She reported to Sr. Mary Therese that Mr. Davies informed her that she [Sr. Marion] did not need to call the dean or the vicar.

As per Sr. Mary Therese, it was after her conversation with Sr. Marion that she decided to type up a record of all of the events that had taken place, stemming from [REDACTED] report to her of the alleged incident of abuse of her son [REDACTED] by Fr. McCormack. Sr. Mary Therese informed PRA that she did not make a copy of the document, but that she did show it to Sr. Marion. As per Sr. Mary Therese, she then put the document in a brown envelope, wrote Bob Davies' name on the front, and drove it down to the Pastoral Center where she left it at the front desk. Sr. Mary Therese stated that she never heard from Mr. Davies after she left the document at the front desk of the Pastoral Center.

PRA thanked Sr. Mary Therese for her time and all of the information she shared. Sr. Mary Therese agreed to be contacted at any time again in the future regarding this matter. She may be reached at [REDACTED]

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. Edward D. Grace, Vicar for Priests
Ralph Bonaccorsi, Assistance Ministry
Dr. Nicholas Wolsonovich, Superintendent of Schools
Robert Davies, Assistant Superintendent [Vicariate I]

September 5, 2003

To	John O'Malley	From	Laura M.P.
Co./Dept.	DLS	Co.	OPR
Phone #		Phone #	312-751-5206
Fax #	312-751-5252	Fax #	

F.Y.I. Per Reel

Concerning: St. Agatha Parish, Fr. Dan McCormick

I took a call from a woman who would not identify herself, but gave me her phone number, [REDACTED], in case we want to return the call. I indicated to her that because she wanted to remain anonymous, I couldn't guarantee that the situation would be investigated.

Her chief concern is the number of teenage boys that are always in the rectory. This has been going on for more than a year and many others in the area are talking about it. This woman is aware of the activity through a friend whose family has a son involved with the rectory activity and who is reluctant to call the archdiocese to register the situation.

Last weekend Father McCormick took several boys to MN for shopping, I believe.

Within the past 3-4 weeks Dan moved all parish staff out of the rectory into the convent. He intends to convert part of the rectory (a room/s) into a music studio for kids to establish rap records. Seems unreal to the woman reporting all of this, it doesn't make sense to her.

Boys don't seem to be members of the parish, except for one. — Recently Father took the basketball team to MacDonald's, not a problem, she thought.

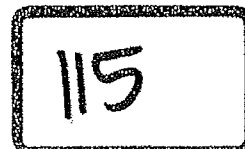
This woman wanted to know whether she will be told that this case was taken care of. I told her that is up to the person looking into the situation.

Mary Ann Zrust

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JAN 19 2006

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CB5 00120

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MEMORANDUM

Date: July 13, 2005
To: Rev. Edward Grace
Rev. Vincent Costello
From: Rev. George Rassas
Re: Candidate for Dean

Rev. Daniel McCormack, pastor of St. Agatha Church, has been suggested for the office of Dean of Deanery III-D. Kindly advise me if you have any indications of unsuitability for office.

*- We suggested NO
because of Boy in Rectory Letter*

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To: File
From Ed Grace
Re: Rev. Daniel McCormack

Tuesday, 8/30/05 at 10:00 P.M.

I was called at Queen of All Saints Rectory by Rev. Daniel McCormack. He informed me that he was being questioned by the Police at the local police station. (Harrison and Kedzie) concerning an allegation made against him by the mother of a 10 year old boy. He put the detective on the line to explain the circumstances to me.

Detective Agosta Star # 20228

Allegation that when the boy was 7 years old he was in a storage room of school (Our Lady of the Westside -- St. Agatha) Father McCormack attempted to take down the boy's pants. Father McCormack was interrupted by a noise, which caused him to stop. About a week or two later, again in the storage room, Father McCormack succeeded in lowering the boy's pants and fondled his genitalia.

Detective found the boy's story credible.

I asked if Father McCormack was being detained. He said, not at that time. I then suggested that, given the hour, Father be sent home and return the next morning with an attorney to continue the interview. The Detective declined. Dan Subsequently told me he was processed at that time i.e. photographed and finger printed etc. -- he was arrested.

I then spoke with Dan again and advised him not to discuss the matter further with the police. I said I would try to contact Pat Reardon and arrange representation. But I said he might be there overnight.

11:00 P.M. 8/30/05

I was unable to contact Pat -- or any one else at that hour. I called Dan back on his cell phone and informed him of that.

At this point they arranged for an Assistant State's Attorney to interview Dan. She then:

1. Read him his rights again. The Detective had done so as soon as they reached the station.
2. She then began to ask Dan questions. Dan responded, "I have been advised not to talk to you any further." The assistant State's Attorney then said, "Do you mean you won't answer any questions?" Dan replied, "Yes". The assistant state's attorney then said, "Okay".

The state's attorney and the detectives then conferred for about five minutes

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CB3 00104

Detective returned and said, "It's over. I have to release you -- from the lock-up. I can't do it from here".

They did not say, "We'll be in touch". Their last words were, "Good luck, David (sic) Dan remembers because the name was incorrect.

About 3:00 A.M. 8/31/05

Dan called me back and informed me he had been released. I told him to meet me at the office at 9:30 A.M.

9:30 A.M. 8/31/05

I met with Dan at our office. I asked Dan to tell what the police had said to him and what he had said to them BUT NOTHING ELSE.

Dan told me:

The police went to his rectory and said they wanted to talk with him. He was not under arrest. He agreed to accompany them to the station and answer questions.

Police told Dan:

- They had spoken with the boy's mother
- Boy was interviewed concerning his allegation
- The boy repeated the allegation of two attempts to touch inappropriately the boy in the storeroom.

The Detectives witnessed the interview and found the boy credible. He was consistent in his story to his mother, his father and to the social worker.

Dan was released. Before he was released the other Detective asked Dan twice, has anyone from the Archdiocese spoken with you. (Before Dan spoke with me on the cell phone) he responded no.

Today, 8/31/05

I contacted Pat Reardon and arranged for him to represent Dan. Dan will meet with him this P.M.

Also I mentioned this was an unusual process i.e. the first contact is through police rather than through our Office of Professional Responsibility.

At this point we actually have no allegation to process through our Review Board. We are, however, on notice of an allegation. Therefore, I suggest that we establish a Monitor Situation.

- Utilize Tom Walsh, former Pastor of Presentation, who lives at St Agatha with Dan
- Tom Walsh's cell phone # [REDACTED]

I will speak with Leah to set this up.

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Office of Professional Responsibility



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MEMORANDUM

To: File - PFR-277
From: Leah McCluskey, Professional Responsibility Administrator
Re: McCormack, Rev. Daniel [Active] [REDACTED]
Date: September 15, 2005

PRA received a phone call today from [REDACTED] mother of [REDACTED] regarding the alleged sexual abuse of her son by Rev. Daniel McCormack [see file].

[REDACTED] stated that she was instructed by Kathleen Muldoon of the State's Attorney's office to call this phone number [the Office of Professional Responsibility] and mentioned that she was told something similar to "...[people at the] Archdiocese wanting to talk to me."

[REDACTED] expressed that her main concern is that the Archdiocese "investigate" and "treat [medically/psychologically]" Fr. McCormack.

[REDACTED] She expressed her feeling that Fr. McCormack "...needs to be exposed..." she talked about the cleric "...being arrested [for the abuse of her son] and let go..." and she also described him as a "pervert."

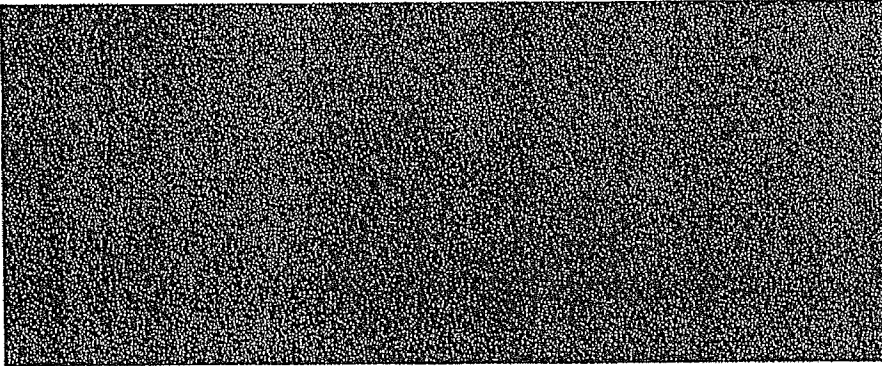
[REDACTED] stated that her son was a student at St. Agatha grammar school when Fr. McCormack befriended him. As per [REDACTED] her son [REDACTED] was eight years old and a third grader at St. Agatha when the alleged abuse by Fr. McCormack took place. When asked by PRA, [REDACTED] stated that [REDACTED] attended St. Agatha for one year, from 2003 until 2004. [REDACTED] stated that [REDACTED] is now 10 years old.

[REDACTED] shared that when her husband was deployed [to Iraq as a part of the military service], she moved her family to [REDACTED]. When she made the decision to move her family back to the Chicago area at the beginning of August of this year, her son [REDACTED] became extremely upset and disclosed the abuse by Fr. McCormack to her. [REDACTED] feels that [REDACTED] disclosure to her was prompted with the pending move back to Chicago and his possible fear that he would again attend St. Agatha.

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██████████ remarked that, "...it seemed like [Fr. McCormack] liked to be with my son..." and that suspiciously the cleric never "...looked me in the eye..." to speak with her.

When asked, ██████████ agreed to PRA providing her with information regarding the Office of Professional Responsibility. As PRA spoke of the part of the process involving scheduling a meeting with the alleged victim, ██████████ stated that she would not have her son ██████████ meet with PRA at this time. PRA expressed understanding with ██████████ statement and then suggested to forward her written information regarding the Office of Professional Responsibility and the related policies and procedures. ██████████ accepted PRA's offer of forwarding the information both to her and to her attorney Mr. Friend.



██████████ began to end the phone call and expressed her appreciation for the information provided by PRA. She stated that she wanted to speak with Mr. Friend prior to providing PRA with any further information at this point in time. When asked, ██████████ stated that she did not feel comfortable providing PRA with an address to forward information to her on the Office of Professional Responsibility. ██████████ again stated that she would discuss these matters with her attorney and then contact PRA. She indicated that she would call PRA again either later today or tomorrow.

Prior to ending the phone call, PRA asked ██████████ if she felt comfortable providing ██████████'s date of birth. ██████████ stated that she did not wish to provide such information and reiterated that she would speak with her attorney prior to calling PRA again.

Co: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. Edward D. Grace, Vicar for Priests
Ralph Bonaccorsi, Assistance Ministry
Dr. Michael J. Bland, Assistance Ministry

Office of Professional Fitness Review
676 North St. Clair, Suite 1910
Chicago, IL
60611

January 28, 2006

Francis Cardinal George, O.M.L.
Archbishop of Chicago
155 East Superior Street
Chicago, IL 60611

COPY

Dear Cardinal George,

I am writing this letter on behalf of the Professional Review Board members who participated in the January 24, 2006 teleconference regarding Rev. Daniel McCormack.

We are extremely dismayed that yet another claim of clerical sexual abuse of a minor has been brought to our attention, and that action was not taken in a timely manner. Consequently, we are revisiting this allegation through the media.

The media statements that "[the board was] unable to reach a decision because they did not have access to the alleged victim or his mother" (Sun Times, January 25, 2006), and "After the family made the accusation in August, the Archdiocese's Office of Professional Responsibility referred the allegation to the Independent Review Board" (Tribune, January 24, 2006), imply that we as a Board chose not to act. Clearly this is not the case.

While it is true that there was not a formal presentation of this allegation, we were apprised of the situation on October 15, 2005, evaluated the information at length, and made our recommendations to you. These included removing Rev. McCormack from St. Agatha's and suspending him from ministry pending further criminal investigation. These steps were recommended to ensure that a basic Board function, the safety of children while pursuing credible allegations, be maintained.

Our recommendations were presented to you on October 17, 2005 at the post-Review Board meeting. You chose not to act on them, and we now have a situation that reflects very poorly, and unfairly, on the Board.

Some have come to the conclusion that we allowed a situation where there was reasonable cause to suspect clerical sexual abuse of a minor to go un-pursued. We resent the media implication that the Professional Review Board did not find Rev. Daniel McCormack to be a threat to the safety of children. These reports do not accurately reflect the situation, and we take offense at the lack of truth telling.

We are extremely disappointed in the development of this case. We take our responsibilities very seriously, and we look forward to your addressing our concerns.

Respectfully,

Carol Richter, Vice-Chair
Richard Donohue, JD
Rev. Lawrence Dowling
Michael Jenuwine, PhD., JD

Domeena Renshaw, M.D.
Rev. Charles Rubey
Patrick Walsh, LCSW



Rod R. Blagojevich
Governor



Bryan Samuels
Director

Illinois Department of Children & Family Services

INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT--INDICATED PERPETRATOR
DECEMBER 14, 2005

Dan McCormack
St. Agatha Church 3147 West Douglas Blvd.
Chicago, IL 60623

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JAN 31 2006

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Dear Mr. McCormack,

RE: SCR# - 1661021-A
Name - St. Agatha Church

You were previously notified by a Child Protection Investigator that the Department of Children and Family Services (DCFS) was investigating a report of child abuse or neglect. After a thorough investigation, DCFS has determined that you have abused or neglected a child.

The Department has indicated you for

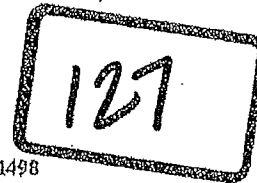
- Sexual Molestation

An indicated finding means that DCFS' investigation found credible evidence of child abuse/neglect. Credible evidence means that the facts gathered during the investigation would lead a reasonable person to believe that a child was abused or neglected.

Indicated reports of child abuse/neglect are retained on file in the State Central Register. An indicated report of Sexual Molestation is retained on the State Central register for Fifty (50) years. In general, access to the State Central Register is confidential and governed by state law. Under certain circumstances, the State Central Register may disclose the information on file about you. For example, certain occupations require background checks with the State Central Register.

You may request a copy of the investigation file by writing to the State Central Register at the following address:

State Central Register
406 E. Monroe St., station 30
Springfield, Illinois 62701-1498



406 E Monroe, Station 30 • Springfield, Illinois 62701-1498

20001 vs

 ACCREDITED • COUNCIL ON ACCREDITATION FOR CHILDREN AND FAMILY SERVICES

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MEMORANDUM

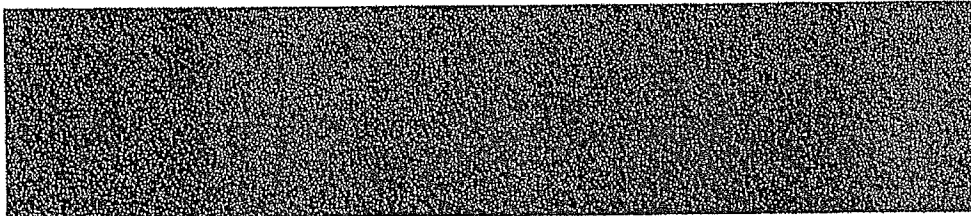
To: This is a copy of the original
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From: Leah McCluskey, Professional Responsibility Administrator

Re: McCormack, Rev. Daniel J. [Active] [REDACTED]

Date: January 19, 2006

A meeting was held this afternoon in John O'Malley's office regarding the allegation of sexual misconduct made by [REDACTED] against Rev. Daniel J. McCormack. The following were present for the meeting: John O'Malley, Director of Legal Services; Rev. Edward Grace, Vicar for Priests; Diane Dunnagan, Office of Communications; Dan Fitzgerald, Vicariate Assistant Superintendent [III]; Ralph Bonaccorsi, Office of Assistance Ministry; Rev. Daniel A. Smilanic, Cardinal's Delegate to the Review Board; and PRA.



As per Mr. Fitzgerald, there is nothing in Fr. McCormack's school files regarding any incidents involving minors.

Those present at today's meeting were informed that Ms. Barbara Westrick, Principal of Presentation Campus and Ms. Kathleen Walton, Assistant Principal of Presentation Campus have a meeting scheduled with detectives from the Chicago Police Department [CPD] at 4:00pm this afternoon. The CPD requested the meeting with Ms. Westrick and Ms. Walton as a part of their investigation into the alleged sexual abuse of [REDACTED] by Fr. McCormack. The meeting is scheduled to take place at Presentation Campus. Mr. Fitzgerald and Mr. O'Malley will be present as representatives from the Office of Catholic Schools and the Department of Legal Services respectively.

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Mr. Fitzgerald determined from officials at Presentation Campus that Fr. McCormack has been teaching a math class four days per week at the school since September 2005. A parent named [REDACTED] sat in Fr. McCormack's classes for "the first few weeks." Mr. Fitzgerald stated that Fr. McCormack was also coaching the boys' basketball team at the school [until yesterday when Fr. Grace directed Fr. McCormack to cease his contact with the team].

Mr. Fitzgerald also learned from officials at Presentation Campus that Fr. McCormack took three boys [approximately grades fifth through seventh] out of class early one day prior to Christmas vacation [December 2005]. It was reported to Mr. Fitzgerald that Fr. McCormack took the boys to Dave and Busters [an arcade, restaurant, and bar] and then returned them home at the end of the day.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. Edward D. Grace, Vicar for Priests
John O'Malley, Legal Services
Ralph Bonaccorsi, Assistance Ministry

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email: dsmilanic@archchicago.org

Rev. Daniel A. Smilanic, JCD
Promoter of Justice *in causa poenale*
& the Delegate of the Cardinal to the
Professional Responsibility Review Board

January 24, 2006

Ms. Leah McCluskey
Professional Responsibility Administrator
Archdiocese of Chicago
P. O. Box 1979
Chicago, IL 60690-1979

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JAN 24 2006

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Dear Ms. McCluskey,

As the Promoter of Justice *in causa poenale* for the Archdiocese of Chicago and as the Delegate of the Cardinal to the Professional Responsibility Review Board, with this letter I submit for formal consideration two allegations of sexual abuse against the Rev. Daniel J. McCormack, a priest ordained for the Archdiocese of Chicago in 1994 and still incardinated into the same. I do this with the express verbal consent of the Vicar General of the Archdiocese of Chicago, the Most Rev. George Rassas, and with the agreement of the Rev. Edward Grace, Vicar for Priests.

The allegations involve two minors: [REDACTED]

With regard to [REDACTED] information that has been received that alleges that he was abused sexually by Fr. McCormack. Rather than delay the submission of the [REDACTED] allegation to the Board until a parent formalizes it in the customary manner, I now submit it to the Board for their assessment in accord with Norm 4a of the *Essential Norms Dealing With Allegations Of Sexual Abuse Of Minors* (USCCB).

With regard to [REDACTED] information has recently come to the attention of the Archdiocesan authorities that alleges that he was abused sexually by Fr. McCormack. The information has led the civil authorities to bring criminal charges against Fr. McCormack; such legal action provides a basis for a canonical investigation. Rather than delay the submission of the [REDACTED] allegation to the Board until a parent formalizes it in the customary manner, I now submit it to the Board for their assessment in accord with Norm 4a of the *Essential Norms Dealing With Allegations Of Sexual Abuse Of Minors* (USCCB).

In accordance with *The Policies and Procedures of the Archdiocese of Chicago*, Sexual Abuse of Minors, §1104.8, I request that these be scheduled for the immediate consideration of the Board as Initial Reviews.

Rev. Daniel A. Smilanic
Promoter of Justice *in causa poenale*
& the Delegate of the Cardinal to the
Professional Responsibility Review Board



CB5 00020