

An Open Letter to Pope Francis

November 21, 2014

Pope Francis
Apostolic Palace
00120 Vatican City State
Europe

Re.: A request for an investigation into the behavior of the Archdiocese of Milwaukee in its dealings with victims / survivors of clergy sexual abuse within the context of a Bankruptcy Court case.

Dear Pope Francis,

We are a unique collaboration between victims / survivors of childhood Catholic clergy sexual abuse and supporters of the victims / survivors. We need your immediate assistance and we hope that this letter will be a beginning to an open dialogue.

We have said before and we now say again, the kiss of Judas may well be Christ's most painful wound, as all of His anguish, torment, and suffering flowed from that one act of betrayal. The suffering of sexual abuse victims is like this – a startling act of betrayal, sometimes violent, and always scarring – which renders a child or adolescent without words or a context with which to speak. With maturity and experience, the child or adolescent, now an adult, grows in understanding and horror, and learns the vocabulary necessary to describe their experience. Some choose to remain silent, some choose to speak. With either decision the victim / survivor suffers.

Survivors of clergy sexual abuse perpetrated by clergy members of the Archdiocese of Milwaukee were betrayed. Over the past two to three decades, those who chose to come forward were re-victimized, patronized and dismissed; many were deceived with false promises and financial tokens. Those who would not be dismissed remain caught in the crushing legal machinery of the Archdiocese of Milwaukee. The latest example is the bankruptcy proceeding which has been meant to exhaust, silence, and slander victims / survivors, as well as to serve as a warning to others. If the Archdiocese of Milwaukee wanted to demonstrate genuine concern for victims / survivors, its leadership would have and could still choose to put a stop to these painful and traumatic legal proceedings immediately and pursue true justice.

We explain this need for papal intervention in six points.

First. On January 4, 2011 Archbishop Jerome ListECKI directed attorneys for the Archdiocese to file a petition for a Chapter 11 reorganization of its financial affairs under the U.S. Bankruptcy Code. At that time, Archbishop ListECKI explained that this action would provide a means to compensate victims / survivors with unresolved claims while also providing the means for the Archdiocese to continue its

essential ministries. That process would be fair and open, he said, to all who have an unresolved sexual abuse claim; no eligibility requirements were mentioned that would qualify the term “unresolved claim”.

Second. The Archdiocese went to great effort and expense to invite into the bankruptcy process the victims / survivors of sexual abuse “by any clergy member, teacher, deacon, employee, volunteer, or other person connected with the Archdiocese of Milwaukee”, as was stated on the public postings about filing a claim before the February 1, 2012 bar date. Indeed, the bankruptcy claims process seemed inviting, not restrictive; it created hope for justice and healing.

Third. 575 claims were submitted to the bankruptcy court by people stating that they had been sexually abused by a person “connected with the Archdiocese of Milwaukee”, such as by a cleric (priest or deacon, diocesan or religious), by a teacher, by an employee, by a volunteer, or by another person connected with the archdiocese.

No eligibility restrictions were ever stated by the Archdiocese. Indeed, it could be that survivors of sexual abuse interpreted the process as one in which the Archdiocese of Milwaukee was finally wanting to do what is right, just and good. The gesture by the Archdiocese could have been seen to indicate that the Church was willing to remedy abuse cases even if beyond the statute of limitations (truly, it’s difficult for some survivors to speak up promptly), or even if there was a prior settlement (maybe it wasn’t really fair), or even if the abuse was by a religious order priest (after all, they can’t serve in the Archdiocese without the permission of the Archbishop). Indeed, the bankruptcy claims process seemed inviting, not restrictive.

Fourth. In July 2013 it came to light that in 2007 then-Archbishop Timothy Dolan, now the Cardinal Archbishop of New York, requested Vatican permission to transfer approximately \$57 million from accounts of the Archdiocese to a new Cemetery Trust. In that request letter, Archbishop Dolan stated the reason for creating the Cemetery Trust was to “provide improved protection of these funds from any legal claim and liability”. Think about that for a moment. He wanted to avoid paying legal claims and liabilities. He wanted to avoid paying victims / survivors of clergy sexual abuse. He was willing to violate the virtue of justice rather than to compensate victims / survivors. That revelation scandalized many persons, Catholics and non-Catholics alike. And hope began to fade.

Furthermore, last February the Archdiocese submitted to the bankruptcy court the first draft of its reorganization plan. In this document we learned that the Archdiocese was objecting to all of the 575 claims; not even one claim has legal merit, the Archdiocese contends. However, the plan does indicate that the Archdiocese would be willing to compensate approximately 125 claimants, but only because doing so would be less expensive than fighting these claims in court. So, they would be paying them reluctantly, continuing to hold that no claim has legal merit. Why?

The Archdiocese has created and plans to enforce eligibility requirements that were never communicated to victim / survivors or the members of this Archdiocese before claims were submitted to the bankruptcy court. Claimants who have unsettled claims of sexual abuse have been traumatized unnecessarily, and for most of these claimants they will be deprived of monetary satisfaction; their hope for justice has been shattered.

In other words, had the Archdiocese made known to potential claimants at the onset of the bankruptcy process its intention to object to virtually all claims by victim / survivors and to enforce unjust eligibility requirements, many survivors would not have endured the trauma of writing a detailed report of their abuse or had hope that this Archdiocese was finally going to take responsibility for its actions. Truly, the Archdiocese has injured the claimants.

Our alliance would not have encouraged victim / survivors to come forward if we had known that the Archdiocese would be willing to spend four years and millions of dollars to object to each and every claim.

In addition, given that justice concerns both the equity between the parties and the common good of society, the general public has been damaged in that its reliance on the Archdiocese to be a moral leader in the community has been shaken and diluted, all to the detriment of the society at-large.

Therefore, we contend: (1) that the Archdiocese wrongfully concealed its intention to apply eligibility requirements in evaluating sexual abuse claims; (2) that this concealment was known and intended by the Archdiocese prior to the claimants filing their claims; (3) that this concealment was for the purpose of inducing persons with an unresolved sexual abuse claim into the bankruptcy process; (4) that the claimants trusted the Archdiocese's stated purpose for entering the bankruptcy process; and (5) that claimants have been harmed by the concealment.

Consequently, this behavior by the Archdiocese has damaged claimants, the Church community, and the general public. This behavior has created scandal.

Fifth. Proceedings within recent bankruptcy court hearings reveal that, although the Archdiocese could alter its approach and its reorganization plan, the Archdiocese appears to intend to continue on the course it has been following and no noteworthy alteration is in the offing. They intend to object to all the claims.

Sixth. In a document recently made public by the bankruptcy court, one of the attorneys in this case states that the attorney fees and other administrative fees paid so far are approximately \$18 million. There is enough money to compensate attorneys, but not victims / survivors. Is the Archdiocese of Milwaukee actually bankrupt? In other words, if the Archdiocese has no intention of paying most if not all of the claims, and if the Archdiocese is able to pay \$18 million for attorneys and other expenses, is the Archdiocese really bankrupt and in need of federal protection to reorganize its financial affairs?

Conclusion. This bankruptcy case, as it has been conducted by the Archdiocese, is not what the people of the Archdiocese expected or want. Rather, the Archdiocese's handling of this bankruptcy case has been scandalous and unjust. Even some legal experts throughout the United States are referring to the Archdiocese's case as an example of how not to handle a bankruptcy case.

Pope Francis, please help us. Please send a delegate to investigate this matter and then report the findings back to you and to the general public.

Sincerely yours,

/s/

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