

February 17, 2004

Dear Friends in Christ,

In the last eight months since I communicated with you in this manner, the Archdiocese of Portland has continued to work hard to ensure the safety of every child and young person in every Archdiocesan setting. We continue to implement safety and abuse prevention programs in our schools and in our parishes. I am grateful to all of you who have cooperated in this endeavor. We are pleased that an audit conducted here in mid-September found the Archdiocese in full compliance with the 2002 Bishops' Charter for the Protection of Children and Young People. A number of my weekly columns in the Catholic Sentinel have been devoted to pastoral concerns about child abuse and our efforts to keep our children safe. If you haven't had a chance to read these columns, I hope you will find time to check them out on the Archdiocesan website: www.archdpx.org.

Even as we continue our work to prevent child abuse, we are still dealing with legal cases from decades past. We are making every effort to settle these cases and bring some measure of healing and closure, but much remains to be done. Today, I would like to bring you up to date in the same question and answer format many of you found helpful last year.

1. How many claims against the Archdiocese have been settled? How many are still pending?

Since I last wrote to you in June 2003, 25 more claims have been resolved. Most were mediated and settled by the parties; some were dismissed by the court.

Forty-eight claims are presently pending against the Archdiocese, alleging acts that occurred from 18 to 40 years ago. Forty of these were recently filed and are in early stages of information gathering. The other eight claims were not successfully mediated, so they have not been settled and are headed for trial. We are prepared to defend these cases vigorously, if need be. However, our efforts to resolve each case are ongoing. Again I assure you that I am committed to compensating each injured plaintiff fairly, within the limited resources of the Archdiocese.

2. Where did the settlement money come from?

To date we have funded settlements from a combination of sources: insurance coverage provided by commercial insurance carriers; the Archdiocesan Insurance Fund (which is now depleted and operating in the red); and other funds of the Archdiocese not held in charitable trust. To help provide settlement funds, we laid off 20 staff members and have instituted a number of cost cutting measures at the Pastoral Center. We are also borrowing substantial sums of money and pursuing recovery of what is owed to the Archdiocese by insurance companies.

What we have not done, and what I cannot do, is fund settlements using parish assets or other assets held in charitable trust (e.g., Archbishop's Appeal funds, Priest retirement funds, Catholic Education Endowment funds, and the like). It would be a violation of canon law to seize parish property or use trust funds. I do not intend to violate canon law. I am still hopeful that we will be able to successfully move beyond this litigation. Much will depend on whether we can resolve the pending claims for reasonable amounts.

3. I heard about the Catholic Bishops Study. What is that and when will it be released?

In the Charter for the Protection of Children and Young People, the bishops set up a National Review Board made up entirely of lay people. The bishops asked the Board to commission a study on the nature and scope of the problem of sexual abuse of minors by Catholic clergy within the United States. The results of this study will be released next week. It will provide information on the number of clergy who have been accused of sexual abuse of minors, the number of persons making allegations and the financial costs of compensating individuals.

This study is extraordinary. No other organization or profession has done a comparable study. The bishops took this risk as a sign of their willingness to be accountable and to be sure that the steps being taken by each diocese are sufficient to overcome the problems of the past.

4. How does the situation in the Archdiocese of Portland in Oregon compare with national results?

I do not know the results of the bishops' study at this time, but I can share some information concerning our own situation. Over the past 53 years, from 1950 through 2003, 37 priests have been accused of sexual misconduct with a minor while working in an Archdiocesan ministry assignment. During those 53 years, there were at least 1150 priests serving in those Archdiocesan assignments. This number includes diocesan priests of this or another diocese, and religious order priests serving in a parish or other assigned ministry.

One hundred eighty-one persons have made allegations against these 37 priests. This total of 181 includes all allegations made from 1950 through 2003, whether substantiated, credible, questionable or likely false. Seventy-six of the allegations were made against the same 2 priests. Over the last 53 years through the end of 2003, the Archdiocese has paid almost \$26 million out of its own funds in settlements. Its insurers paid an additional \$27 million. Most of the total amount paid in settlements has been paid during the last four years. As noted above, the Archdiocese is pursuing further recovery from insurance companies.

5. Why are the settlements so expensive?

We consider a number of factors in determining what would be a reasonable settlement amount in a particular case: the credibility of the claimant; the harm he or she suffered; whether the priest accused is alive and able to defend himself; and the legal and financial risks inherent in taking the case to trial.

The litigation in which the Archdiocese has been involved relates to incidents that allegedly occurred as far back as 1940. We are faced with great challenges in evaluating these claims. Most of the accused priests are dead or mentally unable to defend themselves. All of the Archbishops who supervised the accused are dead, as are other necessary witnesses. Documents which might shed light on the allegations, if there were any, are no longer available.

Another reason why settlements are so high is that Oregon law is very unfavorable to the Archdiocese in these cases. Oregon is the only state in which an employer may be held liable for alleged acts of child abuse in decades past, by a long deceased employee, based on the uncorroborated testimony of a plaintiff – even when there is no evidence that the employer knew or could have known of the misconduct alleged. Oregon law on the statute of limitations is also unique and very favorable to plaintiffs in these cases. Very old claims are allowed to be brought decades later.

Some of you have asked how we know the Archdiocese is not paying on any claims that are exaggerated or even false. We don't know – we can only do our best in a challenging legal situation.

6. Are there accused priests working in our parishes or other pastoral assignments?

No Archdiocesan priest against whom an allegation of abuse has been made is serving in an Archdiocesan ministry assignment.

Whatever the national study may report about the number of victims and abusers among the tens of thousands of priests who have served in the last 50 years, one abuser and one victim are one too many. The care of young people is among the Church's most important obligations. I assure you once more of my commitment: to promote healing and reconciliation with victims of child sexual abuse; to effectively respond to allegations of sexual abuse of minors by Archdiocesan personnel; to ensure compliance with the procedures we bishops adopted in the Charter; and to protect the faithful in the future. Please join me in these efforts and in praying for the protection of our archdiocesan church and for our success in resolving the remaining claims.

Sincerely yours in Christ,

Most Rev. John G. Vlazny
Archbishop of Portland in Oregon