

Most Reverend Jerome E. Listecki
Archbishop of Milwaukee
Legislative Testimony
Senate Bill 319
January 12, 2010

Thank you Senator Taylor and fellow committee members. I am Jerome Listecki, Archbishop of Milwaukee, testifying in opposition to Senate Bill 319.

As I begin, I also want to thank Senator Lassa and Representative Parisi for their obvious passion regarding the protection of children.

The Catholic Church shares that passion.

I was ordained a priest for the Archdiocese of Chicago in 1975. Never could I imagine that I would be publicly apologizing for the inappropriate, criminal and sinful actions of some priests for the horror of sexual abuse of minors. This crime goes against everything the priesthood and the Church represent. There isn't a bishop, priest or Catholic parishioner in the United States who doesn't feel the shame that this tragedy has generated.

It is a horror that we can never erase, and for which, we will always atone. And again today, as a representative of the Church, I apologize to victims/survivors and their families for the harm that has been caused.

While we cannot change what has happened, we CAN continue to learn from it. In the past seven years, the Archdiocese of Milwaukee has implemented sexual abuse safe environment programming in classrooms, which has educated more than 100,000 children and youth. In addition, 40,000 adults – priests, deacons, staff, volunteers, coaches, teachers, etc. – have been educated through a sexual abuse prevention and safe environment program. This training is mandatory, as are criminal background checks.

More importantly, we have reached out to victims/survivors. An independent mediation system provides a non-threatening avenue for individuals to reach resolution with the Church. Individuals work through a third-party mediator with independent in-take reporter and mediators. They have the opportunity to seek a holistic resolution, which definitely includes a financial component, but also includes care for the individual by offering therapy, emotional care, pastoral outreach and support, and spiritual guidance, if so desired.

Through this independent mediation system, the Church has reached resolution with more than 180 individuals.

The Catholic Church in the State of Wisconsin has also worked in concert with the State Legislature to adopt laws that protect children. You recall that the Wisconsin Catholic bishops fully supported the passage of the 2003 Wisconsin Act 279, which made clergy mandatory reporters of child sexual abuse; extended the statutes of limitations for victims/survivors; and clarified that victims/survivors may sue religious organizations for negligence.

We did so because it is the right thing to do.

We have also scrutinized our own organizational structures. Nothing is taken for granted. The protection of children and young people today is of primary concern.

In the past, the Church was, at times, an example of what NOT to do; now, thankfully, the Church is a model for society on what TO DO.

You have heard the bill's authors, and you will hear others today, tell you that the objective of this legislation is to hold perpetrators accountable, to promote justice, and to prevent future abuse.

Unfortunately, this bill doesn't do what those individuals say it will do.

Namely, this bill does not hold perpetrators accountable. No one will be arrested. No offender will go to jail or go to prison because of this legislation. You all are aware that the criminal statute of limitations won't be altered retroactively.

You will hear that this legislation will identify more perpetrators. I am not certain that is true, but more importantly I ask, what do supporters suggest will happen with those perpetrators once those names are identified? Many, erroneously, believe the names will be added to a list of sexual offenders. They will not. The State will not add them to the sexual offender list because they have not been convicted of a crime.

However, in the Archdiocese of Milwaukee, such a list does already exist for our priests. The name of every diocesan priest with a substantiated allegation of sexual abuse of a minor is complete and public, listed on the archdiocesan web site since 2004. A copy has been provided for your reference.

To my knowledge, no similar lists exist for public schools, or other public or private institutions.

This bill will have the effect of doing something that everyone will go out of their way to tell you they don't want it to do, that is, targeting the Catholic Church.

We need only to look at Delaware where similar legislation resulted in more than 80 percent of the cases in litigation being brought against the Catholic Church. We know from statistics that, certainly, Catholic clergy do not make up 80 percent of the offenders in this societal atrocity. In fact, during Assembly Committee testimony this past November, supporters of this bill testified that, indeed, Catholic clergy make up only one to two percent of child abusers.

Yet, the Diocese of Wilmington, the only diocese in Delaware, filed for bankruptcy.

During the hearing in the Assembly, it was stated that if this bill drove a diocese into bankruptcy then, "so be it." Perhaps in communities with low unemployment rates and a large number of non-profit organizations, bankruptcy for the Catholic Church won't matter.

But, it will matter in many places throughout Wisconsin.

Bankruptcy will matter to persons with disabilities in Superior who rely on the Challenge Center operated by Catholic Charities, and in Medford where Catholic Charities operates Black River Industries.

Bankruptcy will matter to those who live in Church-sponsored housing for low-income elderly in Siren, Amery and Rhinelander.

Bankruptcy will matter to the homeless families in Green Bay where the diocese saved a shelter that was about to close.

It will matter to children attending central city schools or relying upon food pantries.

In addition, we cannot ignore the injustice of targeting the Catholic Church. An editorial last week, responding to my installation as Archbishop of Milwaukee, called for justice for victims. Yet, an editorial from that same editorial board, written after the Assembly hearing, called for this very bill to be amended to exempt small churches with fewer financial resources.

I ask you this: If this bill has the capacity to bankrupt both large and small churches, then why offer protection only to the small? And, more importantly, are the victims of a clergy member from a small congregation not entitled to and deserving of the same justice?

We see this same disparity in relation to public institutions. This legislation exempts public school and other government institutions under sovereign immunity. Are those victims not entitled to the same justice? And should the Catholic Church again be targeted, in effect, if not in intent?

As an alternative, you may wish to consider commissioning a study to understand more fully the causes and contexts of child sexual abuse. Such a study, commissioned by the Catholic bishops of the U.S., by the John Jay College of Criminal Justice, has helped us to better understand what went wrong and why. An examination of public institutions could help you and all our citizens to see how, where, and when sexual abuse of children has occurred, and allow a full discussion of how ALL victims/survivors can receive equal treatment under the law, regardless of where their abuse occurred.

As Senators, you work to advance the common good, to ensure justice for all. The past three times this legislation has been discussed in the Legislature, you determined it did not achieve that goal.

In the past seven years our Church has been on a painful journey of self-examination and repentance. Our journey is not yet complete, but we are resolved to see it through. We have learned from our mistakes.

I am determined not to forget the lessons learned. The apology I offered last October and which I offer again today is matched by my offer to work with you in seeking constructive solutions that challenge all of us in society to do right by our children.

That will better serve all of us than will this proposal.

In the interest of justice, you did not enact this bill before. Do not enact it now.

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