

**Most Reverend Timothy M. Dolan
Archbishop of Milwaukee
Legislative Testimony
January 16, 2008**

Thank you Senators. I am Timothy Dolan, Catholic Archbishop of Milwaukee testifying in opposition to Senate Bill 356.

While it is always an honor to appear before public servants such as you, I must admit that this privilege is tempered today by sadness. The fact this bill is even before you is a recognition that individuals and institutions, including clergy and churches, have failed to protect children from sexual abuse. Never do I pass up an opportunity to publicly apologize for this horror, sin, and crime, and today, I do so again, especially to victims/survivors and their families, as well as to the people of Wisconsin.

My sadness is also tempered by the knowledge of what Catholic people and their pastors have accomplished – nationwide – but particularly in Wisconsin over the past six years.

Yes, I come before you this afternoon representing a Church that is ashamed; ashamed of its past handling of incidents of sexual abuse, ashamed of the actions of a small minority of priests who tragically acted contrary to everything

the Church stands for, and of some bishops who may have enabled their behavior.

But, I also come before you this afternoon, representing a Church that, with the help of its people, has risen to leadership on this issue.

Doctor Paul McHugh, an internationally-respected psychiatrist and expert on child abuse at Johns Hopkins University, has stated that no one organization is doing more to prevent child abuse, and help those who have survived it, than the Catholic Church. The Catholic Church is now a leader in how to prevent and respond to sexual abuse of minors. In the past, the Church was, at times, an example of what NOT to do; now, we are looked to as a model of what TO do.

In my various communications to the legislative leadership during these past years, I have observed often – “much has been accomplished, but there remains much to do.”

Some of the things we have done include:

- Having an office for Sexual Abuse Prevention and Response Services, staffed by a full-time professional who has an excellent reputation within the community on this issue, as an advocate for victims/survivors;

- Providing mandated safe environment training for more than 28,000 parish and school staff and volunteers who work with youth -- training that helps people to recognize the signs of abuse and neglect, and educates people on how to report it;
- Publicly identifying all diocesan priests, deceased and alive, who have been removed from ministry because of a substantiated allegation of sexual abuse of a minor;
- Personally meeting with dozens of victims/survivors, and offering to meet with any victim/survivor or family member who wants to meet with me;
- Establishing an independent Review Board, led by former Lt. Governor Margaret Farrow, and staffed by experts in sexual abuse, who have the clout to "hold our feet to the fire," making sure we are keeping the promises we have made;
- Participating in four outside, independent, professional audits that have shown the archdiocese to be in full and complete compliance with rigorous standards;

- Mandating criminal background checks on every priest, deacon and seminarian; every archdiocesan, parish or school employee; and every coach and volunteer who has regular interaction with children;
- Turning over all reports of sexual abuse of a minor to the appropriate district attorney whenever the accused is still alive;
- Releasing all documents of accused priests to the Milwaukee district attorney's office for review to determine if there are outstanding criminal cases;
- Hosting public listening sessions gathering together community leaders, civic officials, church leaders with victims/survivors as a stepping stone toward healing;
- Establishing a voluntary, independent mediation system that has resulted in resolution with nearly 170 victims/survivors, providing psychological, spiritual and financial assistance to victims/survivors.
- Supporting, along with the Jewish Conference and the Wisconsin Council of Churches, a law you enacted four years ago to add clergy to the list of "mandatory reporters" of child abuse;

- At the same time, supporting a substantial extension of the statute of limitations on civil lawsuits against those who sexually abuse children.

As I acknowledge that there is always more that can and must be done, I must be candid in observing that in opening a window that nullifies the statute of limitations for cases of long ago, this bill goes radically too far.

This bill, if enacted, will do great damage to the one and one-half million Catholic citizens of this state. It will kneecap or even eliminate our ministries to vulnerable and needy people. It will saddle this generation of Catholic people and the next, with the inevitable loss of services and ministries caused by a radical new requirement to deal with the sins and bad judgment of past generations. Today's parishioners were children themselves when these horrible deeds and misjudgments took place. They abhor it with every bone in their body. They are now working hard with the Church to eradicate the harm done.

As you consider this bill, please keep in mind that we have not used the statute of limitations to shirk our responsibility to victims/survivors of sexual abuse.

Our archdiocese made a commitment to reach out to those wounded by abuse.

With the help of people like Judge Janine Geske, and under the leadership of Eva

Soeka and Marquette University's Center for Dispute Resolution, an independent mediation effort for victims was created in 2004. We committed ourselves to assist victims, "to the point of sacrifice."

To date we have reached mediated settlements with nearly 170 victims/survivors, including not only a financial resolution, but pastoral, spiritual and emotional care for individuals and their families, including ongoing therapeutic care. This mediation program works and we have sacrificed to do it.

The cost of mediation, settlements, therapy, and outreach has cost more than \$17 million since 2002.

Since 2002, we have sold property, scaled back programs, reduced services to our people, laid off staff, delayed needed initiatives, borrowed money, and even put our headquarters and property, property the Church has owned for more than a 150 years, up for sale. There is no Catholic "Superfund" that can provide the monies this legislation will require of the Church. The costs of this legislation would be borne through the loss of services to every parishioner of southeastern Wisconsin. We do not have the resources others may tell you are secretly hidden somewhere. Our financial operations are an open book.

Believe me, I tell you this not for your sympathy -- on this issue the Church neither asks nor deserves it -- but I tell you this because we are at the limit of our ability to pay massive tort settlements. As you know, the result of similar, unfortunate legislation in California, and corresponding settlements reached there in 2006, pushed the Archdiocese of Milwaukee to the brink of bankruptcy; enactment of this legislation again raises that possibility, which would clearly help no one.

I am neither a constitutional expert nor a legal scholar. But I can say that this bill, because it does not address the issues of *sovereign immunity* and *caps on damages* -- a protection provided to government and municipal entities such as public schools -- will invite greater litigation against churches and other non-profit groups more than against public sector entities that may have made similar or even worse errors.

Plain and simple, a window is unjust. It will unfairly target churches, especially the Catholic Church, and non-profit agencies.

Jesus taught, "the truth will set you free." Facing the truth of our past personal and institutional horrors has been very difficult. Facing the truth that those failures caused great pain and suffering to innocents has been even more so.

None has been more difficult than what victims/survivors and their families have faced.

Facing that truth head on has made us not only sadder, but also wiser. I want the progress we have verifiably made to continue. Yet, I fear for that progress if the radical law now under discussion takes force.

This drastic law will penalize today's innocent Catholics and others who had no part in what happened. It will damage the Church's ability to be an active servant to those in need of schools, social services, shelters, soup kitchens, Catholic charities and counseling, and the other public goods our faith community carries out every day in collaboration with our neighbors, regardless of their religion, in Wisconsin.

It is for the sake of these good people - and for the good work they do – that I ask you not to approve this bill. I sure appreciate your listening.

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