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June 1, 2021

VIA E-MAIL ATTACHMENT AND U.S. MAIL

Honorable Joshua L. Kaul
Attorney General for the State of Wisconsin
c/o Eric J. Wilson
Deputy Attorney General
State of Wisconsin Department of Justice
Room 114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857

Re: *Clergy and Faith Leader Abuse*

Dear Attorney General Kaul:

Thank you again for meeting with us on May 18 to discuss your announced program and the document requests made to the Archdiocese of Milwaukee (“AOM”). We went to the meeting hoping that the Attorney General would reconsider these requests because we believe they are unlawful, but we remain equally hopeful that, after reviewing this correspondence, the alternative pathway the AOM proposes will give the Attorney General the assurances sought.

Specifically, we believe there may be a way to make lawful requests to the AOM. In our conversation on May 18, you indicated that one of your principal concerns is determining whether the AOM’s posted list of substantiated abusers is complete. In this regard, you are currently taking complaints from citizens via a toll-free number and a secure web page reporting form. If you were to receive the name of an alleged perpetrator from the ranks of the AOM’s living diocesan priests,¹ then that information should of course be forwarded immediately to the District Attorney for the county in which the abuse allegedly occurred. Moreover, if you provide that information to us, on behalf of the AOM, the AOM will promptly provide access to any available information to your office and to the applicable District Attorney so that the

¹ As we discussed and agreed during our meeting, there is no legal basis to undertake any investigation related to alleged abuse by now-deceased AOM priests or any other deceased alleged perpetrators.

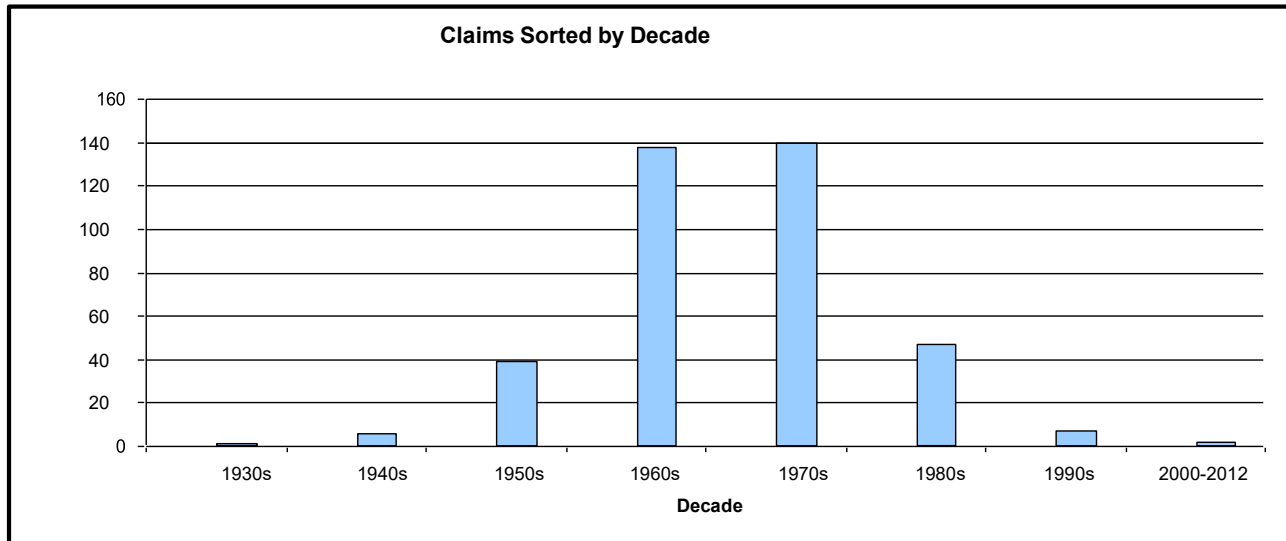
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applicable District Attorney can undertake a thorough criminal investigation and make an informed charging decision. Former Chief Judge Susan Kelley's statements made during the AOM's restructuring proceeding are just as true today as they were when Judge Kelley stated that "no public safety concern is present." The AOM is a national model for its safe environment protocols and this process can only help the AOM honor its promise to assure that its parishioners and all citizens, especially minors, remain safe.

We also believe it is important to remind you about the context in which you issued these demands. Clergy sexual abuse of minors is an historical problem within the Catholic Church. We urge you to review the Disclosure Statement approved by the Bankruptcy Court, especially pages 19-26 and 47-50 which we provide along with this letter.² The first section referenced at pages 19-26 provides a comprehensive summary of the historical nature of the problem of sexual abuse of minors by clergy within the Catholic Church, the numerous independent investigations and inquiries completed by retired members of the judiciary and preeminent legal authorities, the current policies in place and the success of those policies. For example, the Chapter 11 was filed on January 4, 2011. The AOM spent several hundred thousand dollars providing notice to all potential Abuse Survivors to file a proof of claim before February 1, 2012, (the Abuse Survivors' Bar Date which was established by the Court). In addition to the substantial notice provided by the AOM, several lawyers representing Abuse Survivors purchased paid advertising in print, on the internet, on radio and on television to solicit clients and to make sure that all claims were filed before the Bar Date. The AOM estimates that these lawyers expended more than \$1,000,000 to solicit potential clients.

Ultimately, 578 claimants filed Proofs of Claim alleging sexual abuse. The chronological distribution of those claims provides important insight regarding the success of the AOM's (and the Catholic Church's) procedures for dealing with the protection of children and the issue of sexual abuse of minors. Page 24 of the Disclosure Statement includes the following bar chart:

² We are providing a copy of the *Fourth Amended Disclosure Statement for the Second amended Chapter 11 Plan of Reorganization Dated September 25, 2015, Proposed by the Archdiocese of Milwaukee* [Dkt. No. 3277] (the "Disclosure Statement") that was filed and approved in the Chapter 11 referenced above. This document includes a discussion of this process.



The chart demonstrates that 99% of the filed claims involved allegations that pre-date 1990. Six of the 578 claims involved allegations from the 1990's and only one claim involved abuse beyond 2000. These facts are consistent with the AOM's substantial efforts to address this scourge successfully.

Pages 47-50 of the Disclosure Statement include Section VI on the "Debtor's Voluntary Non-Monetary Undertakings for the Protection of Children." These procedures were a formal part of the resolution of the Chapter 11, even though the AOM had been following most of them for years before the Chapter 11 was filed. Their inclusion within the Chapter 11, and their approval by the Bankruptcy Court, was to make sure that Abuse Survivors knew that the AOM took this problem seriously, had been working to eradicate the issue, and voluntarily agreed to be bound by a federal court order requiring the AOM to adhere to these procedures.

Some additional context is important here. During the Chapter 11, the lawyers for various Abuse Survivors filed a motion to unseal the Proofs of Claim filed pursuant to the confidentiality protections mandated by the Bankruptcy Court. Based upon the AOM's court-approved promises to protect the abuse survivors, the AOM opposed this request. As a part of the Chapter 11, the Bankruptcy Court created protocols which allowed the Abuse Survivors who filed Proofs of Claim the complete freedom to decide whether to file their claims on the public docket or under seal. The AOM had nothing to do with these decisions. Fewer than 5% of the claimants, a total of 28, filed their Proofs of Claim on the public docket. The remaining claims were filed under seal based on the Bankruptcy Court protections. Even today, these

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proofs of claim remain under seal and cannot be made public as required by the final, non-appealable order of the Bankruptcy Court.³

At a hearing on February 29, 2012, the Bankruptcy Court heard argument on a motion to release certain statistical information gleaned from the 578 Proofs of Claim because certain lawyers such as Jeff Anderson and certain advocates such as Peter Isely had made irresponsible and untrue allegations that children were at risk within the Archdiocese of Milwaukee, speciously arguing that releasing even more information was a necessary step for the protection of children within the Archdiocese of Milwaukee. The Bankruptcy Court thought otherwise and made a specific finding in contravention of these assertions. In the Court's Minute Entry from the hearing [Dkt. No. 649, attached], the Bankruptcy Court stated as follows:

The Court gave assurances that after a review of each and every claim, no public safety concerns are raised by the proofs of claim filed by the abuse claimants. **The vast majority of the claims allege abuse that occurred in the 1950's, 1960's and 1970's. For the most part, the alleged abusers named in the claims are those previously identified by the Debtor as having substantiated abuse claims made against them. Many of those individuals are deceased; the others have been removed from priestly ministry.** Accordingly, because **no public safety concern is present**, and the cost and time involved in compiling an agreed-upon statistical analysis could be prohibitive, and lead to the release of confidential information contained in the claims, the Court denied the Debtor's Motion.

Emphasis Supplied.⁴

During the hearing, former Chief Judge Kelley made the following additional comments:

. . . my review shows there is no public safety concerns with those claims – none whatsoever. The claims are old, the claims are by these known abusers with very few exceptions. Somebody took the numbers that were stated here on to the courthouse steps and made a statement about public safety concerns and, of course, people are going to be upset by that. I would be too. But it's not true. There is no public safety concern in the claims. I've reviewed every single one. We worked on confidentiality orders in this case. We spent time and effort and legal fees. I want the confidentiality orders respected.

³ Of course, Abuse Survivors may elect at any time to make the information contained in their proofs of claim public even if they elected to file their claims under seal. (*See Order Approving Debtor's Motion for Order Establishing Deadlines for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof*, Dkt. No. 331, at ¶ 24(v). However, unless and until an Abuse Survivor elects to make the information public, the claims and the information contained therein are under permanent seal and kept confidential. (*Id.* at ¶ 24(iii)). The Office of the Attorney General received a copy of this Order. (Certificate of Service dated July 20, 2011, Dkt. No. 342, Ex. A at p. 34.)

⁴ An audio file of the hearing is available at Dkt. No. 648 in the Bankruptcy Case.

I want to assure everyone I have read every claim. There is no such crisis. We want to keep these people's confidence. We want to protect those against whom abuse allegations have not been substantiated.⁵ We worked this out in the beginning of the case. Last week's hearing or two weeks ago hearing was very impassioned. It's important, it's serious. Emotions were high. I understand. But we are not going to go back against the confidentiality orders that were negotiated and agreed to and entered by this Court. We're not doing it now.

Emphasis Supplied.

The AOM continues to pay for therapy for Abuse Survivors and this program was memorialized by the Final Order of the Bankruptcy Court. In addition, the AOM continues to train all priests, deacons, parents, teachers, and volunteers to make sure that children remain safe. In fact, the Catholic Church in Wisconsin, if not the country, is the largest provider of training to protect children from sexual abuse. The AOM itself has provided safe environment training to almost 100,000 individuals who work with minors.

Having worked with Abuse Survivors for the past 30 years, it is the AOM's experience that conducting an investigation like the one proposed here will not lead to "healing." Rather, it will lead to the further victimization of those who have already suffered significantly. Particularly given the amount of time that has passed since this issue first became public as well as the information discussed above in this section, there is simply no benefit to your office attempting to conduct this type of unwarranted investigation in the absence of any legal authority and in the absence of any defined and reachable goals.

The names of all clergy against whom substantiated allegations have been made has been posted on the AOM's internet site for nearly 20 years, see <https://www.archmil.org/clergy-abuse-response/restricted-priests.htm>; moreover, in 2013, the AOM posted on its internet site the documents, narratives, and chronologies related to the clergy listed at the site referenced above.

As discussed below, there are legal issues with the Attorney General's requests, but putting those considerations aside for the moment, the Attorney General's requests are particularly inappropriate because the AOM already voluntarily made public on its internet site the documents, narratives, and chronologies related to the clergy listed on the AOM's website.

⁵ Please note this comment by the Bankruptcy Court. Judge Kelley was sensitive to the need to protect those against whom unsubstantiated allegations had been made. Just one of the many problems with Exhibit A is that it makes no distinction between persons against whom allegations have been substantiated and persons against whom allegations have not been substantiated. In addition, as discussed elsewhere, any allegations against living persons have already been referred to the applicable District Attorney and prosecuted or not.

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Moreover, the attorneys for the abuse claimants (who were private litigants) conducted extensive discovery of available documents and ultimately crafted a stipulation in the spring of 2013 to make certain of those documents public. (See Dkt. 1792 attached.)

Earlier in the Chapter 11 case, the AOM produced approximately 60,000 pages of documents to the lawyers for various Abuse Survivors and the Official Committee of Unsecured Creditors (the “Committee”). The Abuse Survivors’ representatives, including the lawyers for the Committee, wished to make a subset of these documents public. Procedurally, counsel for the Abuse Survivors identified an initial large tranche of documents for publication. Thereafter, these same lawyers identified an additional large tranche of documents for publication. In other words, counsel for the Abuse Survivors chose the documents to be made public—not the AOM or its lawyers.

The parties then worked cooperatively to redact any information that would or could identify an Abuse Survivor, as required by the Bankruptcy Court. In addition, the parties worked cooperatively to prepare timelines and chronologies to accompany the documents so that members of the public, including the media, could review this information in context.

The review of these documents, redaction, drafting of chronologies, and related tasks required the efforts of dozens of lawyers and paralegals which cost the AOM approximately \$600,000 in fees. It also took several months to complete. Based upon our analysis of your document request (Ex. A), compliance with your request here would involve another six-figure expenditure of lawyers’ fees and untold staff hours for just the AOM while, at the same time, the AOM continues to try to provide for the spiritual and corporal needs of many people in southeastern Wisconsin.

While we hope that you will agree to cooperate with the AOM as set forth above, we think it is important to provide you some information and detail as to why the Attorney General’s requests are unlawful. The principal legal issues that we have identified so far are the following:

- A. The Attorney General has no legal authority to engage in this “investigation”.
- B. This investigation as currently constituted violates the First Amendment, the Wisconsin Constitution and Related Law.
- C. This investigation violates the Discharge and Channeling Injunctions issued in the case of *In re Archdiocese of Milwaukee*, Case no. 11-22059-svk, previously pending in the United States Bankruptcy Court for the Eastern District of Wisconsin.
- D. Criminal investigations into any allegations of sexual abuse of minors are the jurisdiction of the individual District Attorneys for the 10 counties that make up the AOM, and relevant allegations have already been investigated and prosecuted (or not).

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We will briefly discuss each of these items in turn.

A. The Attorney General has no legal authority to engage in this investigation.

During our conference call on April 26, 2021, and again during our meeting on May 18, 2021, we asked you to provide us with the legal authority for the investigation. Both times you seemed generally to refer to *Wis. Stats.* § 165.50(1). The investigation you announced on April 27, 2021, as it might apply to the AOM, does not involve the investigation of crime that is statewide in either nature, importance, or influence. The list of requested documents on Exhibit A to Mr. Wilson’s letter makes this point even more clear. In Wisconsin, “the powers of the Attorney General are strictly limited.” *State v. Milw. Elec. Ry. & Light Co.*, 136 Wis. 179, 116 N.W. 900, 905 (1908). Further, the powers of the Attorney General are limited by statute. *Estate of Sharp*, 63 Wis.2d 254, 261 (1974).

Any potentially prosecutable crimes are local and the responsibility of the District Attorneys in the 10 counties that make up the AOM. You acknowledged this during your April 27 press conference when you announced that if any potential crimes were discovered, the Wisconsin Department of Justice (the “DOJ”) would make referrals to the individual District Attorneys.

In addition, potentially prosecutable crimes have already been investigated by the District Attorneys responsible for the 10 counties of the AOM. While you might be unaware of this, over the past two decades the AOM has referred any allegations of abuse that it receives to the District Attorney in the county where the alleged abuse took place.⁶ Once the allegation is reported, the AOM does nothing further internally so that the District Attorney can conduct a full and unfettered investigation. During the investigation, the AOM cooperates with the District Attorney as requested by him or her. If the District Attorney decides not to prosecute, the AOM then immediately withdraws from ministry the clergy against whom the allegation has been made. At that point, an independent investigator conducts a full investigation of the allegations. Historically, the investigator has been a retired Milwaukee Police Department detective, often from the Special Victims Unit. The detective then provides a report to the Archdiocesan Review Board. This Board is an independent group of distinguished professionals from across a variety of disciplines. If the investigator finds the allegations to be unsubstantiated, the Board usually recommends to the Archbishop that the clergy be returned to ministry. On the other hand, if the investigator substantiates the allegations, that is reported to the Board. The Board will then generally recommend that the Archbishop remove the clergy from ministry permanently. (The clergy can also then be referred to canonical courts for discipline up to and including laicization.) Archbishop ListECKI (and then Archbishop Timothy Dolan before him) has committed to accepting the recommendations of the Archdiocesan Review Board.

During the Chapter 11 process, several priests who were still living were accused of sexual abuse of a minor for the first time. All of these allegations were referred to the appropriate district attorney. None of these referrals resulted in prosecutions. The individual priests were then withdrawn from ministry during the independent investigation. As a result of these investigations, the allegations against one of the

⁶ The Disclosure Statement we are providing includes a discussion of this process.

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newly accused priests were substantiated. This priest was added to the list of clergy against whom allegations had been substantiated, permanently dismissed from ministry, and laicized.

Finally, it is important to note that there are currently 48 names on the AOM's list of clergy with substantiated allegations of abuse. The majority of these former clergy members are deceased and therefore not subject to criminal investigation or prosecution. Of course, if an individual District Attorney were to seek information to investigate a specific allegation for purposes of potential prosecution, the AOM will do what it has done for the past quarter century—fully cooperate with the District Attorney.

B. This investigation violates the First Amendment, the Wisconsin Constitution and related law.

There are multiple insuperable constitutional impediments to the so-called investigation that you announced. Our discussion below concentrates on the First Amendment to the U.S. Constitution, but there are other constitutional principles implicated.

The investigation improperly targets the Roman Catholic Church and appears to be a product of anti-Catholic bigotry. This is a violation of the Establishment Clause which precludes the disfavoring of a particular religion. The Supreme Court has described the prohibition on denominational discrimination as the “clearest command” of the First Amendment. *Larson v. Valente*, 456 U.S. 228, 244 (1982). “[A] fundamental tenant of the Free Exercise Clause [is] that a government may not ‘single out an individual religious denomination . . . for discriminatory treatment.’” *Roman Catholic Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano*, ___ U.S. ___, 140 S.Ct. 696, 699 (2020); see also *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968) (The State may not adopt programs or practices . . . which ‘aid or oppose’ any religion. . . . This prohibition is absolute.”); *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993) (“[T]he First Amendment forbids an official purpose to disapprove of a particular religion.”).

You indicated that the Attorney General's purported basis to commence this investigation is Wis. Stat. § 165.50. Given that the Attorney General has already conceded that he expects no criminal prosecutions by his office, the Wisconsin Statutes provide the Attorney General without any shelter. Moreover, while these laws are of course neutral laws of general application, facial neutrality is not determinative. “The Free Exercise Clause protects against governmental hostility that is masked, as well as overt.” *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. at 534. Thus, this investigation violates the Free Exercise Clause.

While the Attorney General has, when pressed, offered platitudes that the investigation will address other groups, in every official statement the Attorney General makes clear that the Catholic Church is the target of the investigation. The Attorney General's tenuous reliance on neutral laws of general applicability, does not permit a targeted and intentional investigation. See *Employment Div. Det. of Human Resources v. Smith*, 494 U.S. 872 (1990); *United States v. Allibhai*, 939 F.2d 244, 249–50 (5th Cir. 1991). This is

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not an investigation that *incidentally* targets the Catholic Church, it is an investigation that *targets* the Catholic Church.

The unconstitutional focus on the Catholic Church became even clearer when the DOJ announced Clergy and Faith Leader Abuse Training. <https://www.doj.state.wi.us/content/clergy-and-faith-leader-abuse-training> The training that the Attorney General intended to offer as part of its investigation, very clearly referenced and targeted only the Catholic Church. While the sessions are currently cancelled, your office has not indicated that they are permanently cancelled. The topics announced for this “training” are quite enlightening. For example, one of the topics is “An Overview of the Catholic Church Organizational Structure, highlighting pertinent information about the church’s response to sexual abuse by clergy.” How was the DOJ going to discuss the organizational structure of the Catholic Church without violating the Establishment Clause, particularly since, to our knowledge, no one who speaks for the Catholic Church has been invited to be a presenter? It would be interesting to review email and text messages discussing these training sessions, the topic selection, the proposed presenters and whether any of the material disparages the Catholic Church—another violation of the Establishment Clause when undertaken by government.

Further, the Attorney General’s answers to the FAQs make it clear that the Attorney General’s investigation of any entity that is not a part of the Catholic Church is limited to addressing reports received that happen to involve different religious organizations.⁷ Despite adding “faith leader” to the name of the investigation, every Facebook post the Attorney General has shared involved asking “survivors, their friends and family, or anyone who has information about the *church’s* response to abuse” to report.

In your May 10, 2021 interview on Wisconsin Public Radio, you acknowledged that you do not expect to identify prosecutable cases, but rather you expect to use the investigation to pressure the AOM and the other Catholic Dioceses to adopt and/or change certain policies. To be clear, your stated intent is not to investigate crime, but to leverage your position to dictate policies to the Catholic Church. This is a clear abuse of the First Amendment. Based upon our conversation, even this stated goal is based upon complete ignorance regarding what the Catholic Church has actually done over the last two decades to address the problem of clergy sexual abuse of minors. (We discuss elsewhere much of this information.)

The First Amendment is intended to protect against active involvement in religious activity. *Lemon v. Kurtzman*, 403 U.S. 602 (1971). The First Amendment guarantees religious organizations “power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.” *Kedroff v. Saint Nicholas Cathedral*, 344 U.S. 94, (1952). Church autonomy without

⁷ “Although the Wisconsin Department of Justice (DOJ) is starting with the Catholic Church in this initiative, victims are encouraged to report sexual abuse committed in any religious organization. As with any report of abuse received, DOJ will endeavor to connect the victim with appropriate support services. DOJ also will encourage victims to report abuse to local law enforcement or will do likewise with permission from the victim.” <https://supporturvivors.widoj.gov/faqs>

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government intrusion has been a consistent protection provided by the First Amendment. *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012) and *Our Lady of Guadalupe Sch. v. Morrissey-Berry*, 140 S. Ct. 2049, 591 U.S. ____ (2020).

To this end, while the AOM adamantly opposes any effort by the Attorney General to dictate policy to the AOM, or any religious organization, we would be remiss if we did not point out that the relevant documents (in appropriately redacted form to protect Abuse Survivors' identities)⁸ regarding the AOM's response to clergy abuse as well as its current policies are available on the AOM's website. If the Attorney General had a legitimate recommendation to improve the Catholic Church's response to clergy abuse, he would have shared it.

C. This investigation violates the Discharge and Channeling Injunctions issued in the case of *In re Archdiocese of Milwaukee*, Case No. 11-22059-svk, previously pending in the United States Bankruptcy Court for the Eastern District of Wisconsin.

The Attorney General received notices for all of the pleadings filed in the Bankruptcy Case. In every instance, the Attorney General took no action in response to these notices.

During the Bankruptcy Case, the AOM produced tens of thousands of pages of documents to the Committee, which was the court-appointed representative for the Abuse Survivors, as well as certain counsel for Abuse Survivors. This information substantially overlaps with the information requested by the Attorney General. (Dkt. No. 379, Ex. 1.) The Order that outlined the document production (as well as the related pleadings) was served on the Office of the Attorney General. (Certificate of Service dated Aug. 30, 2011). The Attorney General never contacted the AOM regarding the production of documents.

On April 3, 2013, the AOM, the Committee, and nearly all counsel for the Abuse Survivors in the Bankruptcy Case (Jeff Anderson & Associates, P.A., Brennan Law Offices, L.L.C., Robert L. Elliott Law Office, Jacobs & Crumplar, P.A., James, Vernon & Weeks, P.A., Jody L. Shipper, Kosnoff Fasy, Michael G. Brady Law Offices, Schober Schober & Mitchell, S.C., Shollenberger & Januzzi, LLP, and Smith Gunderson, and Rowen, S.C.) filed a stipulation regarding the publication of documents to "further the goals of transparency and healing for Abuse Survivors. (*Stipulation Regarding Publication of Certain Documents*, [Dkt. No. 1792] (the "Stipulation"), which was approved by the Bankruptcy Court that same day [Dkt. No. 1794]. A copy of the Stipulation is attached hereto as **Exhibit [---]**. Both the Stipulation and the related order were served of the Office of the Attorney General. (Certificate of Service dated April 5, 2013 [Dkt. No. 1795], Certificate of Service dated April 5, 2013 [Dkt. No. 1796].) The Attorney General never contacted the AOM regarding the Stipulation and/or the production of documents.

Because the Attorney General concedes that the Attorney General is not investigating any crime, whatever right, if any, that the Attorney General claims to conduct this investigation is nothing more than a claim that the Attorney General was required to, but did not, bring in the Bankruptcy Case. At most, the

⁸ To the extent you are unaware, these documents were selected by counsel for certain Abuse Survivors with full access to all relevant documents and the redactions were agreed to by that counsel as well.

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Attorney General appears to be purporting to stand in the shoes of Abuse Survivors to seek relief against the AOM. Such “authority” is well beyond the Attorney General’s statutory authority. Moreover, these claims were required to have been brought in the Bankruptcy Case and were in fact asserted in the Bankruptcy Case. In any event, all of this relief was sought *and obtained* by Abuse Survivors – the verification of names, the release of information, the access to therapy, and the AOM’s policies were all addressed in the Bankruptcy Case where the Attorney General chose not to participate, and where the Bankruptcy Court approved the consensual resolution of each of the matters raised in the Attorney General’s unwarranted document requests.

D. Criminal investigations into any allegations of sexual abuse of minors are the jurisdiction of the individual District Attorneys for the 10 counties that make up the AOM, and relevant allegations have already been investigated and prosecuted (or not).

We have already discussed this issue in section A above.

Conclusion

As noted above, we really do appreciate the opportunity to have met with you on May 18. We had hoped to have such a meeting before you announced this investigation. After you sent your letter of April 14 inviting Archbishop Listecki to the April 26 video conference, we attempted to speak with you regarding your proposed investigation. We were confident that you were unaware of many of the details discussed in this letter. We were also confident about the lack of legal authority for you to undertake this investigation. When I spoke with one of your senior communications specialists, she made it very clear that I should not expect a call back before the April 26, 2021 video conference. This response became particularly distressing when we learned on April 27 that you apparently met freely with people like Peter Isely to plan this investigation.

In addition, we tried to confer with District Attorney Chisholm before the April 26, 2021, video conference. We believed speaking with Mr. Chisholm was important given the AOM’s history with Mr. Chisholm. The AOM has had had a longtime cooperative relationship with Mr. Chisholm in referring allegations to him for investigation and providing information as he and his staff requested it.

Also, in January 2019, Mr. Chisholm publicly called for an investigation like what you have now begun. See, <https://www.jsonline.com/story/news/2019/01/21/milwaukee-da-calls-statewide-review-catholic-church-abuse-files/2631011002/>. Shortly thereafter, however, we had a lengthy in-person meeting with Mr. Chisholm to discuss his proposed investigation. During the meeting, we made many of the same points reflected above. By the end of the meeting, Mr. Chisholm expressed his appreciation for the AOM’s outreach and, as you now know, he never instigated any investigation.⁹

⁹ We tried conferring with Mr. Chisholm before the April 26 video conference, but we later learned that you instructed the DA’s from Milwaukee, Dane, LaCrosse, Brown and Douglas counties not to confer with any of the Catholic Church representatives before the April 26 video conference.

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Given all this context, all that the Catholic Church and the AOM have done to address this problem and all that continues to be done, we remain confused by this investigation. Please consider our proposed alternative approach and we will, of course, review and consider any legal authority that you choose to present in response to this correspondence. If we missed something in our legal research, we would happily reconsider our position.

Thank you very much. We look forward to hearing back from you.

Sincerely yours,



Francis H. LoCoco

FHL/js
Enclosures

cc: His Excellency, the Most Reverend Jerome E. Listecki,
Archbishop of Milwaukee
His Excellency, the Most Reverend Donald J. Hying,
Bishop of Madison¹⁰
His Excellency, the Most Reverend David L. Ricken,
Bishop of Green Bay
His Excellency, the Most Reverend William P. Callahan,
Bishop of LaCrosse
His Excellency, the Most Reverend James P. Powers,
Bishop of Superior
Dr. Barbara Anne Cusack,
Chancellor, AOM
Mr. Jerry T. Topczewski
Chief of Staff, AOM

¹⁰ As Metropolitan for the state, Archbishop Listecki has directed me to provide a copy as a courtesy to the four other bishops in Wisconsin.