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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

In re the Petition to Enforce the Investigative
Subpoena of:

No. 24-2-10392-9 SEA

The Complex Litigation Division of the
Washington State Office of the Attorney
General,

**AMICUS CURIAE BRIEF OF
BISHOPACCOUNTABILITY.ORG**

Petitioner.

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I. INTRODUCTION

This amicus brief provides additional information to the Court as it considers the Washington Attorney General’s Petition to Enforce Investigative Subpoena.

There are conditions specific to Washington State and its three Catholic dioceses which create a special need for an investigation and report by the Attorney General. Many such investigations and reports have already been done elsewhere in the United States, often after

1 disagreements about document production have been resolved. The record shows that the
2 Archdiocese of Seattle’s own reviews of its documents have not yielded comparable results, and
3 that other dioceses have recently shown more transparency.

4 **II. IDENTITY AND INTEREST OF AMICUS CURIAE**

5 BishopAccountability.org is an online and brick-and-mortar library of the clergy abuse
6 crisis and a nonaligned institute for basic research. The Petition’s Section D (pp. 6-15) links to
7 many documents on our organization’s website relating to Fr. Michael J. Cody, a Seattle priest and
8 admitted sexual abuser of children. Our Cody page¹ is an example of the archival work on Catholic
9 church documents,² for which we received a Distinguished Service Award this year from the
10 American Catholic Historical Association.³ We have posted more than 80,000 pages of church
11 files online and have gathered over a million pages for the use of researchers. In 2020-2022 we
12 partnered with the Cushwa Center for the Study of American Catholicism at the University of
13 Notre Dame⁴ to help a team of scholars use more than 250,000 pages of church documents in our
14 public collection.
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16

17 BishopAccountability.org maintains the largest online library of reports on Catholic clergy
18 abuse, including all 19 reports published by attorneys general.⁵ Our organization has been a useful
19 resource for AGOs in their work. The 2023 report by the Illinois Attorney General, which is cited
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24 ¹ Cody documents: [https://www.bishop-
accountability.org/docs/seattle/cody/](https://www.bishop-accountability.org/docs/seattle/cody/)

25 ² BA archives: <https://www.bishop-accountability.org/our-archives/>

26 ³ BA award: <https://achahistory.org/distinguished-service-award/>

⁴ Notre Dame project: <https://cushwa.nd.edu/about/gendersexpower/>

⁵ BA reports: [https://www.bishop-
accountability.org/AtAGlance/reports.htm](https://www.bishop-accountability.org/AtAGlance/reports.htm)

1 in the Petition (p. 28), acknowledges our organization as a “data and information source regarding
2 child sex abuse by Catholic clerics and brothers.”⁶

3 Since 2005, we have maintained a Database of Publicly Accused Roman Catholic Priests,
4 Nuns, Brothers, Deacons, and Seminarians⁷ which is updated daily and currently contains fully
5 sourced records of nearly 8,000 U.S. Catholic clergy accused of child abuse or possession of child
6 abuse images. The Database can be sorted to show the accused persons whom we have categorized
7 as Seattle accused.⁸ Our Database has been a useful resource for the 162 U.S. dioceses (of
8 178 total) and 42 provinces of religious orders that have so far created their own lists of accused.
9 We maintain a master list of all the church lists and have saved more than 1,400 examples of those
10 lists, preserving a history of the Catholic church’s important effort to document its clergy abuse
11 problem.⁹

12
13 As we state on our homepage, “we are not an advocacy organization, and we take no
14 position on possible remedies for the [abuse] crisis. We are a library open to everyone looking to
15 understand the problem of clergy abuse of children.”¹⁰ We started this work in 2003 as young
16 Catholic parents distressed about the clergy abuse revelations in Boston. Our website has since
17 grown to become the largest public source of information in the world on this problem.
18

19 Our interest in the Archdiocese of Seattle is shown by our publication in 2015 of selected
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23 ⁶ IL AGO report: <https://www.bishop-accountability.org/reports-2023-05-23-IL-AG-Report#page=6>

24 ⁷ BA Database: <https://www.bishop-accountability.org/accused/>

25 ⁸ BA Seattle Database: <https://www.bishop-accountability.org/dioceses/usa-wa-seattle/>

26 ⁹ BA list of church lists: https://www.bishop-accountability.org/AtAGlance/diocesan_and_order_lists.htm

¹⁰ BA homepage: <https://www.bishop-accountability.org/>

1 documents from the public Cody file,¹¹ and also a detailed commentary on the complex clergy
2 abuse record of Seattle Archbishop Raymond G. Hunthausen.¹²

3 III. ISSUES ADDRESSED BY AMICUS

- 4 A. Whether AGO investigations are beneficial and depend on documents.
- 5 B. Whether the unique situation in the Archdiocese of Seattle, and the Dioceses of Yakima,
6 and Spokane, would benefit from an AGO investigation.
- 7 C. Whether the inadequate results of the Archdiocese of Seattle’s own file reviews make the
8 AGO’s subpoenas more urgent.
- 9 D. Whether recent document disclosures by U.S. Catholic dioceses indicate a path forward for
10 the Archdiocese of Seattle.

11 IV. ARGUMENT OF THE BRIEF

12 A. AGO Investigations Are Beneficial and Depend on Documents

13 The AGO’s Petition notes (p. 28) that “numerous states have opened investigations into
14 their local dioceses, and several have resulted in substantial new revelations—for example, the
15 discovery of 451 child sex abusers in the Illinois dioceses, when the Church had previously
16 disclosed only 103.”

17 In fact, the “substantial new revelations” from investigations of attorneys general are highly
18 significant, and the territory covered by the investigations so far is extensive. In the last 20 years,
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23 ¹¹ Cody documents: <https://www.bishopaccountability.org/docs/seattle/cody/>

24 ¹² Hunthausen commentary: [https://www.bishop-
25 accountability.org/On_Rights/2015_06_15_McKiernan_Hunthausen_and_the_Tribunal.htm](https://www.bishop-accountability.org/On_Rights/2015_06_15_McKiernan_Hunthausen_and_the_Tribunal.htm)

1 attorneys general in 15 states have published 19 reports about Catholic clergy abuse in 46 dioceses
2 – one quarter of the 178 Roman Catholic dioceses in nearly one-third of the states. The reports
3 can be explored via the links in our table of reports by attorneys general¹³ and in our online list.¹⁴
4 In this section of the brief, we will give a few specific examples of the benefits of AGO
5 investigations and their use of documents.
6

7 **1. Illinois**

8 As the Petition mentions, the investigation and 2023 report of the Illinois AGO yielded
9 substantial new revelations, starting with the posting of lists of accused by four of the Illinois
10 dioceses and the adding of names to all the diocesan lists as the AGO and the dioceses
11 communicated about the investigation. The new and improved diocesan lists constitute validation
12 for survivors.¹⁵
13

14 AGO investigations also surface the names of offending priests who were previously under
15 the radar. This is true of some of the names in Illinois, and even more dramatically true in some
16 other dioceses. For example, in Philadelphia in 2002, then-Cardinal Anthony Bevilacqua counted
17 35 accused priests,¹⁶ but in response to subpoena, the cardinal turned over the files of 169 accused
18 priests.¹⁷
19

20 ¹³ AGO reports: <https://www.bishop-accountability.org/documents-Seattle-US-AGO-Reports-2024-07-01>

21 ¹⁴ BA reports: <https://www.bishop-accountability.org/AtAGlance/reports.htm>

22 ¹⁵ IL interplay: <https://www.bishop-accountability.org/reports-2023-05-23-IL-AG-Report#page=19>

23 ¹⁶ Bevilacqua count: https://www.bishop-accountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf#page=58

24 ¹⁷ Philadelphia files produced: https://www.bishop-accountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf#page=82

1 The benefits of an AGO investigation and report go well beyond the identification of
2 additional accused priests. The Petition has revealed to the Court the depth of information
3 contained in the file of Seattle’s Fr. Michael J. Cody. When the files of all the known accused
4 priests in a diocese are produced and analyzed, it becomes possible to discern patterns across the
5 cases, to identify diocesan officials and bishops responsible for managerial misconduct, and to
6 confirm the use of costly treatment and reassignment strategies to maintain offending priests in
7 ministry. As the Court has seen in the Petition, the survivors of abuse are themselves present in
8 the priest files. But AGOs use grand jury testimony and hotlines or other outreach to hear directly
9 from survivors. In combination with the diocese’s files, the witness of survivors provides a deeper,
10 more complete picture of priestly abuse, childhood suffering, and diocesan misconduct.
11

12 The Illinois AGO examined 100,000 pages of diocesan documents¹⁸ and also reached out
13 to hundreds of survivors:
14

15 Over the course of the investigation, Attorney General investigators had more than 600
16 confidential contacts with survivors of child sex abuse by Illinois Catholic clerics. These contacts
17 included in-person interviews, video link interviews, telephone interviews, hotline messages,
18 emails, and letters.

19 One of the strengths of the Illinois report is the powerful way that it presents the experience
20 of survivors. AGOs have found that survivor witness is a necessary complement to the information
21

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24 ¹⁸ IL AGO documents: <https://www.bishop-accountability.org/wp-content/uploads/2023/05/reports-2023-05-23-IL-AG-Report.pdf#page=3>
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1 discovered in diocesan files. The Nebraska AGO issued hundreds of subpoenas to address
2 “inconsistencies” in diocesan records, as revealed by the AGO’s survivor hotline.¹⁹

3 The Illinois AGO used diocesan documents and survivor witness, together with detailed
4 research into the career histories of hundreds of priests, as well as “countless interviews and
5 meetings with diocesan representatives and their attorneys,”²⁰ to deliver substantial new
6 revelations. What’s more, the report’s recommendations²¹ provide the Illinois dioceses with a
7 practical roadmap for improvement.²² The report’s analysis and recommendations have found a
8 national and international audience. At last count, its companion website²³ had been visited by
9 more than 100,000 readers from 159 countries.
10

11 2. Pennsylvania

12 An even more dramatic example of the impact that an AGO investigation and report can
13 have is the Pennsylvania AGO’s 1,356-page 2018 report, which prompted dozens of other AGOs
14 to begin investigations of their own.²⁴ The Pennsylvania grand jury examined more than 500,000
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20 ¹⁹ NE subpoenas: <https://www.bishop-accountability.org/reports-2021-11-04-Nebraska-AG-Report#page=10>

21 ²⁰ IL AGO/diocese contacts: <https://www.bishop-accountability.org/reports-2023-05-23-IL-AG-Report#page=15>

22 ²¹ IL AGO recommendations: <https://www.bishop-accountability.org/reports-2023-05-23-IL-AG-Report#page=634>

23 ²² IL recommendations assessed: <https://www.pillaratholic.com/p/after-illinois-what-does-the-ag-report>

24 ²³ IL AGO website: <https://clergyreport.illinoisattorneygeneral.gov/>

25 ²⁴ AGO investigations after PA: <https://www.nytimes.com/2023/06/02/us/catholic-church-sex-abuse-investigations.html>
26

1 pages of files obtained by subpoenas²⁵ and a search warrant.²⁶ The unique impact of the
2 investigation can be traced in part to its inclusion of documents in the report itself,²⁷ and the AGO's
3 decision to make the report public in the company of dozens of survivors who had contributed to
4 it. The response of other attorneys general was more than matched by the response of dioceses
5 and religious orders nationwide. Before the Pennsylvania report was released on August 14, 2018,
6 39 dioceses and 6 religious order provinces had posted their own lists of credibly accused, during
7 the 16 years since the crisis broke in Boston. But in the single year after the Pennsylvania report,
8 91 additional dioceses and 14 religious order provinces published lists of their own.²⁸

10 3. Michigan

11 One of the most vigorous investigations sparked by the Pennsylvania AGO report has
12 occurred in Michigan, where search warrants were executed to obtain 1.5 million paper documents
13 and 3.5 million digital documents from the seven dioceses. Three reports, on the dioceses of
14 Marquette,²⁹ Gaylord,³⁰ and Kalamazoo,³¹ have already been released by the Michigan AGO, with
15
16

17 ²⁵ PA document subpoenas: [https://www.bishop-
18 accountability.org/PA_40th_GJ/2019_12_16_Final_Redacted_PA_GJ
Report_and_Responses_008307.pdf#page=4](https://www.bishop-accountability.org/PA_40th_GJ/2019_12_16_Final_Redacted_PA_GJ_Report_and_Responses_008307.pdf#page=4)

19 ²⁶ PA search warrant: [https://www.bishop-
20 accountability.org/PA_40th_GJ/2019_12_16_Final_Redacted_PA_GJ
Report_and_Responses_008307.pdf#page=307](https://www.bishop-accountability.org/PA_40th_GJ/2019_12_16_Final_Redacted_PA_GJ_Report_and_Responses_008307.pdf#page=307)

21 ²⁷ PA documents: [https://www.bishop-
22 accountability.org/PA_40th_GJ/2019_12_16_Final_Redacted_PA_GJ
Report_and_Responses_008307.pdf#page=55](https://www.bishop-accountability.org/PA_40th_GJ/2019_12_16_Final_Redacted_PA_GJ_Report_and_Responses_008307.pdf#page=55)

23 ²⁸ Church list data: [https://www.bishop-
24 accountability.org/AtAGlance/diocesan_and_order_lists.htm](https://www.bishop-accountability.org/AtAGlance/diocesan_and_order_lists.htm)

25 ²⁹ Marquette report: [https://www.bishop-
26 accountability.org/reports-2022-10-27-MI-AG-Diocese-of-Marquette-Final-Report](https://www.bishop-accountability.org/reports-2022-10-27-MI-AG-Diocese-of-Marquette-Final-Report)

³⁰ Gaylord report: [https://www.bishop-
accountability.org/reports-2024-01-08-MI-AG-Diocese-of-Gaylord-Final-Report](https://www.bishop-accountability.org/reports-2024-01-08-MI-AG-Diocese-of-Gaylord-Final-Report)

³¹ Kalamazoo report: [https://www.bishop-
accountability.org/reports-2024-05-22-MI-AG-Diocese-of-Kalamazoo-Final-Report](https://www.bishop-accountability.org/reports-2024-05-22-MI-AG-Diocese-of-Kalamazoo-Final-Report)

1 four more in preparation, including a highly awaited report on the Archdiocese of Detroit. “The
2 Attorney General ultimately criminally charged 11 priests throughout the state, securing 20
3 convictions against nine clergymen, delivering justice for 44 survivors.”³²

4 **4. New Hampshire**

5 The New Hampshire AGO’s report about Catholic clergy abuse was the first such report,
6 released in 2003, and it set the terms of the history we have been reviewing. The NH AGO and
7 the Diocese of Manchester agreed to forgo prosecution for violation of child protection law, in
8 exchange for the publication of a report, the release of an 8,601-page investigative archive
9 including documents from 60 diocesan priest files,³³ and an audit of future diocesan performance.
10 The audit documents were also released.³⁴ It is to be noted that the diocese resisted this audit,³⁵
11 despite its agreement to comply. The NH AGO investigation set a rigorous standard for the use of
12 diocesan documents, as can be seen in our web version of one chapter from the report.³⁶ The
13 resistance the AGO initially encountered in obtaining the necessary documents is also instructive:
14
15

16 Following the initial inquiry to the Diocese, the investigation into the actions of the Diocese
17 began by gathering records from the Diocese through grand jury subpoenas. The Diocese initially
18 provided redacted records to the AGO, asserting various grounds for withholding or redacting
19

20 ³² MI AGO convictions: [https://www.michigan.gov/ag/news/press-](https://www.michigan.gov/ag/news/press-releases/2023/11/09/active-clergy-abuse-prosecutions-conclude)
21 [releases/2023/11/09/active-clergy-abuse-prosecutions-conclude](https://www.michigan.gov/ag/news/press-releases/2023/11/09/active-clergy-abuse-prosecutions-conclude)

22 ³³ NH AGO report and archive: [https://www.bishop-](https://www.bishop-accountability.org/reports/2003_03_03_NHAG/)
23 [accountability.org/reports/2003_03_03_NHAG/](https://www.bishop-accountability.org/reports/2003_03_03_NHAG/)

24 ³⁴ NH AGO audit: [https://www.bishop-](https://www.bishop-accountability.org/NH-Manchester/2009_03_07_Audit_Records/)
25 [accountability.org/NH-](https://www.bishop-accountability.org/NH-Manchester/2009_03_07_Audit_Records/)
26 [Manchester/2009_03_07_Audit_Records/](https://www.bishop-accountability.org/NH-Manchester/2009_03_07_Audit_Records/)

27 ³⁵ Resistance to NH audit: [https://www.bishop-](https://www.bishop-accountability.org/news2004_07_12/2004_08_24_WMURChannel9_TwoYears.htm)
28 [accountability.org/news2004_07_12/2004_08_24_WMURChannel9_T](https://www.bishop-accountability.org/news2004_07_12/2004_08_24_WMURChannel9_TwoYears.htm)
29 [woYears.htm](https://www.bishop-accountability.org/news2004_07_12/2004_08_24_WMURChannel9_TwoYears.htm)

30 ³⁶ NH AGO sourcing: [https://www.bishop-](https://www.bishop-accountability.org/reports/2003_03_03_NHAG/NHAG_10_MacRae.htm)
31 [accountability.org/reports/2003_03_03_NHAG/NHAG_10_MacRae.ht](https://www.bishop-accountability.org/reports/2003_03_03_NHAG/NHAG_10_MacRae.htm)
32 [m](https://www.bishop-accountability.org/reports/2003_03_03_NHAG/NHAG_10_MacRae.htm)

1 information. The State filed a motion to compel production of complete, unredacted records. In
2 June 2002, the Diocese complied with the grand jury subpoena, following an order by the
3 Hillsborough County Superior Court (Barry, J.) granting the State’s motion to compel and denying
4 the Diocese’s motion to reconsider.

5 The AGO received the unredacted records on June 20, 2002. Following the Superior
6 Court’s order enforcing the grand jury subpoena, the Diocese permitted prosecutors and
7 investigators direct access to all records of the Diocese to ensure that the investigation obtained all
8 relevant information.³⁷

9 Our table of AGO investigations and reports shows that subpoenas and/or search warrants
10 were necessary in most investigations.³⁸

11 **B. The Unique Situation in Seattle, Yakima, and Spokane**

12 There are conditions specific to Washington State that would make an investigation
13 especially beneficial, and also mean that an investigation and report would break new ground.

14 **1. Native Children**

15 No investigation by an attorney general has examined the abuse of Native children in
16 boarding schools, missions, and Native parishes, a tragedy that is finally beginning to get the
17 attention it deserves, thanks to the work of Interior Secretary Deb Haaland.³⁹ At least two priests
18 accused of abuse have been assigned to reservation parishes in the Archdiocese of Seattle:
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23 ³⁷ NH AGO subpoena and motion: [https://www.bishop-
24 accountability.org/resources/resource-
files/reports/NewHampshireAGReport.pdf#page=8](https://www.bishop-accountability.org/resources/resource-files/reports/NewHampshireAGReport.pdf#page=8)

25 ³⁸ BA AGO table: [https://www.bishop-accountability.org/documents-
26 Seattle-US-AGO-Reports-2024-07-01](https://www.bishop-accountability.org/documents-Seattle-US-AGO-Reports-2024-07-01)

³⁹ DOI report: [https://www.doi.gov/pressreleases/department-interior-
releases-investigative-report-outlines-next-steps-federal-indian](https://www.doi.gov/pressreleases/department-interior-releases-investigative-report-outlines-next-steps-federal-indian)

1 Fr. William O'Brien at St. Joachim's on the Lummi Reservation (1936-1949) and Fr. Michael J.
2 Cody at St. Paul's on the Swinomish Reservation (1968-1970). The Jesuit abuse of Native children
3 was endemic at St. Mary's Mission in Omak on the Colville Reservation in the Diocese of Yakima,
4 as recently described in the *Washington Post*⁴⁰ and vividly mapped in a project called Desolate
5 Country.⁴¹

6 **2. Institutional Abuse**

7
8 The Briscoe Memorial School, staffed and run by Irish Christian Brothers in the
9 Archdiocese of Seattle, was a "truly brutal place" that merits scrutiny by the AGO.⁴²

10 **3. Educational Abuse**

11 Many Irish Christian Brothers who were abusers also taught at O'Dea High School in
12 Seattle, whose abuse history has never been examined thoroughly. Accused Jesuits have taught
13 generations of students at Seattle Prep, Bellarmine Prep in Tacoma, and Gonzaga Prep in the
14 Diocese of Spokane. Interrelated clusters of religious order abusers like these have never received
15 the attention they deserved in other investigations and reports by attorneys general.

17 **4. The Importance of Religious Orders in Seattle**

18 In 1980, when clergy abuse was entering one of its worst periods, only 12 percent of the
19 U.S. dioceses had more religious order priests than diocesan priests at work, and the Archdiocese

22 ⁴⁰ St. Mary's in Omak: <https://www.washingtonpost.com/investigations/interactive/2024/sexual-abuse-native-american-boarding-schools/>

23 ⁴¹ Jesuit abuse of Native children: <https://www.desolatecountry.com/>

24 ⁴² Briscoe: https://www.bishop-accountability.org/news5/2004_02_16_Tu_BriscoeMemorial.htm

1 of Seattle was one of that group. Any investigation by the AGO would need to concentrate on the
2 particular culture – the so-called charism – of each religious order and its impact on the abuse of
3 children under their care.

4 **5. Offenders from Alaska Residing at Gonzaga**

5
6 Until recently, the State of Washington was part of the Jesuits’ Oregon Province, now
7 consolidated and renamed the West Province, and it served as a haven for Jesuit priests and
8 brothers who had abused many Native children in Alaska. In retirement, many of those offenders
9 resided at Gonzaga University, a situation that was inadequately studied in a report sponsored by
10 the university,⁴³ after a media report called attention to the problem.⁴⁴ The Gonzaga University
11 report also ignored the many abusers who had worked at Gonzaga Prep. An investigation by the
12 attorney general would bring genuine transparency to a neglected situation.

13 **C. The Archdiocese of Seattle’s Inadequate Use of Its Own Files**

14
15 The Petition’s examination of the documents from the Cody file provides insight into what
16 the archdiocesan files reveal about a priests’ abuse of children, the timing and extent of the
17 archdiocese’s knowledge of the abuse, and its ways of responding: sending the priest out of state
18 for psychological evaluation and treatment, transferring him to other parishes without divulging
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21 ⁴³ Gonzaga on Gonzaga: <https://www.gonzaga.edu/-/media/Website/Documents/About/President/Commission-Resources/Commission-Report-09-21.ashx>

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23 ⁴⁴ Schwing on Gonzaga: <https://revealnews.org/article/these-priests-abused-in-native-villages-for-years-they-retired-on-gonzagas-campus/>

1 his abuse history to vulnerable communities, and its failure to act on the priest’s own wish to be
2 laicized.

3 Our review above of other AGO investigations has shown that valuable results can be
4 obtained when law enforcement professionals investigate a collection of files like this, especially
5 when they have the trust of survivors willing to come forward. The Archdiocese of Seattle has not
6 used its total access to its own files to comparable effect.

8 **1. John Jay College 2003 File Review**

9 In the crisis year 2002, the U.S. Conference of Catholic Bishops (USCCB) created a
10 National Review Board and tasked it with commissioning a study of clergy abuse. The Review
11 Board contracted with the John Jay College of Criminal Justice, which requested that the dioceses
12 each do a file review: “[a] survey of church records relating to individual priests against whom
13 allegations of abuse had been made” and “a survey of church records relating to the alleged victims
14 of abuse and the nature of the alleged abuse.” The results of this file review were logged by the
15 dioceses on survey forms, one for each priest and each victim, and when the surveys were returned
16 to the John Jay College, a meticulous procedure anonymized the data, so that no priest or diocese
17 could be identified in the reports.⁴⁵

19 In the reports that resulted from this process, the character, pathos, and usefulness of the
20 documents, as we see in the Cody documents linked in the Petition, were filtered away, leaving
21 only the numbers behind.

24 ⁴⁵ John Jay College process: [https://www.bishop-
25 accountability.org/reports/2004_02_27_JohnJay_revised/2004_02_27_John_Jay_Main_Report
26 Optimized.pdf#page=9](https://www.bishop-accountability.org/reports/2004_02_27_JohnJay_revised/2004_02_27_John_Jay_Main_Report_Optimized.pdf#page=9)

1 The USCCB also encouraged the dioceses to release reports of their own, based on their
2 file review, and the Archdiocese of Seattle did so in early 2004. But after an internal file review
3 and the creation of surveys about every accused priest and every victim, the archdiocese's report
4 stripped out all of those details and provided only nameless summaries.⁴⁶ Almost all the dioceses
5 handled the task in this way, but the Archdiocese of Los Angeles released a report that named
6 names and even counted victims.⁴⁷ The Archdiocese of Seattle did not choose to do so.

8 **2. Archdiocesan Case Review Board**

9 As pressure about abuse cases increased, the Seattle archdiocese created an Archdiocesan
10 Case Review Board with access to individual priest files provided by the archbishop. The Board's
11 report, dated June 2004, stated that the board had been given the files of 13 priests.⁴⁸ The report
12 offered a single sentence recommending action on nine of those priests, and also an interesting
13 analysis of archdiocesan procedures and recommendations for improving them. With a different
14 brief, such a high-powered board could have issued a detailed report based on the files it had been
15 given to review. Instead, its report was able to offer no information at all on what the files
16 contained.
17

18 **3. Kinsale File Review**

22 ⁴⁶ Seattle John Jay College report: [https://www.bishop-
accountability.org/usccb/natureandscope/dioceses/seattlewa.htm](https://www.bishop-accountability.org/usccb/natureandscope/dioceses/seattlewa.htm)

23 ⁴⁷ Los Angeles John Jay College report: [https://www.bishop-
accountability.org/usccb/natureandscope/dioceses/reports/losangelesca-rpt-
list.pdf](https://www.bishop-accountability.org/usccb/natureandscope/dioceses/reports/losangelesca-rpt-list.pdf)

24 ⁴⁸ Case Review Board report: [https://www.bishop-
accountability.org/wa_seattle/2004_06_Seattle_Archdiocesan_Case_Review
Board_Report_6268_RBFinalReport_Posted_2009_or_2010_Downloaded
2015_08_10.pdf](https://www.bishop-accountability.org/wa_seattle/2004_06_Seattle_Archdiocesan_Case_Review_Board_Report_6268_RBFinalReport_Posted_2009_or_2010_Downloaded_2015_08_10.pdf)

1 In early 2016, the Archdiocese of Seattle released a new “list of clergy and religious
2 brothers and sisters for whom allegations of sexual abuse of a minor have been admitted,
3 established or determined to be credible.”⁴⁹ The FAQs that accompanied the list stated:

4 [T]he archdiocese hired Dr. Kathleen McChesney and her firm, Kinsale
5 Management Consulting, to conduct an independent review of Archdiocesan files.
6
7 The names of those identified in this review were then provided to the Archdiocesan
8 Review Board and to Archbishop Sartain who approved the publication of the
9 names set forth in this disclosure... [T]he published list contain[s] all of the names
10 of clergy and religious brothers and sisters that Kinsale Management and the
11 Archdiocesan Review Board determined were credible.⁵⁰

12 The resulting list was a major improvement over the brief list in the Case Review Board
13 report. The new list included all nine of the priests from the old report, and many more besides.
14 It even listed 15 accused brothers and 1 accused nun.

15
16 But a review of the archdiocese’s files had for a third time revealed little else about the
17 content of those files. For example, nothing of the detailed information that we see in the Cody
18 documents appeared in the new Seattle list, which only listed Cody’s assignments and stated that
19 he was deceased. The Archdiocese of Baltimore, which re-posted its list at about the same time
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22 ⁴⁹ Seattle’s 2016 list: [https://www.bishop-](https://www.bishop-accountability.org/diocesan_lists/Seattle/2016_01_15_Seattle_7043_Disclosure_List.pdf)
23 [accountability.org/diocesan_lists/Seattle/2016_01_15_Seattle_7043_Disclosure_List.pdf](https://www.bishop-accountability.org/diocesan_lists/Seattle/2016_01_15_Seattle_7043_Disclosure_List.pdf)

24 ⁵⁰ Seattle FAQs: [https://www.bishop-](https://www.bishop-accountability.org/diocesan_lists/Seattle/2016_01_15_Seattle_7044_FAQs.pdf)
25 [accountability.org/diocesan_lists/Seattle/2016_01_15_Seattle_7044_FAQs.pdf](https://www.bishop-accountability.org/diocesan_lists/Seattle/2016_01_15_Seattle_7044_FAQs.pdf)
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1 as Seattle posted its new one, had at least provided some information about the nature of the
2 abuse.⁵¹

3 McChesney and her Kinsale team have done many file reviews. There are irregularities in
4 the assignments in the 2016 list that perhaps indicate that adjustments were made by the
5 archdiocese to the information Kinsale provided. In light of the concerns outlined in the Petition,
6 it is notable that the irregularities involve accused priests who worked in the archdiocese's social
7 services for charitable purposes.
8

9 For example, Fr. Dennis Muehe's assignment history in the 2016 list indicates that he was
10 "in residence" at four parishes from the mid-1950s to the late 1970s. This is usually an indication
11 that the priest was working in a chancery position while he lived in those rectories. But the
12 assignment list gives no indication of Muehe's chancery position. It is from Muehe's 1994
13 obituary that we learn he was the Director of Catholic Charities in those years.⁵² An article about
14 an allegation against him provides a possible reason that his long tenure at Catholic Charities was
15 air-brushed away: "Father Muehe was the Director of Catholic Charities for decades and was
16 known to often have a foster child with him."⁵³
17

18 In another example, the 2016 list indicates that two accused priests were Directors of the
19 Catholic Youth Organization (CYO): Fr. Richard Stohr (1950-1960) and Fr. David Jaeger (1975-
20
21

22 ⁵¹ Baltimore 2016 list: [https://www.bishop-
23 accountability.org/diocesan_lists/Baltimore/Assignments_and_Allegati
24 ons_Extracted_from_Baltimore_2_on_2016_04_04.htm](https://www.bishop-accountability.org/diocesan_lists/Baltimore/Assignments_and_Allegations_Extracted_from_Baltimore_2_on_2016_04_04.htm)

25 ⁵² Muehe obituary: [https://archive.seattletimes.com/archive/?date=19941216&slug=19475
26 81](https://archive.seattletimes.com/archive/?date=19941216&slug=1947581)

⁵³ Muehe and foster child: [https://www.bishop-
26 accountability.org/news2016/05_06/2016_05_17_David_KIRO_new_1
awsuits.htm](https://www.bishop-accountability.org/news2016/05_06/2016_05_17_David_KIRO_new_1_awsuits.htm)

1 1978). But the Seattle section of the *Official Catholic Directory* reveals that Fr. Gerald Moffat,
2 another accused priest included on the 2016 list, was also a Director of the CYO and was so listed
3 in the 1960-1968 editions of the *Directory*.⁵⁴ Like Muehe’s missing Catholic Charities assignment,
4 this CYO assignment of Moffat is not included on the 2016 list. In 1981-1992, Moffat was listed
5 the *Official Catholic Directory* as working at Echo Glen Community in Snoqualmie, a school for
6 the rehabilitation of the youngest juvenile offenders. This assignment is not included on the 2016
7 list either.

8
9 **D. Recent Document Disclosures by Catholic Dioceses**

10 That the Archdiocese of Seattle conducted three reviews of the vast abuse archive which it
11 controls, with so little to show for the effort, stands in stark contrast to the file review it did to
12 support its long-overdue 2004 request to the Vatican for the laicization (so-called defrocking) of
13 Fr. Michael J. Cody – a 79-page document that includes 46 document exhibits, a letter from
14 Archbishop Brunett analyzing the Cody case, and a detailed table summarizing it.⁵⁵ This
15 laicization request shows that the Archdiocese of Seattle understands that its documents are a
16 crucial source for analyzing the careers and abuse histories of accused priests, and also for
17 describing the archdiocese’s own role in those cases.

18
19 As we have seen, resistance to AGO subpoenas by dioceses is common but can be dealt
20 with. Document production in clergy abuse litigation and investigations will almost always
21

22 ⁵⁴ Charitable purposes: <https://www.bishop-accountability.org/documents-Seattle-1960-Official-Catholic-Directory-Catholic-Social-Service>

23 ⁵⁵ Cody laicization request: http://www.bishop-accountability.org/docs/seattle/cody/JH_ARCH000324_402.pdf

1 encounter privilege claims from dioceses and religious orders, demands for redactions, and
2 requests for protective orders. It is no accident that many of the Cody documents, eventually made
3 public at trial, are stamped: “Sensitive Information” Per Protective Order.

4 Nevertheless, the public release of large diocesan abuse archives has been included as a
5 nonmonetary clause in major abuse settlements, with the result that over 200,000 pages of church
6 files are now publicly available. Four archdioceses have posted document archives on their own
7 websites: the Archdiocese of Portland in Oregon,⁵⁶ the Archdiocese of Los Angeles,⁵⁷ the
8 Archdiocese of Chicago,⁵⁸ and the Archdiocese of Milwaukee.⁵⁹ The Archdiocese of Milwaukee
9 integrated the documents into its list of accused priests: clicking on a name brings the reader to an
10 information page, and scrolling down affords access to the priest’s file.

11 In the Archdiocese of Santa Fe’s bankruptcy, Archbishop John Wester recently agreed to
12 donate his abuse files to the University of New Mexico for public access.⁶⁰ We might be seeing
13 the end of extreme measures taken by Catholic bishops and dioceses to resist disclosure⁶¹ and even
14 destroy documents,⁶² as described in a remarkable report commissioned by Bridgeport Bishop
15 Frank J. Caggiano and written by Judge Robert L. Holzberg (retired).
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19 ⁵⁶ Portland OR documents: <https://archdiocesedocuments.org/>

20 ⁵⁷ Los Angeles documents: <https://clergyfiles.la-archdiocese.org/>

21 ⁵⁸ Chicago documents: <https://docinfo.archchicago.org/>

22 ⁵⁹ Milwaukee documents: <https://www.archmil.org/clergy-abuse-response/restricted-priests.htm>

23 ⁶⁰ Santa Fe documents: <https://www.ncronline.org/news/new-archive-santa-fe-clergy-abuse-documents-hailed-unprecedented>

24 ⁶¹ Resisting disclosure: <https://bptdiocese.wpenginepowered.com/wp-content/uploads/2019/10/Report-on-Investigation-of-Clergy-Sexual-Abuse-of-Minors-in-the-Diocese-of-Bridgeport-with-Appendice.pdf#page=82>

25 ⁶² Document destruction: <https://bptdiocese.wpenginepowered.com/wp-content/uploads/2019/10/Report-on-Investigation-of-Clergy-Sexual-Abuse-of-Minors-in-the-Diocese-of-Bridgeport-with-Appendice.pdf#page=63>

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V. CONCLUSION

In light of these developments, the Archdiocese of Seattle’s resistance to subpoenas is callous with regard to the victims of its priests and out of step with other dioceses. The interests of the people of Washington will be best served if the documents about widespread child abuse now in the control of the Archdiocese of Seattle are produced so that the AGO’s investigation can proceed.

I certify that this motion contains 4,257 words, in compliance with Local Civil Rule 7(b)(5)(B)(vii).

DATED this 3rd day of July, 2024.

PFAU COCHRAN VERTETIS AMALA,
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