

**STATEMENT  
BY FR. ROBERT ZILLIOX**

Since my interview with 60 Minutes aired, my statements in that interview have been misunderstood by some, and unfortunately mis-characterized or falsely contradicted by others. I therefore find it necessary to issue the following statement in order to clear up any confusion and set the record straight about the facts which led me to conclude that I must speak out. It is my hope that this information will clarify these issues and encourage those with the authority and responsibility to do so to take further action to protect the faithful, the Church, and the community at large.

When interviewed by 60 Minutes, I referred to eight or nine priests in the Buffalo Diocese who remain “in the priesthood,” but should have been removed from the priesthood, or in canonical terms removed from the “clerical state.” The Diocese then released a statement which misleadingly characterized this reference as an assertion that those priests are in “active ministry.” I did not use that term. In fact, some or even all of those priests may be on leave from “active ministry,” including suspension, administrative leave, medical leave or retirement. Such forms of leave, however, may not be formalized and are often not publicized. Moreover, priests who are not in active ministry in this fashion are still priests, remain under the authority of the Bishop, continue to receive financial support, and continue to be the legal responsibility of the Diocese. And some, notwithstanding their status, may continue to say mass and perform sacraments. Church members and others in the community

may not be aware of the status of those priests or the reasons for that status.

Under canon law, the Church has a process to formally remove priests from the clerical state for misconduct, including the sexual abuse of children as well as misconduct involving adults. When the result of that process is removal, that decision is public. The authority and responsibility within a Diocese for initiating that process, advancing that process from one stage to the next, and concluding that process with the removal of such priests rests solely with the Bishop.

In a recent television interview, Bishop Malone asserted that this process with respect to the eight or nine priests at issue had been in my hands and had not moved forward because I had not yet completed some task assigned to me. That representation was not accurate. I was asked to conduct a preliminary review of these cases and to make a recommendation to Bishop Malone as to whether each met the standard for submission to the Congregation for the Doctrine of the Faith (“CDF”) in Rome. In each case, I completed that review and recommended to Bishop Malone that the case should move forward. Bishop Malone had the sole authority to assign each case to the Promoter of Justice, whose responsibility then would be to prepare the case for presentation to the CDF. Bishop Malone also has the sole authority to authorize that a case be submitted to the CDF once prepared by the Promoter of Justice. The Buffalo Diocese had and has a Promoter of Justice and that position was

held by another priest during this period.

Bishop Malone appointed me to be the Promoter of Justice for only a single one of these cases. I prepared that case for submission to the CDF and it was submitted with Bishop Malone's approval. The CDF responded within approximately 30 days by returning the case to the Buffalo Diocese for further action. I have returned to parish ministry and am no longer the Promoter of Justice for that case. I do not have any knowledge of its current status.

With respect to all other cases, Bishop Malone has the sole authority and responsibility to initiate and continue that process. In his recent television interview, Bishop Malone indicated that those cases have now been assigned to canon lawyers from outside the Diocese. It may be that this means Bishop Malone has appointed canon lawyers to act as Promoters of Justice for those cases and that they will be submitted to the CDF.

There has been intense interest in identifying publicly by name each priest who is the subject of one of these cases. Under canon law, matters being submitted to the CDF are subject to strict confidentiality. Accordingly, I am prevented from identifying those cases by name.

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