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RECORDS MANAGEMENT

JOHN J. TREANOR*

John Treanor: While we wait for my computer to boot-up, let me tell you something about myself. I am something of a rare breed because I am both a Certified Archivist and a Certified Records Manager. Dual certification is a fairly recent phenomenon in the information management profession. It produces a form of schizophrenia: on one side, the little devil sits on your shoulder and says, "When in doubt, throw it out;" and on the other side, the little angel sits on your shoulder and says, "Oh no, somebody's going to be interested in that someday." It really creates some problems and further complicates the difficult task of explaining to people what is an archivist.

As I met some of you last evening, I was introduced to some of your wives as an archivist. The response was always the same, "A what?" My mother has had a great deal of amusement with this issue because she has one son who is a perfusionist and another who is an archivist. That's usually good for at least an hour and a half conversation in social settings. It is hard to explain to people. For a long time, my mother thought I was a disk jockey because I kept old records.

My daughter, who attended Saint Mark's in Dorchester, Massachusetts, (and is about to have a baby at any minute) had the same problem in the third grade. The good Sister asked her, "What is it that your daddy does?" Erin was very quick to respond, "My dad is an archivist." The good Sister said, "Oh, an architect?" And she said, "No, no, no, an archivist." The good Sister responded, "That's okay, little girl, sit down." The next year when they asked Erin what it was her father did and she said an archivist, the teacher said, "Oh, an archeologist?" And she said, "No, no, an archivist. I can tell you" But Sister responded, "That's okay, little girl, sit down." By the third year when Erin was asked what her father did, she just said, "He's

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dead.” Showing up at the first Parent/Teacher Association caused a small scene.

Why are we discussing records? What is behind the great importance in managing information today? I have always maintained that the best arguments for good Catholic diocesan archives and records management programs are complicated and pressing litigation issues. Of course, that is not what Catholic diocesan officials or bishops to whom I’ve talked want to hear, but litigation issues always present an opportunity for archivists and records managers to address the concerns of keeping records properly. I think for many bishops and diocesan attorneys the notions of poor record keeping and lack of accountability have underscored why this issue is so pressing in the Church today. I am going to talk a little bit about good record keeping, but I want you to keep in the back of your mind why this discussion was not going on eight or ten years ago.

I was hired and came to Chicago during Cardinal Bernardin’s administration. Cardinal Bernardin always considered himself to be an archivist. As Chancellor of the Diocese of Charleston, Joe took it upon himself to train and assign seminarians to keep the archives. When he came to Chicago, he found a different set of problems. The record keeping activities of his predecessor, Cardinal Cody, were found to be less than adequate. The Diocese already had an archivist and a records manager. The archivist was a priest who presented assignment problems. He looked upon researchers as snoops and potential reporters for a supermarket tabloid. The records manager, a young woman, did not get along with this old irascible priest. At professional association meetings, they would get into shouting matches, one calling the other a “clerical pack-rat,” and the other calling their fellow employee a “records-abortionist.” So I was brought to Chicago to try to straighten out that mess and impose order and good sense on the management of information.

What you are about to hear and see addresses many of Brother Patrick’s comments, with almost all of which I would agree, except that he said at one point that he had never seen anything as extensive in terms of record keeping. I would argue that this is not uncommon in most well-managed corporations/organizations. What we have in Chicago is a fairly centralized form of record keeping. It is not perfect because

humans maintain the system, and they are not perfect. Based in policy and adequately funded, however, our program is a model for the rest of the Catholic dioceses to follow.

A centralized record keeping system develops, and I strongly believe this, a form of accountability. If a diocese can determine, at the point of creation, what kinds of records it will keep and what material goes into files, it will cut down on documents in files that do not belong there (e.g., the casual observation, the off-the-cuff comment, the little piece of information), and material that could be misinterpreted by hostile litigants. Conversely, records of previous decisions and actions will be preserved and provide a paper trail that should eliminate making the same mistake twice. Since archivists are concerned with the potential research use of records and records managers, and focus on the management of current information, they rarely concern themselves with the question: "What is an historical record?" Somebody said to me last night that they wanted to see how archives and records management can be integrated, and that's the topic of my conversation with you today.

Records management is the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition. We refer to this as the life cycle of records. A record is created for a reason. It needs to be maintained under certain guidelines for a specific period of time and then it has an ultimate disposition. Approximately six to eight per cent of records have enduring value; that is, they become deposited in the archives. The appraisal of records for enduring value is part skill, part intuition, and part hard choices. How an archivist determines what records might be used for historical research is tied to a firm understanding of historical methodology and research.

I want to give you a quick case in point. Everybody here is a history buff, or at least everybody I talked to last night told me they were. History buffs are plentiful, but to get attorneys to start looking at the potential research use of their records, here is an example. In 1834 a convent was burned in Charleston, Massachusetts. That is an historical fact. There is no argument that a convent was burned on a hot August night in Charleston, Massachusetts by a nativist mob. How historians have addressed the question of why the convent was burned provides some insight to how archivists might decide which records have

historical value. Right after the convent was burned and trials were conducted, the primary perception of historians was that the convent was burned because of anti-Catholicism. That was the prevailing perception of historians as to why the convent was burned until about the 1880s.

In the 1880s it is important to acknowledge that the United States was experiencing a tremendous influx of immigrants from Europe. There was a great deal of concern at the time that we should close our borders and restrict immigration. It is in this climate that historians start to say the cause of the convent burning was anti-Catholic sentiment, but it was also anti-immigrant since most Catholics were Irish immigrants. So now there are two interpretations of why this convent was burned. They could not have talked about anti-immigrant issues in 1850, or 1860, but they were talking about that as a prevailing issue in the United States in the 1880s. Those two interpretations were the prevailing points of view of historians until the 1920s.

During the 1920s another cause was put forward. These historians argued that surely these two reasons are plausible, but the real cause was "class struggle." They pointed out that the girls in the convent school were the daughters of wealthy Episcopalians and the mob was basically a Congregational mob. Thus, unwittingly, a class struggle underscored the motivation for the mob. It is important to note what's going on in the world in the 1920s; Bolshevism, Karl Marx, and the notion of class struggle became part of the fabric of intellectual thought and theory. These were the three prevailing opinions of why the convent was burned until 1968.

In 1968, an historian noticed that everybody in this convent was a woman. Historians also discovered (according to the court testimony) that when the mob came to the convent's gates with torches, the Mother Superior, a very large and gregarious woman, stood up to them. She stood on the steps of the convent and told the mob that if they didn't turn around she would bring down ten thousand Irishmen from Lowell to burn the city of Charleston. And of course, the most recent perception behind why the convent was burned was that it was violence against women. Historians couldn't have written that in the 1930s, 1940s, or even the 1950s when Jackie Gleason is on TV, and everybody's laughing at "Boom, Alice, right to the moon." But violence against women had taken on a different perception by

society and historians in the 1960s. I wanted to give you a feel for the issues related to how we appraise records for historical value. There are a lot of factors that go into it and it's not as easy as simple retention schedules. In the 1830s archivists would not have given much thought to gathering and preserving the records of immigrants, or the records of women until the 1960s.

What I want to do today is look at the relationship between archives and records management. Basically, Canon Law calls for an administrative archives, an historical archives, and a secret archives. "Secret archives" sounds interesting and very sexy, but in reality its contents are largely prescribed by the law. The word "secret" in Italian, *segreto*, means not public; it doesn't have the same connotation in English that it does in Italian. We will also look at the necessary components of a diocesan records management program and how file management underscores good records management. Finally, I will try to bring my discussion around to address electronic records management issues. That is clearly a lot of ground to cover in another twenty minutes, so I'm going to move quickly and hope that the discussions afterwards will clear up some of the questions you may have.

What are the cultural characteristics of diocesan record keeping? Until recent events, one characteristic has always been the unquestioned authority to destroy records without justification. The prevailing opinion amongst diocesan bishops and administrators has been, "We don't want this, it may cause us some problems, or the reputation of the church can be destroyed if somebody found this document." I have argued with my colleagues for years that any archivist who thinks by destroying a document they can protect the reputation of the Catholic Church is an incredibly pompous individual. No single record is going to define the reputation of the Catholic Church. The Catholic Church has a very long, rich, and healthy tradition of compassion and love for man. The Holy Father has acknowledged that we have made mistakes and sometimes strayed from our core principles. Records document the good works as well as the failed attempts.

The lack of accountability is another characteristic. There has been no accountability in diocesan record keeping up until recent years. It has also been incredibly secretive, even amongst

offices within diocesan structures. Bishops have taken diocesan administrative records with them into retirement or another assignment. Vicars General and chancellors have taken it upon themselves to destroy records prior to leaving office without any review or procedural norms.

The third cultural characteristic of diocesan record keeping has been the clerical nature that has established diocesan record keeping guidelines. Prior to the last fifteen years, the position of archivist was relegated to hard-to-place priests, or chancellors who wore too many hats and paid little attention to the archives. For them the key ingredients were a door with a good lock. The materials that found their way to the archives were more often than not those that survived some Darwinian odyssey, usually the passive acquisition of documents and survival by accident.

There's a wonderful science fiction novel called *The Canticle for Leibowitz*. It takes place in a post-Holocaust world where an order of Brothers goes around and tries to collect any written documentation they can find of this previous society. The survivors can see all about them the burnt-out hulks of buildings; they know there was a great accident, but they don't know what caused it. The Brothers' job is to try to gather together all the written documentation they can find. They collect soup cans, signs, anything with written words. They meet together in the hulk of a burned-out cathedral, and they pray from this one document that they found. They think this document is something very important—this document from Leibowitz's Delicatessen. They chant in the Gregorian styles, "Two ham and cheese on rye, hold the mayo." The document takes on an incredible piece of importance, because it survives. We get excited because some historical documents survive, but we tend to overlook insuring the preservation of what should survive. Most traditional diocesan archives target official documents of historic importance. In the past, archivists never collected the records of ladies' sodalities, for example. If you really look at parish structure from a historical perspective, we all know that women ran the parish. But if you read the diocesan histories they all focus on Father So-and-So. Father So-and-So would never have gotten anything done if the ladies' sodalities did not raise the funds and cooperate with him. They literally ran and provided the spiritual growth of the parish. When Redemptorist or other missionaries would come in and run

a parish retreat, the women were always asked to go first because when the women went first they could go home and then say to the husband, "Now you have to go." The Redemptorist knew that if the men's retreat went first, nobody would show up. We should target the official records of the church, but not exclusively.

Official diocesan records document the hierarchical decisions and actions and often ignore what the people in the pew are doing. We must broaden our collection practices and ensure that all the work in the various portions of the Lord's Vineyard is documented. Sometimes those stories are painful. We just dug up the body of a bishop who had died 102 years ago. This bishop, James Duggan, spent the last thirty years of his life in a sanatorium. The first ten years of his tenure he was a wonderful bishop. Previous diocesan histories either pitied or ignored him. There was a time when the diocese did not want to deal with the sensitive issue of mental illness. Bishop Duggan probably suffered from a form of manic depressive psychosis. He was a brilliant scholar and orator. I always argued that if Prozac existed, he probably would have been the head of the American hierarchy in his day.

Traditional Diocesan archives have always been dependent on a benefactor. In our case, Cardinal Bernardin was someone who clearly understood the importance of archives. But he also understood the concept that archives and records management are two sides of the same coin. His chancellors understood the concept that records management is a systematic approach to the management of information. As Canon lawyers, they believed in proactive input in the records creation phase, a life cycle approach to the management of organizational information and the need to appraise information in the context of their business function. It is in the context of the business process that archives and records management must exist. I have been hammering at this notion for eighteen years. Archives and records management are two sides of the same coin. Good records management produces a good archive; it doesn't work the other way around. Often overlooked, Canon Law calls for administrative and historical archives.

In the business model, what are the benefits of good records management? Good records management cuts costs in storage (reduces bulk), equipment (reduces files cabinets), and retrieval

(records are better organized and easier to find). Good records management increases the efficiency of the organization, it protects vital information and it provides a paper trail documenting previous decisions and actions. Another benefit of good records management is that it provides a smoother transition during the changes in administration and at the same time defines access points to protect confidentiality of records. I argue that information is the second most important asset in a diocese. It should be managed as other assets and resources. It should be given the same amount of resources, the proper care, and the proper expertise to be managed professionally. In this era of information overload it's more important than ever.

Only a bishop and his secretary were needed to manage a nineteenth century Catholic diocese. They would just record all the bishop's daily activities on a day to day basis in his Episcopal Journal. Today, as Brother Patrick mentioned, with the proliferation of copiers and printers, we are absolutely overwhelmed by the amount of information. The paperwork explosion of the latter part of the twentieth century challenges us to see how much information we can get our hands on, where it is, and in how many places. Technological changes have exacerbated the problem but why do we need records management? There are a host of reasons. Records management reflects the good stewardship of our second most vital resource, information. It improves organizational efficiency, it provides a roadmap for your colleagues and successors, protects against unauthorized access and insures moral accountability.

I want to focus on that benefit: "insures moral accountability." By determining who owns the file, what goes into a file, who has access to it, and how long it needs to be kept, you are insuring accountability on the part of the record keeper. The tendency is to see to it that records are kept properly, decisions are documented and records are protected. This translates into better record keeping practices. Instead of filing psychiatric diagnostic reports in a priest's file, a form would be created documenting who is being sent for evaluation, who did the evaluation, when the evaluation was received, and any restrictions on his ministry. That is all that goes into the file; the psychiatric report goes back to the caregiver. The file contains enough information for people making decisions in the

next phase of that priest's ministry. This helps mitigate the problem of personnel turnover in diocesan offices, a problem that caused many of the placement decisions that are perceived by the faithful to be insensitivity on the part of the local church.

Additionally, archives and records management is mandated by Canon Law. Brother Patrick dealt with the canons previously. While Canon Law mandates the establishment of diocesan archives (administrative, historical, and secret), it really does not detail how to "do archives." Therefore it is important for Catholic dioceses to have clearly written, promulgated policies and procedures governing archives and records; policies that everyone understands; policies that have the support of upper management. This cannot be something that is just adopted by the attorney's office; it really has to be something of which the Diocesan Curia has ownership. The policy should delegate authority to a competent professional (in too many dioceses the archivist is the oldest living person, or a cleric, or lay person that they can't put anyplace else; it tends to be a problem). There needs to be compliance audits and appropriate sanctions for everyone. When I first came to Chicago, the Cardinal gave me faculties, based in Canon Law, which detailed the extent of my authority. I told him that this was a good start but I wanted to write a record policy that would establish the ownership of records, define a record, and explain the process to dispose of records. This policy is now found in our diocesan policy manual, Book V, The Temporal Goods of the Church.

The disposal of records is based on a retention schedule. The process of scheduling records involves an inventory or survey of records, a description of the record, research into the legal requirements for the maintenance of that record, and negotiations on the maintenance of that record with the office that creates the record. In the life cycle concept records are active in an office, they are inactive for a period of time, and then they have an ultimate disposition: offsite storage, destruction, or archives. State and Federal regulations usually determine how long a record needs to be maintained. It is best to destroy records once the retention period ends excepting those records with enduring value. Of course, if there is pending litigation or an audit, all destruction immediately ceases. Retention schedules are negotiated agreements balancing the legal

citations with the maintenance needs of the creating office. Finally, the retention schedules need to be approved; the Records Conservation Board does this. Isn't that a nice sounding term? The Records Conservation Board is the board that determines when records get destroyed.

The basis for the retention schedule is the identification of all records by record series or file plan. The process of identification is tied to the inventory or survey process. I can walk into a room, like the one depicted in this slide which is a basement at Catholic Charities, and make sense of what is there in a very short period of time—thousands of boxes piled high with little identification, evidence of water marks on some of the bottom boxes and signs of neglect—and make sense of them within a few hours. Less than one percent of these records should be maintained longer than the minute I walked into the room. This was just offsite storage junk that nobody knew what to do with, cancelled checks, paid invoices, all already existing on our retention schedules. The purpose of a records survey is to identify the records by a record series, determine the physical location of all records, categorize the types and quantities of equipment and supplies used to maintain those records, identify the degree of reference activity for each record series, and determine the methods currently in use for disposal of obsolete records.

What is a record series? A record series is the basic filing unit upon which we organize records. It is a file of records with a similar function and/or arrangement. For example, personnel files are a record series, as are marriage case files from parishes, financial counsel minutes, and cancelled checks. Since the first order of business after policy creation is record identification, what is the best method of surveying your diocesan records? You can hire outside records management consultants who are experts in the field and will provide you with an unbiased perspective and should be able to provide you with retention schedules. However, some dioceses get very uncomfortable with anybody else coming in and looking at their records. Another method is a self survey, but you will need a trained professional to give staff instructions on identification of a series, description techniques, and questions to ask to properly identify reference activity. The best method is to have your own professional staff complete a physical inventory. The archives and record center of

the Archdiocese of Chicago has a staff of eight full time employees. We physically inspect the records, we establish record liaison officers in offices, and it strengthens the programs' viability. We are an integral part of the way the diocese is managed. In a good filing management system, which I'm going to touch on later, records are routinely boxed and shipped offsite when their administrative value ceases.

Remember, retention schedules are based on the records survey. You cannot establish a retention schedule without a record survey. It's a documented agreement between the record creator and the records manager. It specifies how long records need to be kept, and it identifies what records are vital records. These are the records that if the company is caught up in a tornado, or a flood, or the buildings burned down, are absolutely necessary to get back to work the next day. On this slide is a retention schedule as defined in the archives of the Archdiocese. Where you see these dark titles (Addresses, Speeches, and Articles) that is a record series and we define what records may be in that series. I want to point out to you some of these series have in parentheses the words "(Office Copy)." What we're saying to agencies is you don't need to keep those because you are not the official office of record. Office copies are something that only need to be maintained for the duration of the administrative usefulness for that office. I'm going to go through these fairly quickly since you have copies of them in your handouts. The retention period for financial records is generally governed by state law, while employee records are governed by various Codes of Federal Regulations, or Civil Rights Acts.

We are probably the only diocese with a retention schedule for secret archives. We have six record series that we consider in secret archives and are mandated by the Code. One of them, Canonical Criminal Cases in Matters of Moral Misconduct, you will note in the description says "*may* contain" certain types of documents. This wording is important in our description, especially when we are dealing with clergy personnel records or personnel records in general. We say "*may* contain" because if we go to court we are not apologizing for something that is not there. These case files consist of materials from the Canonical penal process. For diocesan priests the files are to be sealed after their death. The retention schedule mandates they be maintained until the guilty party has died, or ten years have

passed from the commendatory sentence, after which a brief summary case with the text of the definitive sentence is to be retained permanently. Other items on the retention schedule come from the Code as well. We find that this material is actually just in personnel files of clergy and religious so they are not kept in the secret archives, but since the Code called for it we wanted to have a retention schedule for it. Most of these records involve dispensations from impediments and irregularities to orders and involve things that many years ago were the exception rather than the norm. Somebody explained this to me once: if a priest in the middle ages lost his right hand in a sword fight, he wasn't supposed to be able to consecrate the Host any longer with his left, but they would give him permission secretly to say Mass in private. I'm sure a canonist like Brother Patrick can explain these to you, but this is what our retention schedule for secret archives looks like. One unique records series we created in our secret archives was Matters of Conscience and Internal Forum Files. I would like you to pay real close attention to this. Note here, that this is something that was created because the Archbishop may have private conversations in matters of internal forum with a priest, but we put in here very clearly that these files are not created for persons charged with sexual misconduct with minors. This is a way that the bishop could document his actions or decisions and that his successor could look at that if it involved a priest and the issue was resolved or addressed in the internal forum. Remember, the issue being discussed cannot be regarding matters of moral misconduct. Sample retention periods are in your packet and you can review them at your leisure. Remember that state laws governing business records vary from state to state, so Illinois statutes do not apply in New York. I guess I do not have to say that to this audience.

File management is incorporated within records management. It is easier to understand how to manage your files if they are within an overall system for the diocese. We have generic office retention schedules for records that are found in most offices. Examples are correspondence files, reimbursement requests, budget reports, etc. When trying to create a retention schedule for each individual office, we try to determine what is the specific business function of an office. For example, the function of the legal office is to provide legal

counsel. One of the records series that they create, unique to their function, are case files. Similarly, the functions of Facilities/Construction and the chancellor's offices dictate they have unique records for which we must establish retention schedules. File folder management is an integral component of good records management. What does it look like in the final stage? This is a picture of one of our record center rooms with inert gas fire suppression and climate control. This room contains the records of over 250 closed schools. Of course, they don't have to be kept in hard copy format. Tribunal case files are also stored here. They keep the current cases at the Tribunal offices and store them with us after the cases are closed for two years. They are transferred to us on a systematic basis based on the retention period. Records are labeled, bar coded, and boxed by the record series and the agency that created them. They are maintained for the mandated retention period that is based on a retention schedule. We have a twenty-four hour climate controlled vault which also contains the secret archives and records that have the highest degree of sensitivity or the highest need for environmental controls (like electronic records, films, computer tapes, and so on.) The issue of electronic records is very problematic these days and must be addressed. I am running late so I will not be able to get through this as completely as I would like. The paperless office is still a myth. However, all the records created in Catholic dioceses are now created and stored electronically. This is a potential nightmare vis-à-vis discovery issues. The amount of records generated and stored electronically is growing exponentially. You are familiar with the White House Travel-Gate problems and e-mail of Bill Gates, all of those are involving discovery issues around electronic mail. Electronic records are increasingly becoming involved in the litigation battles. The management of electronic records is the responsibility of records managers, not Information Technology or Management Information Service professionals. Now why do I say that? This requires a conceptual paradigm shift in management. Information systems do not necessarily create evidence. Information Systems are the storage devices, the pipes and the routers, and switches used to transmit data. IS data is time manipulatable and non-redundant, although it may be backed up, it's still non-redundant. Electronic Record System data is time-bound,

inviolable, and redundant. Now what do I mean by that? Records are created and stored within metadata (data about data) constructs. Business transactions are linked to the contexts in which they were created. The only thing I can think of that gives you an example is accounting software; accounting software wouldn't stand up in court if it didn't provide audit trail features. Electronic Records Management Systems Software exists that creates metadata around who it was that created the record, who opened it, who changed it, where it's stored, when it can be destroyed, and handles all of those functions electronically. An electronic record system must include components of traditional records management: clearly defined policies and procedures, metadata constructs, and verifiable information or audit logs. An ERMS must be in compliance with existing legal requirements and keep in mind this is evolving constantly and changes from state to state. Electronic Records Management Systems include policy development, folder creation standards, file naming protocols, and electronic records retention schedules. You can't depend on your computer to do it, it's an organizational partnership within your organization that involves attorneys, IS, and your records managers, and really involves an awful lot of thought and planning. The trend in ERMS is that it will be ubiquitous and unobtrusive. The retention of electronic records will be assigned at the point of creation, access will be pre-assigned, data storage will be outsourced, and it will be fully electronic. This is not a pipe dream. We are using electronic record management software in the archives of the Archdiocese that performs all these tasks. It is not on everyone's desk as of yet, but the capability is there for us to do that. We are just waiting for the next big litigation issue involving electronic discovery to hammer some diocese before our resource allocators and attorneys determine that the risk justifies the cost.

Thank you very much.

Jeff Moon: Okay, we have a few minutes, I suspect that we're going to have a number of comments and questions.

Mike Dolan, Diocese of Bridgeport: My question is a practical one. What is your preferred method of, after you talk about disposing of records or destroying of records, how exactly do you do that? Do you shred them, do you burn them, do you put them in the dump, do you chemically dissolve them? I'm

very curious about how that's done.

John Treanor: Regardless of the great advances made by the Ayatollah School of Shredding Management, we do shred documents. Actually, last year we shredded about 1,600 boxes of records that had reached their obsolescence in the archives and records center. That's a pretty small number because the year before it was about 4,800 boxes of records, and it is sent to a bonded destruction company that provides certification that the records were pulverized in a non-readable format.

Gary Ramirez, Diocese of Corpus Christi: I had one observation. When you're dealing with your own record retention policy, it's important to remember third party retention policies. What does the seminary do with their records, how long do they keep them? What do the treatment centers or medical providers do? How long do they keep them, because those are a great source for information for claims attorneys.

Bro. Patrick Shea: Regardless of the fact that the seminary is another entity in the Archdiocese and does not participate in diocesan administration, it does have retention schedules that we have established for it, it does follow those, and I have examples with me for priest personnel boards and for seminaries that describe the files that they should maintain in the formation process, and the citation we use is the clergy misconduct policy of the Archdiocese that cites that evaluative information must be maintained for the life of the individual.

Gary Ramirez: Thank you, I had one more story to tell and that is in my neck of the woods. You've got the King Ranch, and there is an historical archivist who was reported in the paper as saying how Richard King had hoodwinked this poor old widow woman from New York and that case was just being reported out of the Court of Appeals, where the widow woman's heirs had sued the King Ranch for the ownership of the ranch. So, that was a hundred years or so ago, that's how long that had been in play, and so these historical records are neat and everything, but it sure does concern me as a diocesan attorney.

John Treanor: Well, I think historical records concern everybody from one different perspective or another, but if we are doing our job right, we are protecting the legacy that shows how we treated people and how we acted as God's people in that portion of his vineyard, and I would hope that historic record

would reflect honestly on that.

Gary Ramirez: I would just remark on one thing though, with regard to the gentleman's comments. A lot of dioceses, like ours, don't have their own seminary and so we probably need to be concerned about what some other seminary, how they keep their records.

Karl Hesse, Diocese of Wichita: I was a little taken aback about the comment that files are not created for "persons charged with sexual misconduct with minors." We have a policy, like most dioceses, that when there is an allegation made, a full investigation is done, and I'm assuming most dioceses would write those investigations out. How do we pull those two seemingly conflicted positions together?

John Treanor: It's not conflicting. You need to read it a little more carefully. We're talking about a particular file there for the Archbishop in matters of internal forum or conscience. The files concerning misconduct are handled in a different way in the Archdiocese of Chicago. They are maintained by the Vicar for Priests. They may also be part of that file maintained by the Office of the Chancellor because both of them collaborate in the treatment and the placement of priests along with members of the Priest Placement Board, so retention schedules for all of those offices reflect the maintenance of information pertinent to that activity of that office. The retention schedule that you're looking at there is for the secret archives, not clergy personnel. That record is a record of an interaction between a bishop and an individual. It could be a priest or a lay person that has some internal forum issues involved. What we found, and what we were worried about, is that someone will come back and say, "Well, I talked to Cardinal Bernadin and he said this to me . . .," to Cardinal George. This way, the next administration would know if there is an agreement like that, and it is a matter of conscience or internal forum, as long as it has nothing to do with sexual misconduct. That is how they would pass that information on from bishop to bishop. They can't use that file regarding issues of sexual misconduct; there is no attempt to hide sexual misconduct in that file.

Karl Hesse: An internal forum would seem to mean that it can't be used in the external forum, that is it couldn't be used as a criteria for assignment, so you wouldn't want to put anything in a file for internal forum that you don't want to act on.

John Treanor: It could be a man coming in with a tremendous crisis of faith, and being given a sabbatical for a period of time, and the bishop wants to be able to pass that on to a successor. In this case it was revolving around a priest who was having some difficulties, but there was no misconduct issue involved.

Jeff Moon: Do we have any further questions? Well, if not, we're dismissed, and we hope you have a wonderful lunch and come back for this afternoon's sessions. Thank you.

