



May 24, 2023

Hon. Lori E. Frugoli
District Attorney, County of Marin
3501 Civic Center Drive, Suite 145
San Rafael, CA 94903

Aicha Mievis, Esq.
Deputy District Attorney, County of Marin
3501 Civic Center Drive, Suite 145
San Rafael, CA 94903

Re: Junipero Serra Statue Criminal Case

Dear Hon. Frugoli and Ms. Mievis:

The legal counsel of the Archdiocese of San Francisco, Paula Carney, has informed me that the Marin County District Attorney's office will move forward with its unilateral decision to offer a "diversion" to the vandals who desecrated and destroyed the statue of St. Junipero Serra on the property of St. Raphael parish, reducing the charge from a felony to a misdemeanor.

Let me say at the outset: I am disturbed but not surprised. I have seen this happen too many times before. We are promised justice and equal treatment, only to have our legitimate concerns dismissed, and we ourselves treated as unworthy of consideration. The very scene of the crime is yet another painful example of this, as the good officers of the San Rafael Police Department, apparently under orders from higher authority and not by their own choice, stood and watched the vandals commit the crime, thus violating the agreement the parish had with the SRPD to intervene if protestors trespassed onto parish property.

Let me repeat that: the good officers of the San Rafael Police Department, apparently under orders from higher authority and not of their own choice, stood and watched a felony crime being committed on private property and did not intervene to stop it, violating an agreement between the parish and the SRPD. Do you understand the significance of this, and how it makes us feel? Who gave the order to the police officers *not* to do their sworn duty, for which they put their lives on the line every day? Why has there been no investigation? Why has the person responsible for this injustice not been held accountable?

Nonetheless, I did not make any comment about this out of concern for the sensitivities of what was happening in our society at the time. I therefore took heart when District Attorney Frugoli charged the perpetrators of this crime with a felony, and was cautiously hopeful that finally there

was someone in government who was willing to act with justice and do the right thing in fulfilling his or her duty to treat all citizens equally, including us Catholics, despite the unpleasant political consequences.

Wrong again.

You say that the decision to reduce the charge from a felony to a misdemeanor was due in part to the defendants' "active participation" in the restorative justice process. Did you hear what I said in our previous conversation? The Archdiocese was shut out of the conversation, and the mediator was treating the perpetrators as if they were the victims. To consider their participation in the "RJ process" as a motivation for lessening the crime, when we were kept at arms' length, is a direct insult to the victims of this crime, and only rubs the salt more deeply into our wounds.

You also speak of "an invitation to participate in an educational forum." Invitation? Is that adequate to the crime that was committed? And, more to the point, why should I believe that this will really happen, that the "invitation" will actually be accepted? The DA's office has deceived us once. Why should I believe that you will keep your word this time? Nor will a simple "written apology" suffice. I have asked that the vandals publically repudiate their crime, and acknowledge the harm they have inflicted on us. Acknowledging wrongdoing is the first step in restorative justice. A simple "I'm sorry" falls pitifully short of reparation for the harm that was done.

It is clear to me that this course of action would not have been taken with anyone else. In fact, this crime likely would have been charged as a hate crime, at least if it were perpetrated against certain other minority and vulnerable groups of people. Nonetheless, I withheld comment on the rejection of hate crime charges, even though there have been more than 100 attacks on Catholic Church property across the nation, including in the Archdiocese of San Francisco, one of which was someone firing a bullet into our Cathedral. Anti-Catholicism has a long and ugly history in this country. Now, with this decision, you have given the signal that attacks on Catholic houses of worship may continue without serious legal consequence.

Please understand that, in all of this, I have striven to show good will and a desire to pursue a peaceful but honest resolution of this ugly affair. I readily acknowledge, and have done so numerous times, that horrible atrocities have been perpetrated against the indigenous people of California. While an honest reading of the historical record would clear Junipero Serra of perpetrating such atrocities – indeed, he gave his life to defending the native people of our land – the actual historical record is beside the point. This point is, a felony crime was committed: the law does not allow people to trespass onto private property and destroy it, all the more so when the private property is a house of worship and the property being destroyed has sacred value to the members of the congregation.

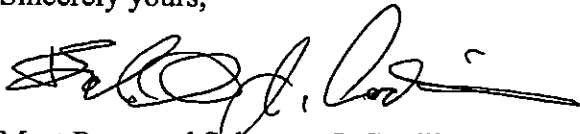
Moreover, when the idea of restorative justice was proposed to me, I myself took the initiative to suggest taking the atypical step of, rather than following the usual procedure of waiting for a verdict before pursuing it, starting the process *before* a trial in the hope of being able to avoid one. And I remind you that I do not want the defendants to go to prison for what they did. I was hoping that by going the extra mile in showing good will I would help to hasten a just and equitable resolution.

We are now approaching three years since this crime was committed, and we are still waiting for justice. I still believe reconciliation is better, but if reconciliation cannot be achieved through restorative justice then the defendants must be justly punished, short of serving time. Keep in mind here that an undeniable felony was committed in public, in front of the police, and caught on camera. What you propose is not a punishment that fits the crime.

As I'm sure you are aware, we are witnessing in our country a growing mistrust of the American people in their government institutions. They perceive, and for good reason, that government officials do not have their best interests at heart, but instead make decisions based on what is politically advantageous to them. I regret that when the Marin County District Attorney's office had the opportunity to rebuild trust, you instead further undermined it.

We will make our voices heard.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Salvatore J. Cordileone', with a long horizontal flourish extending to the right.

Most Reverend Salvatore J. Cordileone
Archbishop of San Francisco