


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 7, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Piazza del S. Uffizio 11
00193 Rome, Italy

Your Eminence:

In accord with the norms of *Sacramentorum sanctitatis tutela*, I am submitting for your consideration the case of a priest of the Archdiocese of Milwaukee. Reverend Thomas A. Trepanier has been accused of multiple acts of sexual abuse of a minor. The summary of these allegations is enclosed. Father Trepanier has admitted that sexual acts with the individual making the allegation did take place but he contests the frequency and nature of the acts as well as the age of the accuser.

As we have reviewed Father Trepanier's file and the statements of both the accuser and his family members, it is clear that he consistently abused his office both to gain access to this vulnerable boy and to elicit the trust of his parents. He was a frequent visitor to the family home and was considered part of their family and holiday celebrations. The young man was suffering from physical problems at the time the two met.

Family members have provided second hand accounts of additional, suspected victims. At the time of this writing these alleged victims have not approached the Archdiocese. However, one victim is sufficient that action needs to be taken.

The impact on this victim has been significant. The Archdiocese of Milwaukee paid therapy costs for a number of years. Recently the Archdiocese finally arrived at an out of court settlement in this case which included a provision for ongoing therapy as well as financial compensation. Our new found awareness of the severity of damage caused by sexual abuse at the hands of clergy makes it impossible for us to ignore this situation.

Given the nature and frequency of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken.

I am requesting that the Archdiocese of Milwaukee be authorized to conduct a penal trial to determine the facts that Father Trepanier disputes as well as to determine what, if any, penal remedy should be assessed. If it is your judgement that this case should proceed through a canonical penal process, I humbly request a dispensation from prescription as well as a sanation of any procedural errors that may have occurred during the years this case was under investigation. The severity of the offenses is such that it is my opinion that this request is justified. However, if the judgement of Your Eminence is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement.

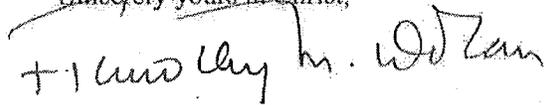
His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
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At the time he resigned from active ministry Reverend Trepanier was provided with \$20,000 to assist with transition. He is capable of gainful employment and remains eligible for his pension benefits when he reaches age 68.

I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Timothy M. Dolan". The signature is written in a cursive style with a large initial "T" and "D".

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM016156

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CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

6 October 2005

PROF. N. 406/04-19047

(In responsione fiat mentio huius summi)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the **Reverend Thomas A. TREPANIER**, a priest of your Archdiocese accused of the sexual abuse of minors.

After having carefully examined the present case, I wish to inform you that this Dicastery hereby grants a derogation from the law of prescription requested by Your Excellency and authorizes you to initiate an administrative penal process as outlined in can. 1720 of the *Code of Canon Law*. Your Excellency is kindly requested to:

- 1) inform the accused of the allegations and the proofs, while affording him the opportunity, through his canonical advocate, of a proper defense;
- 2) accurately evaluate all the proofs and the evidence employing the assistance of two assessors who are competent and renowned for their prudence;
- 3) if the delict can be proved with certainty, issue a decree according to cann. 1342-1350, which should contain the reasons in law and in fact.

If Your Excellency should consider it opportune to impose the penalty of dismissal from the clerical state or some other perpetual penalty, the imposition of this penalty must first be requested from this Congregation. In the event of a decree being issued by this Dicastery *in Congressu Particulari*, the accused will always have the right to present recourse to the Ordinary Session of the Cardinal and Bishop Members of this Dicastery (*Feria IV*).

./.

His Excellency

The Most Reverend Timothy M. DOLAN

Archbishop of Milwaukee

3501 South Lake Drive,

Milwaukee, WI 53207-0912, U.S.A.

ADOM016123

I wish also to inform Your Excellency that this Congregation suggests another solution by authorizing you to apply n. 8 b of the *Essential Norms*. The cleric should be directed to live a life of prayer and penance with the possibility of celebrating Mass privately.

I take this opportunity to offer Your Excellency my sincere respect and I remain,

Yours devotedly in the Lord,

* 

* Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

ADOM016124

May 15, 2006

His Excellency
The Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
00120 Citta del Vaticano
Palazzo del S. Uffizio

Your Excellency,

In accord with the instructions provided in your letter of October 6, 2005, I have proceeded with an administrative penal process in the case of the Reverend Thomas Trepanier. I first gave him another opportunity to seek voluntary laicization but, again, he refused that option. As has been his consistent stance, he shows no remorse and his primary concern is self-focused on how much financial support he will receive.

On April 11, 2006, I met with two appointed assessors, both of whom are respected priests of the Archdiocese, noted for their prudence, and both of whom have served on the College of Consultors. They had previously studied the *Acta* assembled in the case. The brief of defense was also reviewed by the two assessors and is included in the enclosed *Acta*.

In the serious and prolonged discussion of the matter, there was complete harmony in arriving at the unanimous agreement that the delicts had indeed occurred. In fact, the defense brief did not offer any argument that the acts had not been committed. Therefore, it is my finding that the delicts are proven with certainty.

The discussion with the assessors on the penalty to be imposed was also thorough. Various options were studied. The options considered included the following:

- Removal from any public ministry or public presentation as a priest but retention of the clerical state and accompanying permission for private celebration of Mass
- Allow early retirement with limited and monitored ministry
- Impose a life of prayer and penance
- Dismissal from the clerical state.

Concerns about the various options were discussed. One major concern shared by all is the fact that we have no assurance that there will not be ongoing liability for the Church if Father Trepanier is permitted to continue in any kind of ministry or remain in the clerical state.

Prot. No. 137/03 - 19050

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His Excellency, The Most Reverend Angelo Amato, SDB

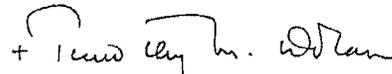
Early retirement would not be an option because the Archdiocese of Milwaukee would then be bound to continue paying his support until he reaches the age allowed by the pension plan. Civil law governs the plan and it does not allow exceptions for early retirement except for serious health conditions. This high expense would be difficult to justify at a time we are cutting back pastoral services and laying people off because of financial constraints. We have no facilities which would be available for a life of prayer and penance and his previous foray into living as a religious was not successful. The only defense offered by the canonical advocate dealt with a procedural issue that is not applicable in canon law and a challenge to the exact month and age of the victim.

I have pondered this matter long and hard over these many months, weighing in the balance, first, my deep respect and love for the priesthood which informs my understanding of why an individual would want to cling to his clerical state and, secondly, arising from that same respect and love, an awareness that there is no place in ministry for someone who has abused a child. It is true that no additional victims have come forward but the one who has is credible and convincing. He came forward at a time when there was not potential for personal or financial gain.

Therefore, I have arrived at the conclusion that Father Thomas Trepanier should be dismissed from the clerical state. I am requesting that the Congregation for the Doctrine of the Faith issue a decree to that effect. Because this matter has been protracted over such a long time, I am hoping that its conclusion will be forthcoming soon.

With gratitude for your consideration, sentiments of esteem, and prayerful best wishes, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM046682

January 15, 2008

Prot. No. CDF 406-04 -- 19047

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
00120 Citta del Vaticano
Palazzo del S. Ufficio

Your Excellency,

With regard to the above-captioned case, I have pondered long and hard about your suggestion that we impose a ten-year precept on Reverend Thomas Trepanier and then consider his return to ministry. I respectfully submit that such a resolution is not tenable. Ten years will not eradicate the facts in this matter; Father Trepanier sexually abused a minor and can never, therefore, function as a priest again. There is no such thing as a "safe" ministry when his background is publicly known by his own admissions.

I respectfully implore you to reconsider and confirm the results of the administrative process that was conducted here and grant the administrative laicization. This was a decision reached only after serious deliberation with some of my most trusted canonical consultants. There is currently pending civil legislation in Wisconsin attempting to abolish the statute of limitations on sexual assault retroactively. Such legislation would seriously compromise the Archdiocese's ability to exercise its mission. The more we can demonstrate our seriousness about purifying the priesthood as the Holy Father has implored us to do, the more we can speak credibly about the adverse effects of such legislation. Our critics challenge us on the fact that known abusers have still not been laicized. If word got out that the Holy See had left the door open for a reconsideration of Father Trepanier's case in ten years, our credibility would be seriously damaged.

Thank you for your reconsideration of this case.

With sentiments of esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM046674

NOV 17 2008

Very Rev. Curt Frederick

Vicar for Clergy

3501 S. Lake Drive

Milwaukee, WI 53207

November 9, 2008

Dedication of St. John Lateran

Dear Curt,

Peace and blessings on your ministry to our brother priests. After six and one half years of waiting for the CDF to make a decision in my Canonical case and at the request of my spiritual director, I write to ask you for a written description of my current position as a validly ordained priest within the Archdiocese of Milwaukee. In October of 2002, I met with Archbishop Dolan. During the 30 minute lunch at his residence he told me, "Tom, I read your case and your victim sounds like a requited gay lover!"

It is difficult to comprehend the circumstances that have occurred since that lunch and the way in which his decisions have affected me spiritually, emotionally, physically and financially and how those decisions have also jeopardized the health and welfare of my elderly parents and my invalid brother as well as given the faith communities I served the impression that in fact, I am a serial pedophile, the reality of which you and everyone connected with my case knows is not true.

As you are aware, when the allegation from some 18 prior years was brought against me in December 1998, Archbishop Weakland conducted an investigation which included Bishop Sklba, Very Rev. W. Kohler, Dr. [REDACTED] and a myriad of psychiatrists and psychologists who conducted various interviews and in-depth interrogations. At the conclusion of the 2 year investigation, I received a letter from the then Vicar for Clergy, Very Rev. Joseph Hornacek informing me that I had completed the necessary requirements of the investigation and found to be a priest in good standing in the Archdiocese of Milwaukee. In fact, Rev. Hornacek commended me for the cooperation and honesty with which I approached the investigation. I was then assigned to you as the associate pastor of St. Dominic Parish, Brookfield, with the necessary precautions and sufficient staff and parish members being informed of the allegation against me. I served in that position from November 2000, until May 2, 2002 at which time I resigned in the face of my name being released to the public media by the Archdiocese and the distinct impression from that release, that I too was serial pedophile. This impression was further corroborated by Jerry Topziewski, the Archdiocesan Spokesperson, when he told the Milwaukee Journal Sentinel that in fact I was requesting laicization, which was simply not true.

ADOM046690

Since that time, there are few words that can describe what these past years have been for me and my family and the serious damage this has done to my family and faith community relationships. To add to the pain of being destroyed, isolated and abandoned by the Church of Milwaukee, I was also dropped from any diocesan mailing lists driving me even further away from the Church that I faithfully served for some 27 years of ministry. It has also been brought to my attention by a credible source that certain canon lawyers created a Votum which was sent to Rome that in no way reflected the true facts of my case and even worse, exaggerated some of the fallacious details presented by the former psychologist Liz Piasecki. This I was told was done to give more credence and moral support to the case against me, which included dates and times of alleged abuse on my part, when I wasn't even assigned to the alleged parish. These abuses of my canonical rights and the double jeopardy I have been subjected to is beyond moral comprehension.

Thus, following these six and one half years of isolation, without any type of support from the faith community, let alone the ability to celebrate the Eucharist, it has become necessary to seek Canonical justice in the case brought against my by Archbishop Dolan. I believe that I have been abandoned and ignored with the sincere intent, if not the hope on the part of some, that I will simply give up my moral obligation to the priesthood and disappear into history or die, whichever comes first. Let this letter stand as testimony to the fact that I will exert every possible effort to receive the justice I have a right to under Canon Law, including petitioning His Holiness Pope Benedict with the true facts of my case. To quote a Canon Lawyer, "Canonical justice is not a privilege decided by the few, but the right to justice for every baptized Catholic. Therefore, justice delayed is justice denied."

I await your response and respectfully request that within the next two weeks, you specifically state the facts of my case in writing, to include names and dates as to why my case has not been resolved or some explanation as to my status within Canon Law and the lack of a response from the CDF.

As always, my family and I patiently await the justice, compassion and mercy promised by God through His Son, Jesus Christ. Thank you for your consideration in this matter.

Sincerely,



Tom Trepanier, M. Div., M.S. '75

Cc: file


ADOM046691



November 21, 2008

Thomas Trepanier
 [REDACTED]

Dear Tom,

Thank you for your letter of November 9, 2008. I received it on November 17, 2008 and have read and reread it. I appreciate the pain and the personal desire it expresses. I do not have answers to some of the issues that you wish addressed. I have no idea why the CDF has not responded definitively. The archbishop periodically contacts the CDF and asks for responses to all of the cases before it from our archdiocese. The last contact I am aware of was January 15, 2008.

I agree with you, Tom, that justice delayed is justice denied. It is my observation over these past few years that no one here has the push or pull to get a quick response from the CDF. I do know that the archbishop continues the conversation with the CDF regarding your case.

With regard to the facts of your case, I have obtained and am attaching two documents. The first document is what the CDF calls a "table." It is used in submitting a case before the CDF. It summarizes the facts of the case and the CV of the priest and concludes with the bishop's requests from the CDF given the aforementioned data. You may notice that Pat Lagges is noted as your advocate. I understand that the table was submitted prior to your contracting with Mr. Ritty. The second document is the archbishop's decree at the conclusion of the administrative penal process that the CDF authorized in your case. It states the findings of the administrative penal process using the facts of the case and declares the wish of the archbishop in point three, given the facts stated in the first two points.

I am confused with your mention of a "votum" created by certain canon lawyers. I don't know what you are referencing. I may be able to be of help to you if you would provide the source of the information you have or the name(s) of the author(s) of the alleged document.

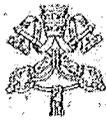
I hope that this information is helpful to you, Tom. It is my belief that your canonical advocate, Mr. Ritty, has had access to the acts of the case, so I'm not certain that I am adding any new information, Tom. As always I send you my best wishes and assure you of my continuing prayers. I continue to look back fondly and appreciatively on the time we spent together at St. Dominic's and in friendship.

In the Lord Jesus,

Curt

Very Reverend Curt J. Frederick
 Vicar for Clergy

Cc: Mr. J. Michael Ritty



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

8 April 2009

Prot. N. 406/2004 - 29281
(In response fiat nomen huius numeri)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received your correspondence of 15 January 2008 and 16 March 2009, in regard to the case of Reverend Thomas A. TREPANIER, a priest of your Archdiocese accused of the sexual abuse of a minor. Your Excellency has asked the Congregation to reconsider the decision communicated to you in our letter of 2 August 2006 (Prot.N. 406/2004 - 23872).

After a careful reconsideration of the facts in this case, the judgment of the Congregation remains *in decisis*. As communicated in our earlier correspondence, while the gravity of the cleric's behavior is manifest, this case does not involve a *delictum gravius*, because the victim was over the age of 16 at the time the immoral acts occurred. This does not lessen the culpability of Rev. Trepanier, nor your Excellency's need to seek an appropriate solution.

Therefore, the Congregation suggests that Your Excellency apply the provisions of the *Essential Norms*, n. 9, and can. 223 §2 *CIC*, prohibiting any public ministry, for an indeterminate time, rather than for a specific number of years. The law does not permit the imposition of a perpetual penalty in this case. The solution suggested protects minors, the good of the Church and the credibility of the Archdiocese in dealing with these scandalous cases of sexual abuse. At the same time, it reflects the fact that the Church must be seen as administering the law with justice and equity.

Grateful for your vigilance in these difficult matters, with prayerful support and fraternal best wishes, I remain

Yours sincerely in Christ,

✠ Luis F. LADARIA, S.J.
Titular Archbishop of Thibica
Secretary

His Excellency
Most Rev. Timothy M. DOLAN
Archdiocese of Milwaukee
3501 South Lake Drive
Milwaukee, WI 53207-0912
UNITED STATES OF AMERICA

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