

August 7, 2003

Pope John Paul II
Vatican City

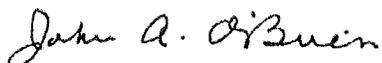
Dear Holy Father:

I would like to express my great thanks for forty years of my purity ministry in the Archdiocese of Milwaukee, and a special thanks for your inspiring example as our spiritual leader during most of this time. I am very grateful, indeed.

Because of a Court decision regarding an issue of sexual abuse, Archbishop Dolan of Milwaukee has informed me that I will not return to active ministry, so I am sending my resignation from priestly ministry to you.

My prayers and thanks to you always.

Sincerely Yours,



Rev. John A. O'Brien


Eden, Wisconsin 53019-U.S.A.

ADOM019926


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 23, 2003

His Eminence, Joseph Cardinal Ratzinger
Prefect, The Congregation for the Doctrine of the Faith
00120 Vatican City State
Europe

Your Eminence,

May I respectfully submit herewith to the judgement of the Congregation for the Doctrine of the Faith the petition of the Reverend John A. O'Brien, a priest of the Archdiocese of Milwaukee, to be dispensed from all obligations attached to sacred orders, including celibacy, and to be returned to the lay state. Father O'Brien has been accused of sexual abuse of a minor and, has resigned as Pastor of Presentation B.V.M. Parish in North Fond du Lac, Wisconsin.

Let me explain the allegation. On September 14, 2000, the Vicar for Clergy met with Father O'Brien to discuss his relationship with a boy who had alleged inappropriate behavior on the part of Father O'Brien. In August of 1999, this 17-year-old boy began to come to the parish rectory and church to visit with Father O'Brien. After only a few visits they began to hug each other at the end of their time together. Shortly thereafter, in the basement of the church building, Father O'Brien and the boy had explicit sexual contact with both touching each other's penis. A similar incident took place a few weeks later.

No further contact of communication of any kind took place until June of 2000 when there was similar sexual activity in the parish rectory. This boy then contacted the police. Father O'Brien was arrested and acknowledged his responsibility both to the police and in civil court, as well as to Church authorities. He was criminally convicted.

I have informed Father O'Brien that I am unable to return him to ministry at any time in the future.

I am convinced that Father O'Brien has accepted this reality and now he wants to move on with his life. Hence, he humbly and freely request that he be dispensed from all obligations resulting from Holy Orders, including celibacy, and be returned to the lay state. In fact, a letter from Father O'Brien to our Holy Father is enclosed and indicates this desire. I strongly support this petition.

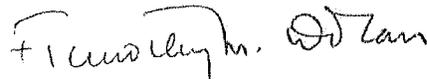
Moreover, Father James Connell, my Vice Chancellor, interviewed Father O'Brien, who discussed the accusation against him and indicated his free-will desire for laicization.

In addition, this accusation against Father O'Brien is not the only accusation of sexual misconduct against Father O'Brien. Recently, we have received a report on another incident. We are turning the case over to officials in the State of Illinois for possible sexual abuse of a minor in the Chicago area.

Finally, I am very certain that no scandal would arise if this dispensation were granted to Father O'Brien. In fact, it would help bring closure to a very difficult and sad situation.

Thank you for your kind consideration in this regard and I have the honor to be, Your Eminence,

Sincerely yours in Christ,

A handwritten signature in cursive script, appearing to read "Timothy M. Dolan".

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM019925


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

November 19, 2004

His Eminence, Joseph Cardinal Ratzinger
Prefect, The Congregation for the Doctrine of the Faith
00120 Vatican City State
Europe

Re.: Reverend John A. O'BRIEN

Your Eminence,

Enclosed you will find further documentation concerning the petition of the Reverend John A. O'Brien, a priest of the Archdiocese of Milwaukee, who wishes to be dispensed from his obligations attached to Holy Orders, including celibacy, so that he might be returned to the lay state. Additional information has surfaced since my letter to you dated September 23, 2003.

Let me explain the situation that I originally reported to you. On September 14, 2000, the Vicar for Clergy met with Father O'Brien to discuss his relationship with a boy who had alleged inappropriate behavior on the part of Father O'Brien. In August of 1999, this 17-year-old boy began to come to the parish rectory and church to visit with Father O'Brien. After only a few visits they began to hug each other at the end of their time together. Shortly thereafter, in the basement of the church building, Father O'Brien and the boy had explicit sexual contact with both touching each other's penis. A similar incident took place a few weeks later.

No further contact of communication of any kind took place until June of 2000 when there was similar sexual activity in the parish rectory. This boy then contacted the police. Father O'Brien was arrested and acknowledged his responsibility both to the police and in civil court, as well as to Church authorities. In fact, Father O'Brien pleaded "no contest" to the criminal charge and thus was convicted of fourth degree sexual assault. He was sentenced to 18 months probation, a fine of \$1,000 and other restrictions. Documentation concerning this situation is enclosed.

Subsequent to my earlier letter to you, two additional allegations of sexual abuse by Father O'Brien have been reported. In September of 2003, a man who claims that in 1978 Father O'Brien had sexually abused him contacted the Archdiocese of Milwaukee. Then, this past June a third allegation was reported against Father O'Brien. According to this allegation, abuse took place on various occasions during 1967-1968. Both of these additional allegations were reported to the civil authorities. However, no civil action was taken in either case because of the prevailing statute of limitations. Copies of the two sexual abuse intake reports are included for your review.

3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
:(414)769-3497 • WEB SITE: www.archmil.org

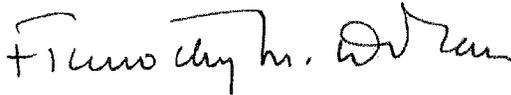
ADOM039834

From the beginning of this unfortunate case care has been taken to see that Father O'Brien had proper advice concerning canon law and civil law, spiritual direction and sufficient financial resource.

Moreover, I am convinced that Father O'Brien is sincere and humble in requesting the dispensation. Hence, I continue to support the request and I am convinced that, if the dispensation were granted, no scandal would result. Furthermore, I judge that an administrative solution to this matter would be better than a penal process for all the parties concerned and for the community at large.

Thank you for your kind consideration of this case, and I have the honor to be, Your Eminence,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

DIOCESE/ORDER	Archdiocese of Milwaukee
NAME OF ORDINARY	Most Reverend Timothy M. Dolan
CDF PROT. N. (if available)	Prot. No. 304/03-22223
NAME OF CLERIC	John A. O'Brien

PERSONAL DETAILS OF THE CLERIC	Date of Birth	November 1, 1938	Age	70
	Ordination	May 30, 1964	Years of ministry	39
ORIGINAL INCARDINATION / INCORPORATION		Archdiocese of Milwaukee		
MINISTRY IN/TRANSFER TO OTHER DIOCESE				
CONTACT ADDRESS OF THE CLERIC		Eden, WI 53019		
PROCURATOR (include original signed mandate)				
CONTACT ADDRESS OF THE PROCURATOR				
ASSIGNMENTS				
Year	Parish	Location	Appointment	
1964	Immaculate Conception Parish	Milwaukee	Associate Pastor	
1971	St. Mary Springs High School	Fond du Lac, WI	Faculty	
1990	Presentation Parish	N. Fond du Lac, WI	Pastor	
2000	Administrative leave			
ACCUSATIONS AGAINST THE CLERIC				
Year	Victim	Age	Imputable Acts	Denunciation
1999-2000		17	Explicit sexual contact (touching penis)	2000
1978		17	Explicit sexual contact (touching penis)	2003
1967-1968		11-12	Explicit sexual contact (touching penis)	2004
1967-1968		9-10	Forced sexual contact with an animal	2007

ADOM039821

CIVIL PROCEEDINGS AGAINST THE CLERIC			
Year	Type/Case	Conviction	Sentence (include copies of civil documents)
2000	██████████ Fourth degree sexual assault (plea bargain for lower charge)	"no contest" admission of guilt	18 months probation, required counseling, \$1,000 fine, no unsupervised contact with minors during probation
2003	██████████ Statute of limitation – no trial		
2004	██████████ Out of court settlement		
2009	██████████ Out of court Settlement		
MEASURES ADOPTED BY THE DIOCESE / ORDER			
Year			
2000	Removed from office, sent for counseling, placed under precept		
2003	Case sent, requesting voluntary laicization		
2006	Second petition sent stating remorse		
SUSTENANCE PROVIDED TO THE CLERIC			
Receives his vested pension			
RESPONSE/RECOURSE MADE BY THE CLERIC			
Year			
2000	Acknowledged guilt and responsibility		
2003	Sought laicization		

ADOM039822


ARCHDIOCESE OF MILWAUKEE
CHANCERY

copy

November 29, 2004

The Most Reverend Gabriel Montalvo
Apostolic Nuncio to the United States
The Apostolic Nunciature
3339 Massachusetts, N.W.
Washington, D.C. 20008-3687

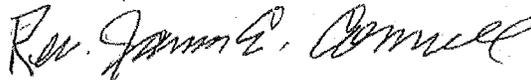
Your Excellency,

Enclosed is a collection of documents concerning the Reverend John A. O'Brien that are being sent to the Congregation for the Doctrine of the Faith.

I request that these documents be forwarded to the Congregation for the Doctrine of the Faith by means of the diplomatic pouch.

Thank you very much for your assistance in this matter and I have the honor to be, Your Excellency,

Sincerely yours in Christ,



Reverend James E. Connell
Vice Chancellor


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 6, 2005

Archbishop Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Piazza del S. Uffizio 11
00193 Rome, Italy

Your Excellency:

Currently pending before the Congregation for the Doctrine of the Faith is the petition for laicization from Reverend John A. O'Brien of the Archdiocese of Milwaukee sent to the Apostolic Nuncio on November 29, 2004. As you are aware from the supporting documentation, Father O'Brien was criminally convicted and placed on 18 months probation. That probationary period has expired but civil authorities have continued to express concerns about his activities. We have attempted to keep him in a monitoring program. There have been two recent developments in this case that should be brought to your attention.

On August 19, 2005, Deacon David Zimprich, coordinator of the monitoring program, was contacted by a Probation and Parole Agent from the State of Wisconsin, Barbara Kode-Braun. She asked to send him information about recent developments involving Father O'Brien. That information arrived on August 22, 2005. It included a police report from 2001 in which an additional allegation of sexual abuse of a minor by Father O'Brien was made. This case involves an adolescent [REDACTED] whom Father O'Brien met while serving at St. Mary Springs High School in Fond du Lac, Wisconsin. The sexual contact was reported as beginning when [REDACTED] was 14 and continuing until he turned 18. The materials received from the Probation and Parole Agent are enclosed.

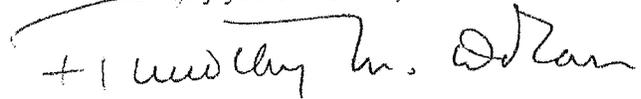
Deacon Zimprich followed up with an interview with [REDACTED]. In the course of that interview it came to light that Father O'Brien had been maintaining contact with [REDACTED] in a manner that could be construed as intrusive and controlling. Especially troubling was the report that Father O'Brien has been observed on a number of occasions in the local library with adolescent boys. A copy of the interview report is also enclosed.

Obviously efforts at monitoring him are not successful. We are currently pondering the wisdom of relocating him to the archdiocesan pastoral center in the retired priests' wing. However, if he does not comply with the request, we have no means of forcing such relocation.

The potential for great scandal exists. If Father O'Brien, while still in the clerical state, makes any inappropriate advances on any of these adolescent boys in whose company he has been observed, the outcry will be huge. The scandal lies not in the laicization but in the perception that the Church has not acted expeditiously enough, knowing the multiple reports of abuse. Given the number of years he spent at the high school, there remains the distinct possibility that yet more victims will come forward. Therefore, I humbly request that his petition for laicization be expedited.

Thank you for your consideration of this matter. With sentiments of esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

A handwritten signature in cursive script, reading "Timothy M. Dolan". The signature is written in dark ink and is positioned below the typed name.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM019939



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

4 January 2006

PROF. N. 394/03-22223
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the **Reverend John A. O'BRIEN**, a priest of your Archdiocese, accused of the sexual abuse of minors, who has asked from the Holy Father the grace of dispensation from all the obligations of the priesthood, including the obligation of celibacy.

After having carefully examined the present case, I wish to inform you that this Dicastery is positively disposed towards the request made by Rev. O'Brien. However, such petition, in a form as is enclosed in the documentation Your Excellency sent to this Dicastery, cannot be forward to the Holy Father for his decision. The petition addressed to the Holy Father should contain at least an admission of guilt and a sincere expression of remorse. The impossibility to return to active ministry because of the cleric's offences is not in itself a sufficient reason. Your Excellency is therefore kindly requested to invite the Rev. O'Brien to write a petition which will contain the above-mentioned elements.

Awaiting the courtesy of your reply, with prayerful support and best wishes, I remain

Yours sincerely in Christ,

✠ Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
Office of the Archbishop
3501 South Lake Drive
Milwaukee, WI 53207-0912, USA.

ADOM019899

Prot. No. 394/03 – 22223

August 29, 2006

His Holiness Pope Benedict XVI
Vatican City

Dear Holy Father,

While I am grateful to have been able to exercise priestly ministry for forty years in the Archdiocese of Milwaukee, I know now that I will no longer be able to do so because of my history of and misdemeanor criminal conviction for sexual abuse of a minor. I sincerely regret my actions that have led to this point and humbly ask that you accept my resignation from priestly ministry.

My prayers for you and the Church will continue.

Sincerely yours,

Rev. John A. O'Brien

ADOM039825

LAICIZATION RESCRIPT - UNOFFICIAL TRANSLATION
Congregation for the Doctrine of the Faith

Prot. N.: 394/03 - 28974

Milwaukee

Reverend John A. O'BRIEN, a presbyter of the Archdiocese of Milwaukee, has humbly petitioned for a dispensation from all the obligations connected with sacred Ordination.

Our Most Holy Father, Pope Benedict XVI

On the 3rd day of April, 2009

Having heard the opinion of his Eminence and Most Reverend Prefect of this Congregation, has granted the request of the presbyter for the good of the Church, but with the following provisions:

1. The rescript of the dispensation, being made known by the competent Ordinary to the petitioner as soon as possible:
 - a) *becomes effective from the moment of the notification;*
 - b) *inseparably includes a dispensation from sacred celibacy and, at the same time, loss of the clerical state. The petitioner never has the right to separate those two elements, that is, to accept the first and refuse the second;*
 - c) *if the petitioner is a religious, the rescript also grants a dispensation from the vows.*
 - d) *indeed, further, it carries with it, insofar as it is necessary, absolution from censures.*
2. Notification of the dispensation can be made to the petitioner either personally, or through one delegated by the same Ordinary, or through an ecclesiastical notary, or by "registered mail." The Ordinary ought to retain one copy (of the rescript) duly signed by the petitioner in testimony of his reception of the rescript of the dispensation, and also of his acceptance of its regulations.
3. Notice of the granting of the dispensation is to be inscribed in the baptismal register of the Petitioner's parish.
4. With regard to the celebration of a canonical marriage, the norms set down in The Code of Canon Law must be applied. The Ordinary, however, should take care that the matter be discreetly handled without pomp or external display.
5. The ecclesiastical authority, to whom it belongs to notify the petitioner concerning the rescript, should earnestly exhort him to take part in the life of the People of God, in a manner consonant with his new mode of living, to give edification, and thus to show himself a most loving son of the Church. At the same time, however, he should be informed of the following points:
 - a) *the dispensed priest automatically loses the rights proper to the clerical state, as well as ecclesiastical dignities and offices; he is no longer bound by the other obligations connected with the clerical state;*

ADOM039818

- b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2 of the Code of Canon Law, and, as a result, he may not give a homily nor is he able to hold a directive office in the pastoral field nor to exercise the function of parochial administrator;
- c) similarly, he may not discharge any function in seminaries and in equivalent institutions. In other institutions of higher studies, which are in any way whatever dependent upon ecclesiastical authority, he may not exercise the function of director;
- d) also, in those institutions of higher studies which are not dependent upon ecclesiastical authority, he may not teach any discipline which is properly theological or closely connected with the same;
- e) on the other hand, in institutions of lower studies, which are dependent upon ecclesiastical authority, he may not exercise the function of teaching a discipline which is properly theological. A dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon

6. The Ordinary is to take care lest the dismissed presbyter, due to a lack of due prudence, exhibits scandal to the faithful. This pastoral care seriously urges the Ordinary with the greatest if any danger of abuse of minors, however remote, is present.

7. At an opportune time, the competent Ordinary is to send a brief report to the Congregation on his completion of the notification, and, finally, if there should be any wonderment on the part of the faithful, he is to provide a prudent explanation.

All things to the contrary notwithstanding.

From the Offices of the Congregation, the 3rd day of April in the year 2009.

/s/ +Aloisius Franciscus LADARIA, SJ
 Titular Archbishop of Thibica
 Secretary

/s/ Reverend Charles I. Scicluna
 Promotor of Justice

Date of notification: _____

 Signature of petitioner as sign of acceptance

 Signature of Ordinary