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IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF WISCONSIN

) Chapter 11 In re:

ARCHDIOCESE OF MILWAUKEE,) Case No. 11-20059-SVK

Debtor, ) Honorable Susan V. Kelley

UNDER SEAL/CONFIDENTIAL

VIDEO DEPOSITION OF BARBARA ANNE CUSACK

Milwaukee, Wisconsin January 29, 2013 10:26 a.m. to 1:24 p.m.

Kathy A. Halma Registered Professional Reporter

		Page 27
1		officials when he was in Rome to encourage them
2		to expedite cases, by his willingness to resubmit
3		cases as new information became available.
4	Q	What about Archbishop Listecki? How did he
5		express that frustration to you?
6	А	Orally. He also met with Vatican officials when
7		he was in Rome on the ad limina visit.
8	Q	Having reviewed the files on either all or the
9		majority of priests that are on the Archdiocese
10		list and looking at those, have you noticed any
11		distinctions between Archbishops in the way that
12		allegations, reports of child sex abuse, was
13		documented throughout the years?
14		MR. LO COCO: Documented internally?
15		MR. FINNEGAN: Internally within the
16		files.
17		THE WITNESS: Yes, there is a
18		difference.
19	BY MR.	FINNEGAN:
20	Q	What have you noticed?
21	А	That very often you didn't actually have
22		something from the Archbishop in the file, you
23		had it from other people. There were different
24		structures over the years, so for many years
25		there was no Vicar for Clergy, so you wouldn't

		Page 28
1		have had logs and recordings of conversation,
2		memorializing of conversations. Appointment
3		letters would have been done differently.
4		Archbishop Cousins in particular frequently did
5		not retain an incoming letter, all you would have
6		would be his response, and you'd have to draw a
7		conclusion from the response about what the
8		incoming correspondence had been. There were a
9		lot more smaller pieces of paper with handwritten
10		notes on them than we would find today where most
11		everything is generated on a keyboard. The fact
12		that internally you had a different kind of
13		administrative structure, especially when it came
14		to clergy matters. You can actually see the
15		distinction as leadership changed.
16	Q	Would you say it's a fair characterization to say
17		that there was much less written documentation
18		regarding reports of child sex abuse by priests
19		during Archbishops Cousins' time as compared to
20		Archbishop Weakland's time?
21		MR. LO COCO: Objection to form. You
22		can answer.
23		THE WITNESS: Say it again.
24	BY MR.	FINNEGAN:
25	Q	Sure. Would you say that it's a fair statement

		Page 29
1		to say that there was far less documentation
2		regarding reports of child sex abuse against
3		priests during Archbishop Cousins' time compared
4		to Archbishop Weakland's time?
5		MR. LO COCO: Object to the form, it's
6		ambiguous. You can answer, if you have one.
7		THE WITNESS: I'm not sure what you are
8		asking. Archbishop Cousins kept fewer files, and
9		I think Archbishop Weakland was in the era where
10		many more things would have that would have
11		been written would have been retained. Is that
12		what you are looking at?
13	BY MR.	FINNEGAN:
14	Q	Yes. What I at least had in mind was in
15		Archbishop Weakland's in his book he made a
16		statement to the effect in there that, you know,
17		that Archbishop Cousins and a lot of the
18		Archbishops around that time didn't document the
19		reports on child sex abuse that were coming in
20		the same that he did and some of the people that
21		were his contemporaries.
22	A	I couldn't comment on that statement. I don't
23		know on what he based that statement.
24	Q	Have you found at all in your review of the files
25		that the priests that were accused of molesting

		Page 30		
1		children here in Milwaukee, that often times		
2		somebody that reports that's reported since		
3	2002, so there's an intake report and there might			
4		be a notation that their family reported it to		
5		the Archdiocese or the parish priest, and then		
6		you look back and there's no notation, nothing to		
7		find in the files? Has that happened?		
8	A	Yes, or what was if there is a document,		
9		what's reported originally differs from the		
10		contemporary reporting.		
11	Q	All right. Let's switch topics here to the		
12		release of the list of perpetrators with		
13		substantiated allegations of child sex abuse.		
14		What was your involvement in that process at the		
15		beginning?		
16	А	The context in which that disclosures of names		
17		first came up was through the Eisenberg		
18		Commission. Do you need me to explain anything		
19		on the Eisenberg Commission?		
20	Q	No.		
21	А	Okay. They were looking at the files of six		
22		priests against whom there had been some		
23		accusation of sexual abuse, and they were in		
24		ministry. The preliminary report from the		
25		Eisenberg Commission was issued in May of 2002.		



Copies to: Bishop Skiba

Vicar for Clergy Personnel Priests' Personnel Board Robert M. Courtney Robert W. (Rock) Pledl David J. Molter Lori L. Schultz

May 20, 1992

Archbishop Rembert G. Weakland, O.S.B. Archdiocese of Milwaukee 3501 South Lake Drive Saint Francis, WI

RE: Claim of Rev. Clarence Schouten and the Archdiocese of Milwaukee

Dear Archbishop Weakland,

I represent Ms. of sexually abusive incidents which occurred when she was a child. The perpetrator was Father Clarence Schouten. I understand that he is deceased and there did not seem to be any need to contact the personnel board or its vicar relative to his current assignment as is my usual procedure. Therefore, I am sending this to you with the assumption that you will direct it to the proper person or handle it yourself.

My client's family attended St. Joseph's Catholic Church at 122nd and Center Streets during the time in question. She has told me of a pattern of abuse which occurred from approximetely 1964 to 1967 when she was from about 4 to 7 years old. Father Schouten was the pastor at that time.

He frequently invited children from the surrounding neighborhood to come into his office. He would give them candy and allow them to play with a music box - bank which would grab a coin with a little hand. My client reports that Father Schouten would hug her while she watched the music box and place his hand down her pants. He would also place her hand on his penis. Sometimes it was inside of his cassock when he did this. On other occasions it was outside of his cassocks, completely unclothed. He then moved her hand to stimulate himself. My client recalls him becoming erect and that later his penis would become wet. Father Schouten would then give her a piece of candy and tell her to go outside and play. This set of circumstances occurred on numerous occasions. My client was unaware of what happened to Father Schouten until recently. She has learned that the complaints of similar conduct made by the parents of other neighborhood children led to his removal from the parish. It seems he was in semi-retirement in California. One natural question she has is why no effort was made at the time to reach out to other potential victims within the

parish once the pattern of abuse was known.

Ms. has retained me to represent her on this claim. I believe the Archdiocese is liable for Father Schouten's acts and the failure to respond aggressively at the time. The emotional problems from which she has suffered could have been prevented or minimized by treatment at the time.

I would appreciate it if you or someone on your behalf would contact me with your thoughts on resolving this matter short of litigation.

Very truly yours,

COURTNEY, PLEDL & MOLTER, S.C.

Robert W. Pledl

RWP/sje

c: Ms.

# 275. Clarence Schouten

On May 26, 1992 I received a copy of a letter to Archbishop Weakland from Attorney Robert Pledl. That same day I spoke with Bishop Brust who recalled meeting with Clarence on August 22, 1969 in order to request his immediate resignation from the pastorate of St. Joseph's Parish in Wauwatosa.

RJS

# 413. Schouten, Clarence (deceased)

On Wednesday, May 27, 1992 we received a letter addressed to Archbishop Weakland from Attorney Robert Pledl asking for some compensation for who alleges sexual abuse as a minor by Clarence who is not deceased. The alleged incidents occurred in the 1960's when Clarence was Pastor of St. Joseph, Wauwatosa. Ralph Gross checked the Chancery files, and there are no other such allegations.

RTV

# 743. Clarence Schouten

On Sunday evening, December 6, 1992 I received a phone call from Deacon Larry Norman who reported conversation with an alleged victim of Clarence from many years ago. At my suggestion he stated that he would continue conversation with her and let me know if she desired a personal meeting with myself.

RJS

# 124. Clarence Schouten

On January 21, 1993 I met with

and

alleged extensive sexual abuse by Fr. Schouten while they were in the first five years of grade school at St. Joseph's in Wauwatosa (1964 to 1969). They came accompanied by Deacon Larry Norman of St. Paul's Parish in who has been assisting in gaining trust in the Church. At their request I reviewed Fr. Schouten's file from the Chancery Archives and discovered very little information which I was able to share. requested financial assistance in returning to a therapist, of the West Allis Charter Counseling Center, for additional therapy since she had found help through this same individual from May, 1990 through June, 1991 and needs to return even though she does not have insurance coverage for counseling at this time. I explained the fact that we were in the process of developing some kind of plan for providing initial help to victims and promised to seek counsel from Dr. Liz Piasecki as well as contacting the therapist mentioned. is receiving therapy from a psychiatrist, Dr. in the Waukesha area and requested that the Parishes where Fr. Schouten may have served (in the San Diego area after moving to live with his sister in California in 1969) be contacted in order to see if any cases of alleged abuse may have occurred there. Both individuals are convinced of the existence of other cases and mentioned a friend, as an additional potential victim. They also both requested a special support group sponsored by the Archdiocese for such victims and I promised to seek further information in that regard.

RJS

# PRIVILEGED AND CONFIDENTIAL FINAL VERSION

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Sexual Contacts/Rev. Daniel Budzynski , minor (eighth grader) √ 1. 1987: Pallotine Retreat House, Elkhorn Report to Bishop Sklba St. Louis, Caledonia √ 2. minor (13 or 14) 1983 / 3. minor (age 10) Awaiting assignment: Budzynski living in same building minor (17 or 18) √ 4. Waukesha 1982 Family reported to Archbishop/ sent to treatment On leave to Diocese of LaCrosse Campus Ministry, Stevens Point 1976-1980 5. Male: "young adult" from Oxford Wisconsin (took Polaroid pictures of this male, nude, on bed after sexual activity) Confronted by this male's friend. "19 or 20" ŧ "young adult": reported to Fr. John Kelly 7 age 13 Campus Ministry: Eau Claire Diocese of LaCrosse 1974-1976 √9. \_\_\_, minor, age 13 or 14 -- Reported to Archbishop Cousins, Budzynski sent to therapy. 10. Minor male, friend of , minor (17 or 18) 11. 12 St. Joseph, Wauwatosa 1972-1974 13. 14. 15. Guitar players (minor): reported to pastor W17. (minor) Archbishop Cousins relieves him of duties : on leave-11/73-3/74 St. Peter Claver, Sheboygan Summers 1972-73: U. Of San Francisco 18. "several minor kids": Parents report to parish priest in San Francisco who tells him not to have contact with their sons any more.

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√ 20.
                         : told best friend and report "circulated
among the kids". Removed by Bishop Brust/Archbishop Cousins, placed
on leave for several months before Sheboygan.
          St. Bernadette, Milwaukee
1969-1971
          21.
                      age 13 or 14,
           22.
                                         13 or 14
           23. Unknown minor male
          24. Unknown minor male age 13 or 14
                 (Both on camping trip with
                               (runaway), age "14 or 15"
          25.
          26.
                          : "11 or 12"
          27.
                         age 13
          28.
     Took pictures of boys in the nude. They told their mother
who reported to Fr. Ken Metz. Budzynski goes to psychiatrist on his
own without telling the Archdiocese. "I am losing my mind."
                          (adult seminarian)
          St. Casimir, Milwaukee
1966-1969
          30.
                             "13 or 14"
                               "13 or 14"
          31.
                              "13 or 14"
          32.
                               "15 or 16"
          33. .
                            "15 or 16"
          34.
                  ___ "13 or 14"
          35.
                                 "13 or 14"
          36.
                     "15 or 16"
          37.
                     " 15 or 16"
          38.
         √39.
                             7th or eighth grader)
                                       mother, adult)
          40.
                                       friend
          41.
                              : 7th grader
          42.
                              "11 or 12"
          43.
                                                       and "
                              "Older brother of
          44.
          45. I , Cousin of l......
                                              minor
          46. Friend of
                             (#45): minor
          St. Paul, Milwaukee
1965-1966
          47.
                             "13 or 14"
                 : 13 or 14
          49. Minor male, name unknown
          St. Joseph, West Allis
1962-1965
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Picnics with boys, St. Helen's Milwaukee

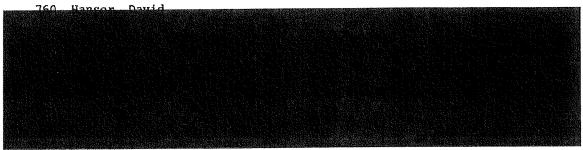
On Thursday, June 22, 1989 I had an extended conversation with (home, a very disturbed woman, alleging that her nervous breakdown which began between 1958-1963 was caused by her referral to psychologist by Dave Hanser at Christ King Parish.

RJS

683. Hanser, David

On Tuesday, June 27, 1989 I spoke with at St. Luke Hospital who reported that had been making allegations about Dave's past with the result that Dave was informed by Chaplain Harvey Berg that he should not apply for a second quarter of CPE in the Fall. Dave used the CPE process well and did complete the quarter unit.

RJS



RJS

# REDACTED

822. Hanser, David

j, si

On Friday, October 6, 1989 I met with Dave and Dr. therapist, at Milwaukee Psychiatric Hospital, with whom David has been meeting weekly for the past year. I outlined recent developments and reiterated the fact that assignment to parish ministry does not seem feasible at this time. Both concurred that parish ministry is not within Dave's desire, but rather continued CPE certification toward hospital ministry remains his current objective. He is in an extended program at St. Joseph Hospital which will finish in March, 1990 and hopes to be available for assignment to hospital ministry in spring of 1990. Dr. stated that he would be willing to write a letter including a professional recommendation that David is ready for ministerial assignment without undue concern on the part of the Archdiocese at this time. I listed my recommendation that ongoing spiritual direction, therapy and a support group would be the request of the Archdiocese. Dr. did not believe that a support group would be helpful in this instance and indicated that his letter would state the same.

RJS

899. Hanser, David

On Monday, October 23, 1989 a file was discovered in Bishop Leo s locked drawer indicating an allegation from 1975 related to the family. This information had been totally unknown to me before that date.

RJS

# ARCHDIOCESE OF MILWAUKEE NAME: David John Hanser

DATE OF BIRTH:

AGE: 72

ORDINATION: May 31, 1958

YEARS OF MINISTRY: 30 years (Not in

any formal assignment since 1988)

ORIGINAL DIOCESE OF INCARDINATION: Archdiocese of Milwaukee

CLERIC'S ADDRESS:

Nashotah, WI 53058

PROCURATOR: Unknown PROCURATORS ADDRESS: ASSIGNMENT HISTORY:

Assistant - Christ King Parish (Wauwatosa, WI) - June 20, 1958

Assistant - Sacred Heart Parish (Racine, WI) - July 7, 1960

Faculty - Catholic Memorial High School (Waukesha, WI) - July 6, 1961

Faculty - St. Joseph High School (Kenosha, WI) - June 16, 1970

Associate Pastor - St. John Vianney Parish (Brookfield, WI) - June 13, 1972

Associate Pastor - Holy Family Parish (Whitefish Bay, WI) - June 13, 1978

Pastor - St. Mary Parish (Pewaukee, WI) - February 9, 1982

Leave of Absence - July 14, 1988

Resignation - November 30, 1988

Awaiting Assignment - December 1, 1988

Unassigned with restricted ministry - September 1, 1995

Restricted from all public ministry - April 2002

Retired - May 6, 2002

## ACCUSATIONS:

Year	Victim	Age	Alleged acts	<u>Denunciation</u>
1975	family"	Not specified	Not specified	Note in record that a file was found in 1989 in a locked file in an auxiliary bishop's office (Bishop Leo Brust) with a complaint from 1975 about sexual improprieties with children from this family; file not located currently
1968		12	Sexual assault; genital fondling	May 4, 2002
1969		11	Sexual assault; genital fondling beneath clothing	May 4, 2002
1969		18	Attempted sexual contact (once)	July 1988
1970		16 11-16	Sexual assault (once) Sexual assault (25 to	July 1988 July 1988
1968- 1973		11-10	40 times)	



August 8, 2005

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

Your Excellency:

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 Donald Peters has been accused of acts of sexual abuse of minors. The summary of these allegations is enclosed. Father Peters has admitted that a number of these acts of sexual assault occurred.

As we have reviewed the various files, it would appear that the original problem would date back to the 1960's and 1970's. While there is record of a formal notification of a problem in 1992, the anonymous nature of the report made it difficult to address. Father was informed of the report but he said he did not know to what it referred.

However, a closer review of correspondence from that period may reveal otherwise. In 1971 Archbishop William Cousins received a letter from Father Peters in which he makes reference to the need for a speedy transfer of assignment as recommended by Auxiliary Bishop Leo Brust as "the prudent way" given circumstances. A second note was sent to Bishop Brust from Father Peters stating that nothing should be committed to writing and no letter sent to those concerned. Archbishop Cousins transferred Father Peters to a new assignment a month later.

From the vantage point of hindsight, it would appear that this correspondence indicates that some inappropriate behavior had occurred at that time. Bishop Brust was the person who handled such matters and the usual response was to quietly see that the priest left his place of assignment.

When confronted with the allegations in 2002, Father Peters spontaneously admitted that there were incidents of sexual contact with minors in his past. He made this declaration to the investigating civil authorities and to the Vicar for Clergy. On that basis, Father was placed under precept not to exercise any public ministry. In 2004, as part of the attempt to bring resolution this situation, again Father Peters admitted that there were two or three others who might come forward. His dating of those incidents of sexual contact corresponds to the letters and mid-year change of assignment in 1971. Given the number of years that Father Peters was actively involved in the Boy Scouts, there is every reason to believe that additional victims may come forward.

Most Reverend Angelo Amato
Congregation for the Doctrine of the Faith

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In the years since it was first issued, the precept has remained in place. I am of the opinion that the matter needs more concrete resolution. Given his age, I had proposed that Father Peters agree to live a life of prayer and penance while remaining under precept. He has been considering that option but knows that to do so would mean he would not have free reign to travel and live elsewhere in another diocese for six or more months of the year. He would need to remain in the Milwaukee Archdiocese to be monitored. He has been in consultation with two different canon lawyers. He has now concluded that he would rather be free to travel than to remain in the clerical state. He is choosing to seek voluntary laicization and his petition is enclosed. I have been assured by his present canonical advisor that this decision is being made freely and that he has been given sufficient counsel to make such a decision. This has not been a hasty or sudden judgement. The Archdiocese of Milwaukee has paid for the services of a canonical advisor for him.

While it would have been my preference that he choose the first option given, a life of prayer and penance, he is unwilling to accept the conditions that would accompany that possibility. Given the legal liabilities, another diocese is not going to agree to monitor a priest for whom they have no responsibility. I regret that Father Peters has chosen as he has but I respect his right to do so.

Father Peters receives his full pension and will continue to do so since it is a qualified self-contributory plan. He owns a home in Wisconsin and one in Florida. Should his petition be granted, the Archdiocese of Milwaukee will establish a fund from which he can draw any resources needed for additional health needs not covered by his insurance.

I look forward to your response in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan Archbishop of Milwaukee

# A Pilgrim in a Pilgrim Church

MEMOIRS OF A CATHOLIC ARCHBISHOP

Rembert G. Weakland, OSB

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Excerpts from Geoffrey Chaucer's Canterbury Tales appearing in this volume are from the original text edited by A. C. Cawley, Everyman's Library (New York: Alfred A. Knopf, 1968).

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To the ecumenical and interfaith community in Milwaukee,
to the faithful of the Archdiocese of Milwaukee,
but especially to its priests;
in gratitude.

sociate pastors approximately every four years." I took these two explanations as an indirect way of informing me that Widera was not moved because of any recidivism. The chancellor also noted in the letter that Widera had been assigned to work with the Naim conference and served as spiritual moderator for all the Naim conferences of the diocese. The Naim conferences, named after the widow of Naim whose son Jesus had raised from the dead (Luke 7:11-17), had as their scope a pastoral ministry to widows, a relatively safe pastoral task for someone with Widera's inclinations. In the light of this letter, I signed the document of excardination.

I was surprised to read in about 2006, some thirty years later, in the newspapers the claim that Archbishop Cousins had hidden Widera's problem from the bishop of Orange. Bishops in those days put very little in writing about problems of this sort so I was surprised that Cousins had talked to Bishop Johnson on the phone and written to the chancellor as much as he did. About such matters, a bishop would have been very discrete. Cousins seemed to have gone out of his way to relay the facts and raise a warning flag. Moreover, the case was no secret in Milwaukee; there had been a public trial with pictures in the local papers.

Since bishops or superiors of religious orders generally put little in writing, it was not unusual for the files of priests and religious to contain only the official documents of ordination and their assignments. As far back as the French Revolution, a siege mentality had invaded the Catholic Church in most of Europe. As the years passed, especially in those coun tries where the Catholic Church was no longer a dominant force, that see cretive mentality grew stronger. Though it varied from nation to nation there was always a fear of leaving evidence that could be used against the Church. As abbot primate, I had found that mentality in Germany where personnel files of monasteries and convents had been taken by the Nazis. Lurid parts were published as a way of closing the institutions. Among the Irish it was the fear of the English overlords, a fear they brought to the United States but where the enemy was controlling WASP leadership and the growing number of Nativists. This fear often extended to the press which was seen as being in the hands of the Church's enemies. Some of the older bishops still exhibited this chronic Catholic paranoia, and the tendency toward secrecy was evident in the very first discussions of the sexual-abuse problem we bishops engaged in. This tendency was shared by the older generation of Catholic laity as well.

Finally, in describing the atmosphere before 1985, I would have to mention the lack of clarity about the supervisory role of the bishop with

regard to the personal lives of the priests in his diocese. During those years I struggled to understand in practice what that supervisory role meant in civil law and how it might differ from church law. Civil lawyers kept talking about respondent superior as the way of expressing the bishop's role. Did that mean that the bishop was responsible for everything a priest did twenty-four hours a day? How could anyone logically be held to such a responsibility? When I arrived in Milwaukee, there were over 500 diocesan priests and over 500 priests belonging to the Jesuits, Capuchins, Salvatorians, Pallotines, Carmelites, and so on, each group having its own superior, not to mention the over 2,500 sisters belonging to numerous religious congregations of women. It was easy to say that the superiors of religious orders should be responsible for their own members, but that did not correspond to the common perception, especially if the religious were working in an archdiocesan apostolate. Nevertheless, I took the position that the religious superior should be the one to respond if the accused was a member of their order.

I wrote an article for the Catholic Herald (May 28, 1988) summing up my thoughts on what I had learned to that date about sexual abuse among the clergy. As I re-read it now, I see that it was honest in assessing the situation current then. So, e.g., I wrote that little had been done to help victims in the past but that the old attitudes had changed radically. The negative feelings toward psychology and psychiatry in society-at-large and in the Church in particular no longer existed. I admitted that I now believed that the deep-seated cases of pedophilia involving pre-pubescent children "do not seem curable and are rarely totally containable." I also saw the priestly status as a hindrance rather than a help for the pedophile and that the return to the lay state seemed the best course for the priest, society, and the Church, but I added that "it is not always easy to convince the person of this [return to the lay state] nor to obtain from Rome such a laicization if it is against the priest's will."

I reflected on the difficulty of detecting these tendencies, especially during seminary training. Although the profile of the pedophile was emerging more clearly, analyzing the causes and recognizing the signs had not produced convincing indicators. I then approached the cases of ephebophilia, i.e., sexual abuse of post-pubescent victims. I wrote that this [age] does not reduce the seriousness of the matter, but it does make a difference when one is looking for causes or studying social conditions and environments." This was followed by a paragraph expressing my concern about the lack of psychosexual development, a study in its infancy at

# April 19, 1967

The Reverend William Farrell St. Thomas Aquinas Farish Waterford, Wisconsin 53185

Dear Father Farrell:

I am enclosing a copy of a latter just written to Father Schaefer. I think it is self-explanatory and our recent conversation is reflected in its content.

With warm personal regards and with thanks for assisting us in this emergency, I so

Fraternally yours in Christ,

Most Reverend William E. Cousins Archbishop of Milwaukee



January 21, 1969

The Reverend William Farrell

North Fond du Lac, Wisconsin 54937

Dear Father Farrell:

Many thanks for your letter of January 14th. Father Bob Sampon had already acquainted me with some of the details, but I was more than happy to get your more extended account.

Assuring you again of my gratitude for your priestly charity to Jack and for your continuing interest in his welfare, I am

Fraternally yours in Christ,

Most Reverend William E. Cousins Archbishop of Milwaukee