


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 20, 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 fact that Father Jerome Wagner has been accused of multiple acts of sexual abuse of minors. The summary of these allegations is enclosed. Father Wagner previously admitted that a number of these acts of sexual assault occurred. He has denied the seriousness of the incidents.

An incident reported to the police occurred at St. Jerome Parish in Oconomowoc. A 15-year old boy reported to his mother that Father Wagner had made inappropriate and unwanted advances toward him after having given him a number of alcoholic drinks. The police report includes the September 3, 1985 statement of the boy which describes the amount of alcohol he consumed before laying on the floor for a backrub from Father Wagner. The boy fell asleep and awoke to find Father Wagner straddling him, pressing his hips against the boy's thigh, while holding the boy's arm around Father's neck. The boy described Father as sexually aroused. The incident concluded when the boy jumped up off the floor. Father Wagner had at least two meetings with the Oconomowoc police. In one of those meetings, Father Wagner waived his rights and agreed to give the police the names of all boys to whom he had given alcohol and/or with whom he had had physical or sexually oriented contact. The above-noted description of the incident was disclosed to Father Wagner by the police in the presence of his attorney. The police report states that Father Wagner admitted that the: "Information is correct as indicated in the statement of 9/3/85."

In addition to going to the police, the mother also arranged a meeting of herself, her son and Father Wagner with the family physician. At that meeting it is reported that, when confronted with the description of the incident, "Father Wagner admitted what went on."

In a police interview Father Wagner gave the requested list of names of boys and young men. In each case he stated whether or not he had given them alcohol. In each case he stated whether or not there had been physical contact. In several instances he describes what he refers to as "cradling" the boy whereby he would encircle the boy with his arms and rock him which he found sexually arousing; this occurred while the boys were asleep or unconscious from alcohol. He admitted to being on camping trips with boys where they shared a small tent and there was perhaps a touching of the boy's hips while the boy

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 2

slept. He also described an incident with a 16 or 17 year old boy from Sheboygan who stayed overnight at Oconomowoc. Father admitted that he had given him alcohol and that they had lain together in "a sexually oriented position" but that they had shorts on.

Over the years, efforts were made to provide spiritual and psychological interventions that would rehabilitate Father Wagner. When the 1986 police investigation resulted in the district attorney's arranging with Father Wagner's lawyers for a transfer out of the area, Archdiocesan officials were not informed of the sexual content of the incidents and were told that it was a matter of providing alcohol to minors. Father was instructed to obtain counseling.

In 1994, the Archdiocese of Milwaukee was civilly sued by one of the boys with whom Father Wagner had had sexual contact. The case was resolved with an out of court settlement. It was only at this time, when investigative reporters from the newspaper followed the story, that Archdiocesan officials learned of the full content of the 1985 - 86 incidents. Father Wagner cooperated in a full reporting to Archdiocesan appointed assessors of any contacts with minors that involved alcohol or physical contact. On the basis of the information he provided and receipt of the police records from 1985, Father Wagner was sent to a residential treatment facility for assessment. On the basis of that assessment, with a full set of restrictions in place, including no unsupervised contact with minors, and with mandated counseling, it was thought that he could continue in ministry.

However, in light of the statement of the Holy Father that there is no place in ministry for a priest who has abused a minor and as a consequence of the USCCB Charter and Norms, it is clear that he cannot continue in and will never be able to assume any public ministry. When Father Wagner was removed from his position as a member of an *in solidum* team, many parishioners were supportive of him. Police and social service workers in Fond du Lac have reported that, from their observations, the limitation on unsupervised contact with minors was not observed.

As we have reviewed the various files, it is clear that Father Wagner did engage in sexual abuse and has admitted such in two investigations, one by the police and one by Archdiocesan officials. His abuse of alcohol may have contributed to a reduction in inhibition, but it cannot serve as an excuse for these behaviors. He also abused his office both to gain access to vulnerable boys and to elicit the trust of their parents. 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.

ADOM022063

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 3

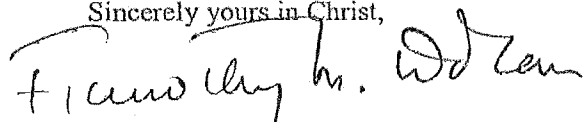
Given the nature of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. Father Wagner has stated that he will not voluntarily seek laicization and he challenges the seriousness of his offenses. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Your Eminence allow this case to proceed through a canonical penal process and that you advise us if the Congregation will call the case to itself or assign it to our local Tribunal personnel. We stand ready to draw on the services of canonists who have been specially trained for these processes by the most competent Monsignor Charles Scicluna. If such is your disposition, 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 these requests are 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.

Father Wagner is pursuing training in another profession and is capable of gainful employment. He 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

ADOM022064

DIOCESE	Milwaukee
NAME OF ORDINARY	Timothy M. Dolan
CDF PROT. N. (if available)	
NAME OF CLERIC	Jerome A. Wagner

PERSONAL DETAILS OF THE CLERIC	Date of Birth	July 16, 1946	Age	58
	Ordination	May 21, 1972	Years of ministry	30
ORIGINAL DIOCESE OF INCARDINATION		Milwaukee		
MINISTRY IN/TRANSFER TO OTHER DIOCESE				
CONTACT ADDRESS OF THE CLERIC		[REDACTED] Malone, WI 53049		
PROCURATOR (include original signed mandate)		No mandate submitted		
CONTACT ADDRESS OF THE PROCURATOR				
ASSIGNMENTS				
Year	Parish	Location	Appointment	
1972	Immaculate Conception Parish	West Bend, WI	Associate pastor	
1978	De Sales High School	Milwaukee, WI	Faculty	
1979	De Sales High School	Milwaukee, WI	Vocations Director	
1983	St. Jerome Parish	Oconomowoc, WI	In solidum team member	
1986	St. Louis Parish	Fond du Lac, WI	Pastor	
2000	Holy Family Parish	Fond du Lac, WI	In solidum team member	
ACCUSATIONS AGAINST THE CLERIC				
Year	Victim	Age	Imputable Acts	Denunciation
1972-77	Multiple unnamed but admitted by cleric	15-17	Providing alcohol to minors to point of inebriation; use of minors body for self-masturbation by cleric	Self-reported by cleric to diocese in 1994
1977-83	Multiple unnamed but admitted by cleric	15-17	Providing alcohol to minors to point of inebriation; use of minors body for self-masturbation by cleric	Self-reported by cleric to diocese in 1994
1985	[REDACTED]	15	Gave alcohol to victim until he passed out; straddled victim and rubbed against his pelvic area to the point of ejaculation; victim woke up and broke free	1985

ADOM022065

1983-86	[REDACTED]	Minor (15?)	While camping cradled the minor's body with his body and rocked him for sexual gratification	Self-reported to police by cleric in 1986
1983	[REDACTED]	16	Had minor stay overnight with him; provided alcohol and him lay on top of cleric in sexually oriented position	Self-reported to police by cleric in 1986

CIVIL PROCEEDINGS AGAINST THE CLERIC

Year	Type/Case	Conviction	Sentence (include copies of civil documents)
1986	Criminal investigation for second degree sexual assault and providing alcohol to minors	Agreement made with District Attorney to get counseling	
1994	Civil suit by [REDACTED]	Out of court monetary settlement	

MEASURES ADOPTED BY THE DIOCESE

Year	
1994	First report to diocese of sexual content in addition to alcohol from 1985; sent for counseling and placed on monitored status
2002	Removed from in solidum team

SUSTENANCE PROVIDED BY THE DIOCESE TO THE CLERIC

He is provided with \$1,250 a month, the equivalent of a retired, pensioned priest of the Archdiocese. The Archdiocese provides health and dental insurance and continues payment into his pension fund. He will qualify for a pension at age 68.

RESPONSE/RECOURSE MADE BY THE CLERIC

Year	
1986	Gave police full listing of all minors with whom he could remember that he had contact involving alcohol and/or sexual contact (8)
1994	Admitted content of 1986 police report was accurate; admitted that he achieved sexual gratification from holding minors against his body; stated that he always ejaculated quietly as he was ashamed of what he was doing

BISHOP'S VOTUM

Dispensation from prescription to conduct a penal trial to determine guilt and assign penalty proportionate to admitted and alleged actions



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

14 February 2005

421/04-20767

PROT. N.

(In risposta *fiat mentio huius numeri*)

CONFIDENTIAL

Your Excellency,

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

After a careful examination of the present case, I wish to inform you that this Congregation – having taken into consideration the gravity of the accusations and the culpability of the cleric – grants the derogation from prescription. At the same time, Your Excellency is authorized to conduct a penal administrative process (can. 1720 *CIC*) and not a judicial process as requested. However, before proceeding, we would ask you to approach Rev. Wagner one last time in order that he might freely request the grace of a dispensation from the obligations of the priesthood. If he declines the invitation, Your Excellency should initiate the above-mentioned process. At the conclusion of the process a suitable penalty should be imposed, not excluding dismissal from the clerical state.

In the meantime, this Dicastery confirms the precautionary measures already adopted by Your Excellency regarding Rev. Wagner.

With prayerful support and best wishes for the Lenten Season, I remain

Yours devotedly in the Lord,

✠ Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

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

ADOM022049

MAR 28 2005

Jerome A Wagner

Malone WI 53049-1239

Home:

Cell:

Email:

His Holiness
Pope John Paul II
Bishop of Rome
Vatican City State

Saturday, March 26, 2005

Your Holiness,

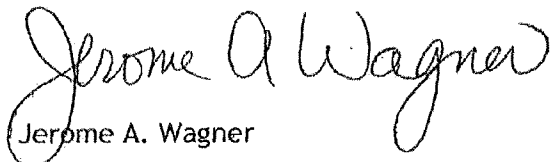
On May 21, 1972, Archbishop William E. Cousins placed his hands upon me and ordained me a priest for the Archdiocese of Milwaukee. I have served as priest in this Archdiocese for thirty-three years. It has been my responsibility and privilege to bring the sacraments to the faithful and provide the love of God for many who have forgotten how much that love affects their lives and their salvation.

I have truly done the very best I could, and I firmly believe that my priestly ministry has brought faith, hope and love to the vast majority of the faithful that I have been privileged to serve. However, it has been determined by Archbishop Timothy Dolan that during that same time my sinfulness has gotten in the way of my continuing in priestly service as a Roman Catholic priest.

It is very improbable that I will ever be able to continue my ministry as a Roman Catholic Priest. Therefore, I humbly place myself before you and voluntarily request a dispensation from the obligations of the priesthood. I ask for your prayers that my return to the lay state will provide me with other opportunities to serve the people of God as best I can.

I wish you all the blessings of Easter and I am grateful to God for your Pontificate over the past twenty-six years.

Sincerely in Christ,


Jerome A. Wagner

ADOM022051


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 421/04-20767

March 29, 2005

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

Your Excellency:

Thank you for your previous correspondence on the above-captioned case. As you requested, we did approach Reverend Jerome Wagner to reiterate the request that he voluntarily seek a dispensation from the obligations of the priesthood. In my name, Very Reverend Curt Frederick, Vicar General and Vicar for Clergy, contacted Father Wagner on this matter.

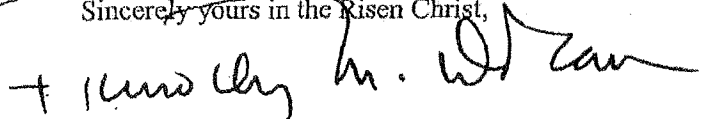
Enclosed is the petition to the Holy Father requesting a dispensation as prepared by Father Wagner. In it he acknowledges that his sinful actions have led to his inability to continue in priestly ministry. He also acknowledges the voluntary nature of his petition. I accept the veracity of the statements he makes in the petition. Father Frederick has also spoken with Father Wagner and agrees that this petition is being made freely.

Enclosed is a copy of the reporting information. From your letter it appears that all has been completed as requested. Therefore, I humbly request that Father Wagner's petition receive an affirmative reply. He continues to be provided with a pension equivalency and upon laicization will be assisted with transition expenses. He has already been trained for a position in the secular world.

Thank you for your kind attention to this matter.

With sentiments of esteem and prayerful best wishes, I am,

Sincerely yours in the Risen Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

Prot. No. 421/04-20767

June 15, 2007

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

The above captioned case involves Reverend Jerome Wagner. It was originally submitted as a request to conduct a penal trial. Faced with this potential, Father Wagner decided to submit a petition for voluntary laicization. In that petition he acknowledged that his sinful actions had led to his inability to continue in priestly ministry. Father Wagner has been under a penal precept forbidding any exercise of public ministry and any public presentation of himself as a cleric.

It has recently come to my attention that he has acted in violation of this penal precept by presiding at a funeral service. he is known in the region where the FUNERAL service was celebrated (because he has remained in the vicinity of his last assignment), so the newspapers reported on it and referred to him as "Reverend" Wagner. While he cannot be held accountable for what the news reporter did, he has obviously not taken this whole matter seriously, and it appears he will continue to act as he deems fit regardless of any action on my part. He recognized that what he had done was wrong and reported it to one of the priests in the area, but was more concerned about the fact that the service had been reported on than the fact that he had violated the precept.

The faithful who have learned of these actions on his part are confused and scandalized. As noted, he has not moved from the immediate vicinity of his last parish assignment, and that parish cannot move toward healing while Father Wagner does not observe the restrictions on his ministry. I am afraid that the delay in response to his request for laicization has led to more complacency on his part regarding the seriousness of what his behavior has caused the Church.

ADOM047030

Page 2 --

Prot. No. 421/04-20767

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith

Therefore, I resubmit my support that the petition for laicization presented by Reverend Jerome Wagner be granted an affirmative response.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM047031



CONGREGATIO PRO DOCTRINA FIDEI

Prot. N. 421/04

Milvaukiensis

D.nus **Jerome A. WAGNER**, presbyter huius archidioecesis, humiliter petit dispensationem ab omnibus oneribus sacrae Ordinationi conexas

Summus Pontifex Benedictus, Papa XVI

Die 6 m. Octobris a. 2007

audita relatione Em.mi et Rev.mi Praefecti huius Congregationis, precibus praedicti sacerdotis annuit iuxta sequentes rationes:

1. Dispensationis Rescriptum a competenti Ordinario oratori quamprimum notificandum est:
 - a) Eius effectum sortitur a momento notificationis;
 - b) Rescriptum amplectitur inseparabiliter dispensationem a sacro coelibatu et simul amissionem status clericalis. Nunquam oratori fas est duo illa elementa seiungere, seu prius accipere et alterum recusare;
 - c) Si vero orator est religiosus, Rescriptum concedit etiam dispensationem a votis;
 - d) Idemque insuper secumfert, quatenus opus sit, absolutionem a censuris.
2. Notificatio dispensationis fieri potest vel personaliter ab ipso Ordinario eiusve delegato aut per ecclesiasticum actuarium vel per "epistulas praescriptas" (*registered*). Ordinarius unum exemplar restituere debet rite ab oratore subsignatum ad fidem receptionis Rescripti dispensationis ac simul acceptationis eiusdem praeceptorum.
3. Notitia concessae dispensationis adnotetur in Libris baptizatorum paroeciae oratoris.
4. Quod attinet, si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.
5. Auctoritas ecclesiastica, cui spectat Rescriptum oratori rite notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:

ADOM040015

- a) *Sacerdos dispensatus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexas non amplius adstringitur;*
- b) *exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastoralis neve munere administratoris paroecialis fungi;*
- c) *item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo fungi nequit;*
- d) *in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologicam disciplinam tradere potest;*
- e) *in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradendo Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.*

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri dispensati fidelibus scandalum praebet. Attamen, si adest periculum minoribus abutendi, Ordinarius potest factum dispensationis necnon causam canonicam divulgare.

7. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 6 m. Octobris a. 2007

William Card. Levada

Gulielmus Cardinalis LEVADA
Praefectus

A. Amato

✠ Angelus AMATO, S.D.B.
Archiep. Titularis Silensis
Secretarius

Dies notificationis Dec. 17, 2007

Jerome A. Wagner
Subsignatio Presbyteri in signum
acceptationis

Francis J. Moran
Subsignatio Ordinarii



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

10 October 2007

PROT. N. 421/04 - 25566
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I write with regard to the case of the **Reverend Jerome A. WAGNER**, a priest of your Archdiocese who has been accused of acts of sexual abuse of minors. The cleric has petitioned the Holy Father for the grace of a dispensation from all the obligations of the priesthood, including the obligation of celibacy.

This Congregation, after having carefully examined the documents of the present case and in light of the *votum* expressed by Your Excellency, has decided to forward the petition to the Holy Father for his decision.

In an audience granted on 6 October 2007 **Pope Benedict XVI granted the Rev. Wagner the grace of a dispensation from all priestly obligations including that of celibacy.** Attached you will find a copy of the relevant Decree. Your Excellency is asked kindly to ensure that he is duly notified thereof. A signed and notarized copy of the rescript, as well as notification of any other arrangements made, should be returned to this Dicastery at your earliest convenience.

I take this opportunity to express my sincere respects and I remain,

Yours devotedly in the Lord,

✘ Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

(Enclosures)

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

ADOM040019

August 7, 2003

Pope John Paul II
Vatican City

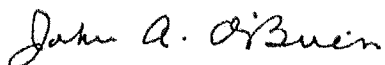
Dear Holy Father:

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.

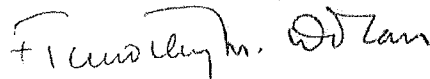
Moreover, Father James Connell, my Vice Chancellor, interviewed Father O'Brien, who discussed the accusation against him and indicated his free-will desire for laicization.

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

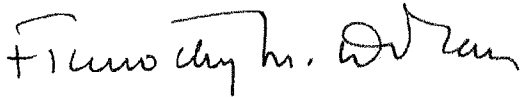
ADOM039834

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

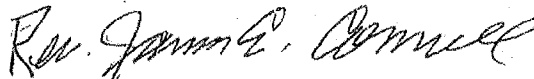
Your Excellency,

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.

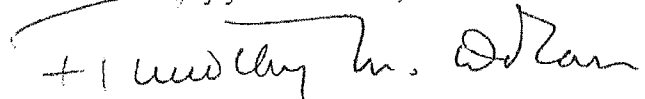
Deacon Zimprich followed up with an interview with [REDACTED]. In the course of that interview it came to light that Father O'Brien had been maintaining contact with [REDACTED] in a manner that could be construed as intrusive and controlling. Especially troubling was the report that Father O'Brien has 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


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.

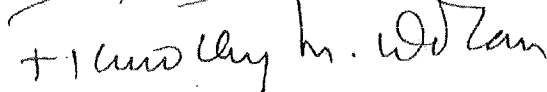
His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
p-2

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'.

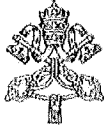
Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM016156

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 - Notification to Father Trepanier
 - Response from Advocate
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- 3) Decree appointing the Assessors
- 4) Initial Votum from Archbishop Dolan to CDF
- 5) Allegations
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 - Follow-up Report
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- 7) Subsequent Correspondence
- 8) Chronology of Contacts from Vicar and Auxiliary Bishop
- 7) Advocate's Defense Brief
- 8) Decree concluding the Process

ADOM046680



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 numeri)

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

Prot. No. 406 – 04 – 19047

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.

ADOM046681

Prot. No. 137/03 - 19050

P. 2

His Excellency, The Most Reverend Angelo Amato, SDB

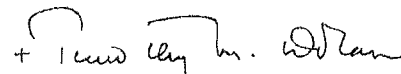
Early retirement would not be an option because the Archdiocese of Milwaukee would then be bound to continue paying his support until he reaches the age allowed by the pension plan. Civil law governs the plan and it does not allow exceptions for early retirement except for serious health conditions. 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. Uffizio

Your Excellency,

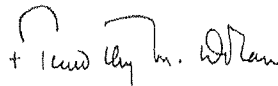
With regard to the above-captioned case, I have pondered long and hard about your suggestion that we impose a ten-year precept on Reverend Thomas Trepanier and then consider his return to ministry. I respectfully submit that such a resolution is not tenable. Ten years will not eradicate the facts in 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

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. Uffizio

Your Excellency,

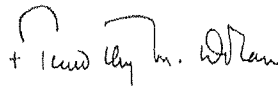
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I respectfully implore you to reconsider and confirm the results of the administrative process that was conducted here and grant the administrative laicization. This was a decision reached only after serious deliberation with some of my most trusted 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 Skiba, 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 me 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,

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 responsione fiat mentio 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

ADOM046686


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

April 19, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

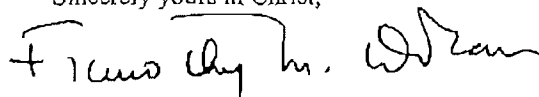
This correspondence is concerning the matter of Reverend Michael Charles Benham. As you will see in the attached documentation, he was accused of sexual abuse of a minor and has admitted that these allegations are true. He is prepared for whatever decision the Church will make in his case but is not willing to apply for voluntary laicization.

Given the nature 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 have met personally with the victim in this case and believe the negative impact this abuse has had on his life, even fracturing family relationships. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, 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 time this case was under investigation. While only one victim has come forward at this time, the frequency of the admitted offenses and the young age of the victim are such that it is my opinion that these requests are justified. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

April 19, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you will see in the attached documentation, he was accused of sexual abuse of a minor and has admitted that these allegations are true. He is prepared for whatever decision the Church will make in his case but is not willing to apply for voluntary laicization.

Given the nature 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 have met personally with the victim in this case and believe the negative impact this abuse has had on his life, even fracturing family relationships. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

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With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM027270


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. His case was originally submitted for consideration in April 2004. Enclosed are copies of the original request and a newly formatted reporting form.

Since the submission of this case, I have met again with the victim and there have been protracted mediations sessions finally arriving at an out of court settlement being paid fully by the Archdiocese. As a sign of repentance, since he has admitted the truthfulness of the charges, Father Benham has been asked again to submit a request for voluntarily laicization. He refuses to do so. He likewise has refused to make any offer, even a minor symbolic one, of compensation to the victim. I have recently learned that, despite being bound by precept not to perform any public ministry, he celebrated a funeral Mass. He indicated that he did not seek permission for this action because he knew it would be denied.

Father Benham is aware that he will never be able to serve in active ministry again. A timely conclusion to this case would be best for all involved.

Thank you for your consideration in this matter. If there is anything further that is needed, please do not hesitate to inform me. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

19 July 2005

207/04-20808

PROT. N.
(In responsione fiat mentio huius numeri)

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the **Reverend Michael Charles BENHAM**, a priest of your Archdiocese who has been accused of sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio*.

After a careful study of the present case, I wish to inform you that this Congregation is of the mind that Your Excellency should approach Rev. Benham one last time in order that he might freely request the grace of a dispensation from the obligations of the Priesthood, including celibacy.

Furthermore, having also taken into account the fact that since 1980 no other accusations of sexual abuse have been brought against the cleric, Your Excellency, after having imposed a penal remedy on him (cf. can. 1348), may wish to consider allowing Rev. Benham a limited form of ministry within the diocese. This concession would only be permissible upon a favourable psychological evaluation of the said cleric and such ministry should not bring further scandal to the faithful nor risk to minors.

I take this opportunity to thank Your Excellency for your attentiveness in these difficult matters, I remain

Sincerely yours 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, U.S.A.

ADOM011461


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 207/04 -20808

October 20, 2005

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you requested, we have approached Father Benham one additional time to ask that he seek voluntary laicization as a sign of repentance for the repeated sexual abuse of a minor, offenses which has admitted took place. Once again, he has stated that he is unwilling to so do.

Given the seriousness of the offenses and the length of time over which they occurred, I do not see any way that Father Benham could be restored to any ministerial position without grave scandal. As we are all aware, assurances from psychological evaluations in the past have not safeguarded the Church's good name nor have they protected against civil liability.

In this present situation, therefore, I would reiterate my original *votum*. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation. With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

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

ADOM039411

10


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

February 22, 2007

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. He remains reluctant to seek voluntary laicization despite his admission of long-term sexual abuse of a minor. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in recently about additional violations. I have asked Father Benham to address these concerns and his response is that he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

The suggestion of appointing Father Benham to some form of limited ministry is thus out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. We relied in the past on the opinion of psychological experts to assure us that offenders were not at risk to repeat that behavior; we have seen in retrospect how flawed that advice was. Our people have a right to be assured that no offending clerics are exercising ministry.

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

ADOM039412

Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under fiscal constraints and to continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric.

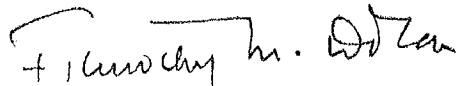
Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, 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

ADOM039413

January 15, 2008

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. You will recall that he has been asked to seek voluntary laicization multiple times. He refuses to do so and remains obstinate in that position. Despite his admission of long-term sexual abuse of a minor, he will not take this step. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham has acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in about additional violations, such as anointing of the sick and wake services. I have asked Father Benham to address these concerns and his response is the he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part. His blatant disobedience should be a sign of the character flaws with which we are dealing. He fails to see how his actions have and do harm the community of the faithful.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

As I noted previously, the suggestion of appointing Father Benham to some form of limited ministry is simply out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. Our people have a right to be assured that no offending clerics are exercising ministry. Given the assurances put forth by the U.S. bishops, any proposal that he minister elsewhere is also not an option. We will not transfer priests who have sexually abused minors.

ADOM039414

Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under dire fiscal constraints all of which can be traced directly to the evil of clergy sexual abuse. To continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric. There is a blatant injustice when I have to terminate lay employees who have done nothing to harm the Church but continue to support someone who has.

Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

A handwritten signature in cursive script, appearing to read "Timothy M. Dolan", with a small cross symbol to the left.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM039415

14

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

Prot. N.: 207/04-26926

Milwaukee

Father Michael Charles BENHAM

August 27, 2008

The Supreme Pontiff Pope Benedict XVI

having heard the opinion of his Eminence the Cardinal Prefect of this Congregation concerning the serious actions of the above named presbyter of the Archdiocese of Milwaukee (Milwaukee, USA), with the proper documentation having been sent and finding this final decision to be beyond appeal and not subject to recourse,

has decreed

for the good of the Church that the penalty of dismissal from the presbyterate be imposed.

This same presbyter is also granted a dispensation from all of the obligations connected with sacred Orders in accord with the following consideration:

1. The dismissal and dispensation take effect at the very moment of the decision of the Roman Pontiff.
2. The decree of dismissal and dispensation are to be communicated to the presbyter by the competent Ordinary and no one has the right to separate those two elements. Indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
3. Notice of the granting of the dismissal and dispensation is to be inscribed in the baptismal register of the aforementioned presbyter'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 priest, 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 dismissed presbyter 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;
 - b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, 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;

ADOM039419

- 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 a directive function;
 - d) 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) 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 dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
6. The Ordinary of the dismissed presbyter, in keeping with required prudence, must care that scandal not be given to the faithful. This pastoral care of the Ordinary is most important if danger of abuse of a minor, although remote, is at hand.
 7. Notification of the dismissal and dispensation can be made either personally or through an ecclesiastical notary or through registered mail. The dismissed priest ought to retain a signed copy of his reception and acceptance of this dismissal and dispensation and also its regulations, but if he does not it does not impede the effect of this decree.
 8. At an opportune time, the Ordinary is to send a brief report to the Congregation on his completion of the notification, and, if there is 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 27th day of August, 2008.

/s/ William Card. Levada
Prefect

/s/ Aloysius Francis Ladaria, SJ
Titular Archbishop of Thibica
Secretary

Date of notification: _____

/s/ _____
Signature of presbyter as sign of acceptance

/s/ _____
Signature of Ordinary



CONGREGATIO PRO DOCTRINA FIDEI
(Dimissio e statu clericali ac dispensatio ab oneribus)

Prot. N. 207/04

Milvaukiensis

D.nus Michael Charles **BENHAM**

Die 27 m. Augusti a. 2008

Summus Pontifex Benedictus, Papa XVI

perpensa relatione huius Congregationis circa gravem agendi rationem supradicti presbyteri archidioecesis Milvaukiensis (v.d. Milwaukee, U.S.A.), praemissis praemittendis, suprema atque inappellabili decisione nullique recursui obnoxia,

decrevit

pro bono Ecclesiae dimissionem dicto presbytero irrogandam esse.

Eidem presbytero etiam dispensationem concedit ab omnibus oneribus sacrae Ordinationi conexas iuxta sequentes rationes.

1. Dimissio ac dispensatio vim habent ab ipso momento decisionis Romani Pontificis.
2. Dimissionis ac dispensationis Decretum presbytero a competenti Ordinario loci notificetur, cui numquam fas est duo illa elementa seiungere. Idemque insuper secumfert absolutionem a censuris, quatenus opus sit.
3. Notitia dimissionis ac dispensationis adnotetur in Libris baptizatorum parociae praedicti presbyteri.
4. Quod attinet si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriore apparatu.
5. Auctoritas ecclesiastica, cui spectat Decretum praefato sacerdoti notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:

ADOM039421

a) presbyter dimissus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexas non amplius adstringitur;

b) exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastorali neve munere administratoris paroecialis fungi;

c) item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit;

d) in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologiam disciplinam tradere potest;

e) in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri dimissi fidelibus scandalum praebeat. Attamen, si adest periculum minoribus abutendi, Ordinarius potest factum dimissionis necnon causam canonicam divulgare.

7. Notificatio dimissionis et dispensationis fieri potest vel personaliter per notarium aut ecclesiasticum actuarium vel per "epistulas perscriptas" (*raccomandata, certificada, enregistrée, registered, Einschreiben*). Sacerdos dimissus unum exemplar restituere debet rite subsignatum ad fidem receptionis et acceptionis eiusdem dimissionis ac dispensationis ac simul etiam praeceptorum, quod si non faciat integer manet effectus huius Decreti.

8. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 27 m. Augusti a. 2008

William Card. Levada

Gulielmus Cardinalis LEVADA

Praefectus

+ *Aloisius Franciscus Ladaria*

✠ Aloisius Franciscus LADARIA, S.I.

Archiep. titularis Thibicensis

Secretarius

Dies notificationis _____

Subsignatio Presbyteri in signum
acceptionis

Subsignatio Ordinarii

ADOM039422


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. His case was originally submitted for consideration in April 2004. Enclosed are copies of the original request and a newly formatted reporting form.

Since the submission of this case, I have met again with the victim and there have been protracted mediations sessions finally arriving at an out of court settlement being paid fully by the Archdiocese. As a sign of repentance, since he has admitted the truthfulness of the charges, Father Benham has been asked again to submit a request for voluntarily laicization. He refuses to do so. He likewise has refused to make any offer, even a minor symbolic one, of compensation to the victim. I have recently learned that, despite being bound by precept not to perform any public ministry, he celebrated a funeral Mass. He indicated that he did not seek permission for this action because he knew it would be denied.

Father Benham is aware that he will never be able to serve in active ministry again. A timely conclusion to this case would be best for all involved.

Thank you for your consideration in this matter. If there is anything further that is needed, please do not hesitate to inform me. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

April 19, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you will see in the attached documentation, he was accused of sexual abuse of a minor and has admitted that these allegations are true. He is prepared for whatever decision the Church will make in his case but is not willing to apply for voluntary laicization.

Given the nature 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 have met personally with the victim in this case and believe the negative impact this abuse has had on his life, even fracturing family relationships. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, 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 time this case was under investigation. While only one victim has come forward at this time, the frequency of the admitted offenses and the young age of the victim are such that it is my opinion that these requests are justified. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM027270


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. His case was originally submitted for consideration in April 2004. Enclosed are copies of the original request and a newly formatted reporting form.

Since the submission of this case, I have met again with the victim and there have been protracted mediations sessions finally arriving at an out of court settlement being paid fully by the Archdiocese. As a sign of repentance, since he has admitted the truthfulness of the charges, Father Benham has been asked again to submit a request for voluntarily laicization. He refuses to do so. He likewise has refused to make any offer, even a minor symbolic one, of compensation to the victim. I have recently learned that, despite being bound by precept not to perform any public ministry, he celebrated a funeral Mass. He indicated that he did not seek permission for this action because he knew it would be denied.

Father Benham is aware that he will never be able to serve in active ministry again. A timely conclusion to this case would be best for all involved.

Thank you for your consideration in this matter. If there is anything further that is needed, please do not hesitate to inform me. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

19 July 2005

207/04-20808

PROT. N.
(In responsione fiat mentio huius numeri)

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the **Reverend Michael Charles BENHAM**, a priest of your Archdiocese who has been accused of sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio*.

After a careful study of the present case, I wish to inform you that this Congregation is of the mind that Your Excellency should approach Rev. Benham one last time in order that he might freely request the grace of a dispensation from the obligations of the Priesthood, including celibacy.

Furthermore, having also taken into account the fact that since 1980 no other accusations of sexual abuse have been brought against the cleric, Your Excellency, after having imposed a penal remedy on him (cf. can. 1348), may wish to consider allowing Rev. Benham a limited form of ministry within the diocese. This concession would only be permissible upon a favourable psychological evaluation of the said cleric and such ministry should not bring further scandal to the faithful nor risk to minors.

I take this opportunity to thank Your Excellency for your attentiveness in these difficult matters, I remain

Sincerely yours 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, U.S.A.

ADOM011461


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 207/04 -20808

October 20, 2005

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you requested, we have approached Father Benham one additional time to ask that he seek voluntary laicization as a sign of repentance for the repeated sexual abuse of a minor, offenses which has admitted took place. Once again, he has stated that he is unwilling to so do.

Given the seriousness of the offenses and the length of time over which they occurred, I do not see any way that Father Benham could be restored to any ministerial position without grave scandal. As we are all aware, assurances from psychological evaluations in the past have not safeguarded the Church's good name nor have they protected against civil liability.

In this present situation, therefore, I would reiterate my original *votum*. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation. With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

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

ADOM039411

11


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

February 22, 2007

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. He remains reluctant to seek voluntary laicization despite his admission of long-term sexual abuse of a minor. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in recently about additional violations. I have asked Father Benham to address these concerns and his response is the he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

The suggestion of appointing Father Benham to some form of limited ministry is thus out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. We relied in the past on the opinion of psychological experts to assure us that offenders were not at risk to repeat that behavior; we have seen in retrospect how flawed that advise was. Our people have a right to be assured that no offending clerics are exercising ministry.

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ADOM039412

Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under fiscal constraints and to continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric.

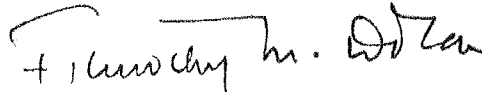
Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, 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

ADOM039413

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

Prot. N.: 207/04-26926

Milwaukee

Father Michael Charles BENHAM

August 27, 2008

The Supreme Pontiff Pope Benedict XVI

having heard the opinion of his Eminence the Cardinal Prefect of this Congregation concerning the serious actions of the above named presbyter of the Archdiocese of Milwaukee (Milwaukee, USA), with the proper documentation having been sent and finding this final decision to be beyond appeal and not subject to recourse,

has decreed

for the good of the Church that the penalty of dismissal from the presbyterate be imposed.

This same presbyter is also granted a dispensation from all of the obligations connected with sacred Orders in accord with the following consideration:

1. The dismissal and dispensation take effect at the very moment of the decision of the Roman Pontiff.
2. The decree of dismissal and dispensation are to be communicated to the presbyter by the competent Ordinary and no one has the right to separate those two elements. Indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
3. Notice of the granting of the dismissal and dispensation is to be inscribed in the baptismal register of the aforementioned presbyter'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 priest, 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 dismissed presbyter 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;
 - b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, 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;

ADOM039419

- 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 a directive function;
 - d) 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) 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 dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
6. The Ordinary of the dismissed presbyter, in keeping with required prudence, must care that scandal not be given to the faithful. This pastoral care of the Ordinary is most important if danger of abuse of a minor, although remote, is at hand.
 7. Notification of the dismissal and dispensation can be made either personally or through an ecclesiastical notary or through registered mail. The dismissed priest ought to retain a signed copy of his reception and acceptance of this dismissal and dispensation and also its regulations, but if he does not it does not impede the effect of this decree.
 8. At an opportune time, the Ordinary is to send a brief report to the Congregation on his completion of the notification, and, if there is 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 27th day of August, 2008.

/s/ William Card. Levada
 Prefect

/s/ Aloysius Francis Ladaria, SJ
 Titular Archbishop of Thibica
 Secretary

Date of notification: _____

/s/ _____
 Signature of presbyter as sign of acceptance

/s/ _____
 Signature of Ordinary



CONGREGATIO PRO DOCTRINA FIDEI
(Dimissio e statu clericali ac dispensatio ab oneribus)

Prot. N. 207/04

Milvaukiensis

D.nus Michael Charles BENHAM

Die 27 m. Augusti a. 2008

Summus Pontifex Benedictus, Papa XVI

perpensa relatione huius Congregationis circa gravem agendi rationem supradicti presbyteri archidioecesis Milvaukiensis (v.d. Milwaukee, U.S.A.), praemissis praemittendis, suprema atque inappellabili decisione nullique recursui obnoxia,

decrevit

pro bono Ecclesiae dimissionem dicto presbytero irrogandam esse.

Eidem presbytero etiam dispensationem concedit ab omnibus oneribus sacrae Ordinationi conexas iuxta sequentes rationes.

1. Dimissio ac dispensatio vim habent ab ipso momento decisionis Romani Pontificis.
2. Dimissionis ac dispensationis Decretum presbytero a competenti Ordinario loci notificetur, cui numquam fas est duo illa elementa seiungere. Idemque insuper secumfert absolutionem a censuris, quatenus opus sit.
3. Notitia dimissionis ac dispensationis adnotetur in Libris baptizatorum parociae praedicti presbyteri.
4. Quod attinet si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.
5. Auctoritas ecclesiastica, cui spectat Decretum praefato sacerdoti notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:

ADOM039421

- a) *presbyter dimissus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexas non amplius adstringitur;*
- b) *exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastoralis neve munere administratoris paroecialis fungi;*
- c) *item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit;*
- d) *in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologiam disciplinam tradere potest;*
- e) *in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.*

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri dimissi fidelibus scandalum praebat. Attamen, si adest periculum minoribus abutendi, Ordinarius potest factum dimissionis necnon causam canonicam divulgare.

7. Notificatio dimissionis et dispensationis fieri potest vel personaliter per notarium aut ecclesiasticum actuarium vel per "epistulas perscriptas" (*raccomandata, certificada, enregistrée, registered, Einschreiben*). Sacerdos dimissus unum exemplar restituere debet rite subsignatum ad fidem receptionis et acceptionis eiusdem dimissionis ac dispensationis ac simul etiam praeceptorum, quod si non faciat integer manet effectus huius Decreti.

8. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 27 m. Augusti a. 2008

William Card. Levada

Gulielmus Cardinalis LEVADA

Praefectus

+ *Aloisius Ladaria*

✠ Aloisius Franciscus LADARIA, S.I.

Archiep. titularis Thibicensis

Secretarius

Dies notificationis _____

Subsignatio Presbyteri in signum
acceptionis

Subsignatio Ordinarii

ADOM039422



ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

July 15, 2003

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 Daniel Budzynski has been accused of sexual abuse of minors. The summary of these allegations is enclosed. Father Budzynski has admitted that multiple acts of sexual assault occurred.

Over the years, efforts were made to provide spiritual and psychological interventions that would rehabilitate Father Budzynski. Although he was in therapy for decades, he continued to re-offend. There was some concern that his abusive behavior may have been triggered by alcoholism. However, even after achieving sobriety through a residential treatment program, he abused again. When it became clear that he could not be entrusted with a parochial assignment, it was thought that a non-parochial assignment might be possible. With our current understanding of the nature of his condition, it is clear that he will never be able to assume any public ministry.

As we have reviewed the various files, it is clear that he consistently abused his office both to gain access to vulnerable boys and to elicit the trust of their parents. Both in his parochial assignments and in his campus ministry positions, he found opportunities to abuse his office in a flagrant and repetitive fashion. In at least one instance, he was simultaneously engaged in sexual activity with a young boy and his mother and her female friend. He has exhibited no remorse for these serious offences. His only remorse seems to be that he cannot do everything he wants to do because of the restrictions placed on him.

The impact on his various victims has been significant. The Archdiocese of Milwaukee has yet to even locate all of the potential victims that could come forward for assistance. 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.

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 2

As victims organize and become more public, the potential for true scandal is very real.

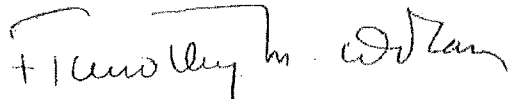
Given the nature and frequency of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend Daniel A. Budzynski be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be provided for from the pension fund.

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. Furthermore, 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 these requests are justified.

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

ADOM024132

NAME: Daniel Aloysius Budzynski

AGE: 71

ADDRESS: [REDACTED]

St. Francis, WI 53235

ASSIGNMENT HISTORY: Presbyteral Orders – May 26, 1956

Assistant -- St. Helen Parish (Milwaukee) – June 26, 1956

Assistant – St. Mary Parish (Menomonee Falls, WI) – September 21, 1961

Assistant – St. Hedwig Parish (Milwaukee) – July 12, 1962

Assistant – St. Joseph Parish (West Allis) – July 7, 1965

Assistant – St. Paul Parish (Milwaukee) – July 6, 1966

Associate Pastor – St. Casimir Parish (Milwaukee) – June 17, 1969

Associate Pastor – St. Bernadette Parish (Milwaukee) – September 28, 1971

Associate Pastor – St. Peter Claver Parish (Sheboygan, WI) – November 14, 1972

Leave of Absence – September 14, 1973

Associate Pastor – St. Joseph (Wauwatosa, WI) – March 4, 1974

Leave of Absence – May 1, 1976

Campus Ministry – Diocese of La Crosse – August 1, 1976

Sick Leave – January 21, 1982

Pastoral Team – St. Patrick (Whitewater, WI) – September 1, 1982

Awaiting Assignment – June 28, 1983

Associate Pastor – St. Louis Parish (Caledonia, WI) – June 19, 1984

Pastor – St. Louis Parish (Caledonia, WI) – September 4, 1984

Chaplain – St. Francis of Assisi Convent (Milwaukee) – October 19, 1987

Chaplain – Villa Clement Health Center (West Allis, WI) – October 15, 1992

Retired – May 31, 1994

DECREES ISSUED:

May 25, 1995 – Precept issued with the following restrictions:

- 1) To refrain from all contact with minors;
- 2) To cease until further notice all public ministry including the celebration of Eucharist; Eucharist may be celebrated in a private setting alone or with only another priest or priests in attendance; the celebration of any other sacraments will require explicit permission of a local ordinary in each case;
- 3) To avoid all places and situations that, from past experience, have been occasions of serious temptation in the area of sexual morality;
- 4) Until further notice the faculty to hear confession is revoked.

May 7, 2001 – Above precept renewed

February 3, 2003 – Additional restrictions added to precept as follows:

- 1) No public presentation of self as a priest by garb or designation
- 2) No access to Seminary buildings

INVESTIGATION PROCESS:

In the past, several reports of sexual abuse of minors were admitted to by Budzynski. He was told to seek counseling. In 1982 he was sent to a residential treatment facility for alcohol abuse. His psycho-sexual problems were also addressed in that context.

ADOM024133

In February 1994, a three-person team of psychological and criminal experts was established to explore a new allegation that had arisen. In the interviews with this investigative team, the accused admitted not only some of the alleged incidents but also factually described and admitted to multiple others. These admissions were supported by various letters and entries in his personnel file. Of the following alleged delicts, the majority are based on the accused's own admission.

CIRCUMSTANCES OF ALLEGED DELICT(S):

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966
NAMES OF INJURED PARTY: .
PRESENT AGE OF ALLEGED VICTIM: 50
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
 KIND: Genital fondling
 NUMBER: Several times
 SURROUNDING EVENTS: Daniel Budzynski served as assistant pastor and was able to use his office to gain access to the alleged victim's trust; took him on a camping trip

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966
NAMES OF INJURED PARTY: (Last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 50
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
 KIND: Improper touching
 NUMBER: One
 SURROUNDING EVENTS: Incident occurred on same camping trip noted above

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 47-50
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
 KIND: Genital fondling, mutual masturbation, sharing pornography
 NUMBER: Several times
 SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; he had parents' permission to take him on camping trips

ADOM024134

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY
PRESENT AGE OF ALLEGED VICTIM: 47-50
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; he had parents' permission to take him on camping trips;

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY: (brother of above)
PRESENT AGE OF ALLEGED VICTIM: 47-50
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY: (brother of above)
PRESENT AGE OF ALLEGED VICTIM: 49-52
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling; mutual masturbation
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

ADOM024135

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY
PRESENT AGE OF ALLEGED VICTIM: 48-51
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (brother of above)
PRESENT AGE OF ALLEGED VICTIM: 45-48
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling; mutual masturbation
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 48-51
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

ADOM024136

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY (Last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 47-50
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY
PRESENT AGE OF ALLEGED VICTIM: 47-50
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (Last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 48-51
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; he took special care of the boy's invalid mother; took him on camping trips; on one occasion said Mass with the boy the following morning after sexual contact

ADOM024137

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY: (Last name not recalled)

PRESENT AGE OF ALLEGED VICTIM: 48-51

GENDER OF ALLEGED VICTIM: Male

NATURE OF THE OFFENSE:

KIND: Genital fondling

NUMBER: Several times

SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; took him on camping trips; on one occasion said Mass with the boy the following morning after sexual contact

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1966-69 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY:

PRESENT AGE OF ALLEGED VICTIM: 46-49

GENDER OF ALLEGED VICTIM: Male

NATURE OF THE OFFENSE:

KIND: Genital fondling; oral sex

NUMBER: Several times

SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; took him on camping trips; also had sexual relations with the boy's mother and her friend; boy [REDACTED]; August 2002 [REDACTED] came forward to report incident and ask for apology

ADOM024138

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1969-71 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 48-49
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:

KIND: Genital fondling; mutual masturbation
NUMBER: 5 or 6 times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; took the boy on a camping trip; frequently had him come to the rectory; supplied him with pornography

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1969-71 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY: (Last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 47-48
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:

KIND: Genital fondling
NUMBER: Several times
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; took him on camping trips

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1969-71 (Exact dates not recalled but place of assignment provides an approximation)

NAMES OF INJURED PARTY: ■■■
PRESENT AGE OF ALLEGED VICTIM: 45-46
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:

KIND: Took nude photographs of the boy in a sexually compromised position with his brother
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

ADOM024139

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1969-71 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (brother of above)
PRESENT AGE OF ALLEGED VICTIM: 47
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Took nude photographs of the boy in a sexually compromised position with his brother
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1971-72 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY
PRESENT AGE OF ALLEGED VICTIM: 49
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Mutual genital fondling
NUMBER: Once
SURROUNDING EVENTS: came to Daniel Budzynski after [REDACTED] was taken into the rectory to spend the night

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1971-72 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 45
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; allowed boy to stay overnight at the rectory when the other priest was gone; event was circulated among parents at the parish; Archbishop Cousins placed him on a leave of absence

ADOM024140

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1972-73 (Exact dates not recalled but the events occurred during summer studies in San Francisco so an approximation is possible)
NAMES OF INJURED PARTY: Not recalled (admitted as "several minor kids")
PRESENT AGE OF ALLEGED VICTIM: unclear
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Unclear
NUMBER: Unclear
SURROUNDING EVENTS: Daniel Budzynski was at the University of San Francisco for summer studies; parents reported actions to parish priest where he resided

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1972-74 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 47
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Twice
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; boy played music for parish Mass

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1972-74 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 47
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Twice
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the alleged victim's parish; boy played music for parish Mass

ADOM024141

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1974-76 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: Not certain
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Mutual genital fondling and masturbation
NUMBER: Unclear but more than once
SURROUNDING EVENTS: Daniel Budzynksi was associate pastor at the alleged victim's parish

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1974-76 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 42-43
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Nude massage; genital fondling
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynksi was associate pastor at the alleged victim's parish; actions took place in the presence of another minor; placed on leave of absence

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1976-80 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 41
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Sodomy
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynksi was campus minister

ADOM024142

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1976-80 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (last name not recalled)
PRESENT AGE OF ALLEGED VICTIM: 41
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Sodomy
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynski was campus minister

DATE OF ADMISSION: February 1994
DATE OF ALLEGED ACT(S): 1976-80 (Exact dates not recalled but place of assignment provides an approximation)
NAMES OF INJURED PARTY: (last name possibly)
PRESENT AGE OF ALLEGED VICTIM: 36
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynski was campus minister and the boy was the younger brother of a student; the fondling occurred under the table at a restaurant where Budzynski was the guest of the parents

DATE OF ADMISSION: February 1994
DATE OF INITIAL REPORT: January 11, 1982
DATE OF ALLEGED ACT(S): January 1982
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 34
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
KIND: Genital fondling
NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynski was a guest in the family home and had been a long-time friend of the family from his days as their associate pastor; he also attempted to fondle the older brother and possibly a child from another family who was staying overnight; placed on leave of absence and sent for alcohol treatment

ADOM024143

DATE OF ADMISSION: February 1994
DATE OF INITIAL REPORT: June 1987
DATE OF ALLEGED ACT(S): Spring 1987
NAMES OF INJURED PARTY: _
PRESENT AGE OF ALLEGED VICTIM: 29
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:

KIND: Genital fondling

NUMBER: Once

SURROUNDING EVENTS: Daniel Budzynski was pastor at the boy's parish;
the incident occurred during a class retreat; resigned
from office

DATE OF INITIAL REPORT: February 1994
DATE OF ALLEGED ACT(S): 1971
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 39
GENDER OF ALLEGED VICTIM: Female
NATURE OF THE OFFENSE:

KIND: Genital fondling, intercourse

NUMBER: Four

SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the girl's
parish; he denies this allegation; it does not fit the
pattern of other reported or admitted incidents; it
was this report that led to the investigation

DATE OF INITIAL REPORT: April 2002
DATE OF ALLEGED ACT(S): 1981
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 35
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:

KIND: Genital fondling; attempted sodomy

NUMBER: Several

SURROUNDING EVENTS: Daniel Budzynski [REDACTED] lived in the same
building as the boy's family and he
frequently visited her there; allegations that
there was also abuse of two other minors on
the same occasions; notes from the 1994
investigation show an admission of the
abuse of [REDACTED] but denial of any contact with
his younger brother or another neighbor; he

DATE OF INITIAL REPORT: April 2002
DATE OF ALLEGED ACT(S): 1967 (approximately)
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 49
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
 KIND: Fondling the chest
 NUMBER: Several
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the parish

CIRCUMSTANCES OF ALLEGED PERPETRATOR:

CURRENT RISK: The greatest risk posed is Daniel Budzynski's failure to recognize or accept the seriousness of his offenses. He portrays himself as the "victim" and even makes assertions that these encounters were helpful to the children and they wanted them to take place. He admits that his celebration of Eucharist with some of them he saw as sacrilegious. Given the number of known victims, to say nothing of those who may not yet be admitted or reported, the risk of serious scandal is extremely high.

PSYCHOLOGICAL EVALUATION: Daniel Budzynski was in therapy for most of the years these alleged or admitted events took place. Initially, there was some assessment that the alleged or admitted abuse was caused by alcoholism. However, in 1987, after attaining sobriety, he offended again.

CIVIL AUTHORITY'S ACTION: So far there are no cases that fall within the criminal statute of limitations. The District Attorney for Milwaukee County has reviewed the chronology and arrived at this conclusion. Unless there are more recent victims not yet known, the hands of civil authorities are tied.

CURRENT STATUS: Daniel Budzynski has not been in a parochial assignment since 1997. He was permitted to serve as a chaplain at a convent and a nursing home but was ordered to have no contact with minors. When the 1994 allegation was brought forth he was encouraged to and did submit a letter requesting retirement. The request was granted and he moved into a diocesan facility for retired priests. He was initially permitted to provide weekend assistance at parishes under the supervision of the pastor but that was terminated in 1995. He was also monitored by archdiocesan officials. He has been indefinitely restricted from all ministry since 1995. In 2003, he was ordered not to appear in public in clerical attire. He was also restricted from access to the Seminary on whose grounds his residence is located.

RESIDENCE: Meyer Hall, a diocesan supported residence for retired priests.

SUSTENANCE: He receives his monthly pension and lives in diocesan subsidized housing with all meals provided.

ADOM024145



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

14 October 2003

PROT. N. 266/03 -17916

(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received your letter of 15 July 2003, in which Your Excellency remands the case of the **Reverend Daniel BUDZYNSKI**, a priest accused of sexual abuse with a minor, and for whom you are requesting the dismissal from the clerical state *ex officio et in poenam*.

After a study of the case, this Congregation wishes to inform Your Excellency that it is widely disposed to proceeding with your request. However, from the documentation submitted there remains some confusion as to the actual ages of the victims of Fr. Budzynski's alleged abuse. It is not clear, for example, from the table you submitted, whether the age of the victims as indicated referred to their age in 1994 or 2003. If Your Excellency could clarify this point, the Congregation will be able to proceed with its study of this case.

Looking forward to receiving this documentation at your earliest convenience, I remain,

Yours devotedly in the Lord,

† 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.

ADOM023858

October 28, 2003

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del Uffizio
Vatican City 00120

Your Excellency,

Thank you for your helpful response in the matter referred to the Congregation regarding Reverend Daniel A. Budzynski. The ages listed in the original report submitted were the ages of the alleged victims in 2003. A revised summary report is enclosed. It lists each alleged victim along with the age at the time of the reported sexual abuse. The current, 2003, age is also listed. This list should correspond to the names in the original report.

I hope this material is helpful to you in resolving this case. If there is any further assistance we can provide, please do not hesitate to contact me.

With every best wish, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM024164

DANIEL ALOYSIUS BUDZYNSKI
 REVISED REPORT

NAME OF ALLEGED VICTIM	AGE AT TIME OF ALLEGED ACTS	CURRENT (2003) AGE
	13	50
	13	50
	10-13	47-50
	10-13	47-50
	10-13	47-50
	12-15	49-52
	11-14	48-51
	8-11	45-48
	11-14	48-51
	10-13	47-50
	10-13	47-50
	11-14	48-51
	11-14	48-51
	9-12	46-49
	14-16	48-49 (?)
	13-15	47-48 (?)
	11-13	45-46
	13	47
	15	49
	11	45
	16	47
	16	47
	Unclear (below 16)	
	14	42
	14	41
	14	41
	12 (?)	36
	13	34
	13	29
	7	39
	13	35
	13	49

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

Prot. N.: 266/03

Milwaukee

Father Daniel A. BUDZINSKI

October 29, 2004

The Supreme Pontiff Pope John Paul, II

having heard the opinion of his Eminence the Cardinal Prefect of this Congregation concerning the serious actions of the above named presbyter of the Archdiocese of Milwaukee (Milwaukee, USA), with the proper documentation having been sent and finding this final decision to be beyond appeal and not subject to recourse,

has decreed

that the penalty of dismissal from the presbyterate be imposed.

This same presbyter is also granted a dispensation from all of the obligations connected with sacred Orders in accord with the following consideration:

1. The dismissal and dispensation take effect at the very moment of the decision of the Roman Pontiff.
2. The decree of dismissal and dispensation are to be communicated to the presbyter by the competent Ordinary and no one has the right to separate those two elements. Indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
3. Notice of the granting of the dismissal and dispensation is to be inscribed in the baptismal register of the aforementioned presbyter'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 priest, 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 dismissed presbyter 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;
 - b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, 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;

ADOM024168

- 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 a directive function;
 - d) 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) 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 dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
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. Notification of the dismissal and dispensation can be made either personally or through an ecclesiastical notary or through registered mail. The dismissed priest ought to retain a copy properly signed attesting to his reception and acceptance of this dismissal and dispensation and also its precepts, but if he does not it does not impede the effect of this decree.
 8. At an opportune time, the Ordinary is to send a brief report to the Congregation on his completion of the notification, and, if there is 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 29th day of October, 2004.

/s/ Joseph Cardinal Ratzinger
Prefect

/s/ Angelus Amato, S.D.B.
Titular Archbishop of Silens
Secretary

Date of notification: _____

/s/ _____
Signature of presbyter as sign of acceptance

/s/ _____
Signature of Ordinary

bcc: Bishop Richard Sklba
Very Rev. Curt Frederick
Barbara Anne Cusack

Office of Archbishop Dolan

MAR 10 2006

Memo

To: Reverend Ron Engel
From: +Timothy M. Dolan
Date: March 7, 2006

+T.M.D.

Ron:

As you asked, here is my summary of our fruitful and fraternal meeting of Friday, March 3, 2006.

1. I reported to you that the Archdiocesan Review Board had recommended to me that you not be returned to active ministry. The charges against you they find accurate and substantiated sufficiently enough to move toward a canonical proceeding. The use of a computer to view child pornography - - particularly the graphic type reported - - is a violation of the Charter. Seeking some type of ministry which has no contacts with minors is unrealistic, so that portion of the Deferred Prosecution Agreement is not applicable.
2. I reported to you that I have accepted their recommendation.
3. What now?
 - a. You could choose to petition for voluntary laicization. You indicated that you do not intend to do so.
 - b. I need to submit the case to the Congregation for the Doctrine of the Faith for their review and further instruction. I would be asking for some form of canonical process, either judicial or administrative. Your canonical advisor would be provided with an opportunity to review the documentation prior to its submission to CDF and would be afforded the opportunity to present a statement.
 - c. Usually, a request for a "life of prayer and penance" is reserved for one of advanced age or frail health. However, I would be open to a consideration in your case. You understand, as we discussed, that this would mean no public ministry, although you would preserve your priestly identity and right to celebrate Mass. You also desired some continued connection with me and the archdiocese. You mentioned a hope for

some entrance into a religious community. That initiative would be up to you, although I renew to you my pessimism about that happening. We would also have to be clear about the fact that the diocese can no longer provide the level of financial support it has been up until now.

I encouraged you to bring this to your canonical advocate, spiritual director, and your counselor, and then to work with Curt Frederick about next steps.

Thanks, Dan

September 7, 2010

Reverend Ronald Engel

[REDACTED]
Milwaukee, WI 53217-8076

Dear Ron,

I hope that you have used some of the summer to reflect on our conversation at the end of May. As we discussed, there is no possibility that you will be able to return to ministry as a result of your actions. If you remember I asked that you consider your love for the Church and seek voluntary laicization.

The generally held position that acquisition or possession of pornographic images of minors by a cleric is a serious delict has now been confirmed by the latest norms from the Vatican. The Congregation for the Doctrine of the Faith retains jurisdiction over these cases.

Therefore, I am asking that you prepare a letter requesting laicization, addressed to Pope Benedict XVI, and send it to me by September 21, 2010. I must inform you that if I do not have such a letter from you by that date, I will prepare the dossier on your case and seek involuntary laicization according to proper canonical processes from the Congregation.

In the interim, you will be hearing from Father Pat Heppe about financial matters. I am releasing you from any clerical restrictions that would impede your pursuit of secular employment and encourage you to seek such gainful employment especially to cover your health benefits. You remain under canonical precept restricting any exercise of public ministry or representation by title or garb as a priest and all faculties have been withdrawn.

Please contact Father Heppe if you have any questions about this matter.

Sincerely yours in Christ,

+ Jerome E. Listecki

Most Reverend Jerome E. Listecki
Archbishop of Milwaukee

Feast of the Exaltation of the Cross

14 September 2010

Numbers 21 + John 13 + Philippians 2

OFFICE OF THE ARCHBISHOP

SEP 21 2010

Most Reverend Jerome E. Listecki
Archbishop of Milwaukee

Dear Jerome

During this past Lent I had requested to meet with you as my bishop for a spiritual review and evaluation of my current penitential lifestyle. When in response, on May 27th, we met for the first time, I tried as transparently as possible to present you with three areas: 1.) a personal history of my priestly vocation, 2.) a contrite review of some matters surrounding my 2004 suspension, 3.) a summary of my current situation and life as a priest :

1]

Within the atmosphere of a strong faith-centered family, I had an early and life-defining experience of Jesus. This experience was especially characterized by the faithful and forgiving love of Jesus' sacrifice on the cross. Since the early 1950's and throughout my 60 years, I have experienced Jesus calling me to an ever deeper participation in his cross. My response has included a lifelong, freely embraced and faithful virginity centered within the Eucharist and within Church service.

2]

In the more recent time, related to my suspension, I had experienced a 5-year span of unprecedented transition involving the primary care of my terminally ill mother. I periodically mismanaged my stress. I engaged in the brief and sporadic viewing of inappropriate materials. I responded to these personally grieved lapses thru immediate and concerted prayer, sacramental penitence and spiritual counsel.

3]

During these last 7 years comprising my suspension, I have made an ever deeper commitment to Jesus. Through His grace, I have tried in the private forum to live a priesthood of greater integrity marked by daily Eucharistic prayer, weekly spiritual direction, penitential poverty and caring service. Because of my love for the Church, I have made every effort to maintain an active relationship with my bishop.

✠ ✠ ✠

In our May 27th meeting, you directed me (in view of the above) to prayerfully consider "voluntary laicization" as a "sacrificial act of my priesthood." This suggestion resonated with other previous "sacrificial acts" which I had embraced out of a contrite spirit and faithful love for the People of God. I am not sure that either the spiritual motive for or the prayerful character of these acts were fully understood or believed:

1]

Subsequent to the 2 years that my situation was under civil review, my attorney -- Mr. Thomas Brown, in conversation with the federal authorities, presented me with two options: 1.) a trial in which a jury defined whether or not the computer materials in question were pornographic or 2.) a 10-year deferred prosecution agreement that, in keeping with my honest understandings and sincere intentions, did not contain an personal admission of violating federal law.

In conversation with Attorney Brown, I was informed that there was a "reasonable argument" that a jury would discover that the computer materials in question were not pornographic as currently defined by federal statutes. Nevertheless, I made the difficult decision to enter into the 10-year deferred prosecution agreement. I did this because, first and foremost, I genuinely did not want to risk exposing my beloved Church and my beloved Parishioners (both past and present, younger and older) to an embarrassing media circus that would inevitably surround a trial where definitions of obscenity, pornography would be graphically debated.

2]

In person and in correspondence, I several times concertedly offered Archbishop Dolan everything that I had (the financial value of all my personal, familial and material property) asking for a *prayer-and-penitence covenant* which would involve a penitential life of service within a cloistered eucharistic community.

It was and is my love for Jesus, for His Church and His Priesthood, that motivated my above decisions and actions.

continued

Therefore, I have taken to heart your request to consider “voluntary laicization” as yet another appropriately contrite and “sacrificial act of priesthood.” Both in prayer and in conversation with my spiritual director, I have reflected long and hard on your words. I found myself prayerfully rereading the Ordination Rite. And, along with your words of May 27th, I revisited your reflections in “Love One Another” on May 18th and September 14th :

1]

On May 18th, you reflected on your own ordination, saying -- *“I remember wondering what God had in store for me. There's no way that I ever would have imagined the journey that has been my priestly life. In that manner, a priestly vocation is comparable to the vocation of marriage. When a couple pledge their life to one another, they allow the mystery of the two becoming one to create something far greater.”* On Sept. 14th, you recounted a five-year running invitation from Deacon Scott Jamieson to serve as a retreat master...an invitation that you “promised” to fulfill despite innumerable roadblocks and delays. You stated -- *“But a promise is a promise, and I knew that I needed to keep this commitment if only for reasons of personal integrity.”*

2]

Consequently, I trust that you will understand me when I say that I am unable to request voluntary laicization. The profound invitation and promise that I have experienced in Jesus throughout these 60 years, ...the profound mystery of two becoming one experienced in the sacramental vows of ordination...lead me to say - *“But a promise is a promise, and I know that I need to keep this commitment if only for reasons of personal integrity.”* However the Church ultimately believes it necessary, with regard to my person, to define its good in the public forum; nevertheless, I know that I am and I will remain a priest forever. The Priesthood of Jesus will continue to call, to challenge and to shape me for the rest of my life.

✠ ✠ ✠

Since 2004, it was explained to me by Archbishop Dolan that the Review Board discernment of 2006 was the first phase of the Church’s “spiritual” due process. Repeatedly, I was told that my case needed to go to Rome. I was informed that, subsequent to an equally full and prayerful review by both the Archbishop’s canonical advocate and my canonical advocate - Fr. Pat Lagges, the Holy Father needed to review my case and to make a decision.

~~With regard to the above, let me highlight my experience of the Milwaukee process by naming and describing three things: 1.) one troubling memory of April 2004, 2.) one ongoing frustration of these past 5 years, 3.) one overwhelming concern about the archdiocesan plan for October 1st.~~

1]

The day after I was first interviewed by the federal authorities, I met directly and indirectly with several groupings of Archdiocesan officials that included Archbishop Dolan, Bishop Sklba, Vicar Rev. Joe Hornacek, Vice Vicar Rev. Bill Kohler, a female resource psychologist for the Review Board, and Chancellor Barb Cusack. In a variety of conversations both with them and among themselves, they expressed not being sure if the viewing of certain inappropriate materials(whether of a lesser obscene degree or of a greater pornographic degree) constituted a violation of the Dallas Charter. They needed to have Cusack call Washington to find out.

2]

Regardless of repeated requests and assurances, my canonical advocate – Fr. Pat Lagges has yet to be given the opportunity to fully access, to critically review and to share with me the content of my Review Board file. It is my understanding that Fr. Lagges has formally protested this one characteristic of the Milwaukee process. It is my recollection of several conversations with Fr. Lagges that (in many dioceses), as soon as the Review Board makes its recommendation regarding a priest’s case, the file is usually released to both the Archbishop’s canonical advocate and the priest’s canonical advocate as a means of facilitating due process.

3]

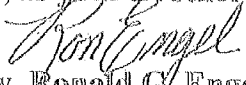
In late 2006 – early 2007, after a brief verbal summary of the Review Board’s recommendation, Archbishop Dolan stated that my case was a difficult one because it did not involve any physical-sexual abuse of an individual. Rather, +Dolan seemed to indicate that my case involved a violation of a grayer, less defined area of the Dallas Charter, in which the viewing of certain inappropriate materials was deemed serious. Throughout several years of conversation, Archbishop Dolan seemed to maintain an understanding that my behavior, though serious and with serious consequences, was a “lesser” violation of the Charter...and open to some pastorally merciful considerations.

On September 16th, you issued a formal letter both to the diocese and to the public media, accompanied by a televised interview. You announced that on October 1st the names of 9 priests (which includes me) would be added to the Archdiocesan List of Clergy with "A Substantiated Allegation of the Sexual Abuse of a Minor." The immediate recorded response of some members of the public was outrage concerning those priests who "molest" and "rape" children.



Consequently, I am deeply disturbed by the real, potential for injurious misrepresentation of my person and my situation when my name is added to "the List." In the current parlance of the secular media, a List of those with a "substantiated allegation of the sexual abuse of minor" seems to translate into a List of "felony sex offenders" who have physically raped a child. Such an interpretation of me and of other priests whose case-situation is similar would not be accurate and could be gravely damaging. Indeed, any such misperceptions and misunderstandings of the Archdiocesan List could lead certain basic public and private agencies associated with other priests and myself to wrongly deny or to wrongly terminate access to essential services and benefits, to residency rights and employment opportunities.

In view of these concerns and my heartfelt understanding of my vocation, I sincerely believe that the further two phases of the Church's due process mentioned above should prayerfully proceed. Thank you for this opportunity to respond.


With Care, as your Brother in Jesus,


Rev. Ronald G. Engel

ronaldengel@att.net

 -Milwaukee, WI 53217-8076 

CC:


Rev. Patrick Lagges Canonical Advocate
Mr. Thomas Brown Civil Attorney

March 14, 2011

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 Ronald G. Engel has been accused of possession of child pornography. The summary of these allegations is enclosed. Father Engel has accepted a deferred prosecution from the United States Department of Justice but denies or minimizes the gravity of his offense.

This case has progressed slowly for several reasons. The Archdiocese was unable to begin its own internal procedures until the Department of Justice had completed its investigation. Once a deferred prosecution agreement was reached, my predecessor, Archbishop Timothy M. Dolan, took charge of the case. He asked experts to review the question of whether possession of child pornography constituted a canonical delict. He attempted to persuade Father Engel to seek voluntary laicization. He met with him multiple times in this regard but was unsuccessful in eliciting his cooperation.

Archbishop Dolan requested that the Diocesan Review Board examine the case and make recommendations to him. They seriously deliberated this matter before them to determine

- what factual information was on hand
- whether additional information needed to be obtained and, if so, what information
- whether what is factually determined to have occurred constitute a breach under the *Charter and Norms for the Protection of Children and Youth*.

The factual information they concluded was the admission, both to the Vicar for Clergy at the time the Department of Justice first approached him and in the Deferred Prosecution Agreement, that Father Engel did have pictures of nude children on his computer. They found that his explanation that they were for art purposes was contradicted by the report from his therapist referring to "libidinal voyeuristic interests." The same report says that "he has maintained that the nature of his interest" was "artistic." The opinion of the Board was that this attempt at a defense yields to contrary facts, especially the frequency with which the sites were accessed and the titles of the sites. Logging in to sites called "all x boys," "erect x boys" and "virgin x boys" one would not conclude that these were sites for art. The Board members also were concerned that the focus was on pubescent boys, not older teens or adults. The use of a "scrubber" for his computer was also viewed as an indication that the material being downloaded was not in the category of art or he would not have worried about it.

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith – p. 2

The members of the Board noted that the Deferred Prosecution Agreement indicated that there was probable cause to believe that Engel violated federal statutes related to child pornography. Therefore, they concluded that the computer material was child pornography. They also concluded that acquisition and possession of child pornography was a violation of the *Charter*. The Board recommended that this case be deemed substantiated. They further noted that sexual exploitation of a minor does not require that the minor feel exploited or know he/she is being exploited. Having recommended that the *Charter* had been violated, there was also the recommendation that Father Engel was not suitable for ministry.

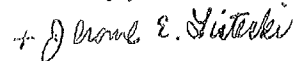
With these recommendations in hand, Archbishop Dolan again encouraged Father Engel to seek voluntary laicization. Father Engel requested the opportunity to live a life of prayer and penance possibly in a monastic setting. Archbishop Dolan agreed to permit him to seek such a living situation. No such opportunity had presented itself prior to Archbishop Dolan's transfer to the Archdiocese of New York.

Upon taking possession of the Archdiocese of Milwaukee, one matter I sought to review was the status of any cases pending with the Congregation for the Doctrine of the Faith or any that could potentially need to be referred there. Father Engel's case was one that came to my attention. With the clarification of the law in July 2010, that "the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology" (*Norms on Graver Delicts*, Art. 6, §1, 2^o) constitutes a grave delict reserved to the Congregation, I advised Father Engel to consider voluntary laicization. I gave him a period of time in Fall 2010 to consider this option. He refused to seek laicization.

Therefore, I now submit for your consideration this commission of a delict and ask that you advise me on how to proceed. Since there is an admission of the acquisition and possession of child pornography, a lengthy fact finding investigation through a judicial penal process seems unnecessary, in my opinion. Therefore, I seek the authority of the Congregation to conduct an administrative penal process. If your determination is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Father Engel has had sufficient time over the last six years, with financial support from the Archdiocese, to acquire skills needed to support himself by secular employment.

With sentiments of esteem, I am,

Sincerely yours in Christ,



Most Reverend Jerome E. Listecki
Archbishop of Milwaukee



CONGREGAZIONE
PER LA DOTTRINA
DELLA FEDE

00120 Città del Vaticano, 9 April 2011
Palazzo del S. Uffizio

OFFICE OF THE ARCHBISHOP

APR 28 2011

Page N. 558/2010 -- 35134

CONFIDENTIAL

Your Excellency,

Thank you for your correspondence of 14 March 2011 regarding the Rev. Ronald G. ENGEL, a priest of your diocese accused of possession of child pornography.

After having carefully examined the *Acta*, and in light of Your Excellency's comments, this Congregation authorizes you to initiate an administrative penal process in accordance with can. 1720 *CIC*. Your Excellency is kindly requested:

- 1) to inform the accused of the allegations and proofs, while affording him the opportunity, via his canonical advocate, of a proper defence;
- 2) to evaluate accurately all the proofs and the evidence with the assistance of two assessors who are competent and renowned for their prudence;
- 3) to issue a decree in accordance with cc. 1342-1350 *CIC*, if the delict can be proven with certainty. The decree should contain the reasons *in iure et in facto*.

If Your Excellency were to consider it opportune to request the *penalty of dismissal from the clerical state or some other perpetual penalty*, the imposition of such penalty should be requested first from this Congregation. In the event that a decree were to be issued by this Dicastery, the accused would always have the right to present his recourse to the Ordinary Session of the Cardinal and Bishop Members of this Congregation (*Feria IV*).

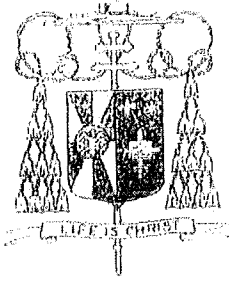
Your Excellency is also reminded of the obligation to adhere to the norms of *CIC* can. 281.

With prayerful support and best wishes, I remain

Yours sincerely in Christ,

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

His Excellency
The Most Reverend Jerome E. LISTECKI
Archbishop of Milwaukee
3501 South Lake Drive
Milwaukee, Wisconsin 53207-0912
UNITED STATES OF AMERICA



JEROME EDWARD LISTECKI

Miseratione Divina et Apostolicae Sedis Gratia
Archiepiscopus Milvauchiensis

Prot. N.: CDF 558/2010 - 35134
MKE 02/11 APP

DECREE

Having been authorized by the Congregation for the Doctrine of the Faith to undertake an administrative penal process in the matter of the

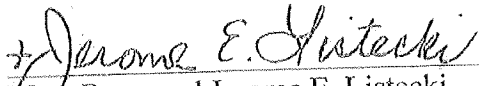
Reverend Ronald G. ENGEL

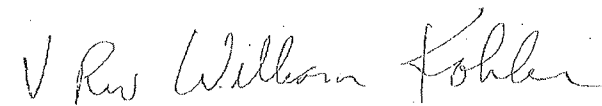
I herewith decree the opening of this process in accord with the norm of canon 1720.

Two assessors shall be appointed. A defense brief will be solicited upon a review of the allegations by the procurator/advocate for the accused.

I appoint the Reverend Philip Reifenberg as Promoter of Justice (CIC canon 1430). I also appoint the Very Reverend William Kohler as Notary for this process (CIC canons 483 & 484)

Given this 17th day of May 2011


Most Reverend Jerome E. Listecky
Archbishop of Milwaukee


Very Reverend William Kohler
Notary

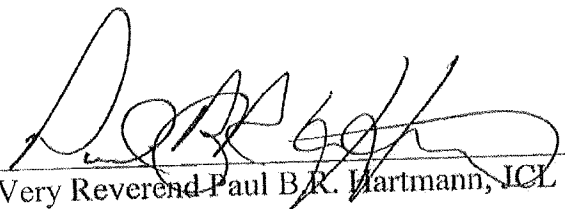
Archdiocese of Milwaukee
Metropolitan Tribunal
3501 S Lake Drive
Milwaukee, WI 53207-0912

Decrees & Evidence
Administrative Penal Process (In Progress)
Reverend Ronald Engel
CDF Prot. N.: 558/2010



With due regard to *SACRAMENTORUM SANCTITATIS TUTELA* and the revised *substantive norms*, Article 30§§1&2, promulgated 21 May 2010, these documents are subject to the restrictions of the pontifical secret.

At the direction of the Most Reverend Jerome E. Listecki, Archbishop of Milwaukee, these documents are forwarded from the care of the Metropolitan Tribunal of the Archdiocese of Milwaukee on 30 September 2011.



Very Reverend Paul B. R. Hartmann, JCL
Judicial Vicar

ADOM050338

1970	[REDACTED]	17	Sexual contact (multiple)	July 1988
1985	[REDACTED]	18	Sexual contact	May 1, 2002
1985	[REDACTED]	17	Sexual contact	May 1, 2002
1985	[REDACTED]	15	Sexual contact	May 1, 2002
1972	[REDACTED]	11	Genital fondling	April 25, 2002

CIVIL PROCEEDINGS

Year	Type/case	Conviction	Sentence
2002	District Attorney ordered criminal investigation	Cases beyond statute of limitations	
2002	Civil suit filed by victim	Settled out of court	
2002	Counter suit filed by Hanser	Settled out of court	

MEASURES ADOPTED BY THE DIOCESE

Year	Action
1988	Asked to take personal leave while allegations studied; substance of allegations acknowledged and resignation from office accepted; professional counseling and spiritual direction ordered
1991	Permitted to make personal arrangements to provide chaplain services with no appointment to office at a hospital with restrictions and monitoring providing no contact with minors
1995	Precept restricting all public ministry, revoking faculties, and ordering no contact with minors (May 25, 1995); modification of precept allowing exercise of ministry and restoration of faculties but only in a hospital setting with no contact with minors (September 13, 1995)
2002	Precept reinstates all restrictions on public ministry (April 3, 2002)
2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

Father Hanser is independently wealthy with a luxury home and automobile and considerable assets. Nonetheless, because he is eligible he receives a monthly pension check from the priests' pension plan and is provided the same health benefits as any retired priest.

RESPONSE / RECOURSE BY THE CLERIC

Year	Action
1988	Admitted the substance of the allegations by the [REDACTED] family, submitted resignation from office, paid the major part of the settlement with the family
2002	Confronted by [REDACTED] parents; admitted substance of allegations and asked for "confidentiality" from them, offered to write letters of apology but letters deemed inadequate due to "excuses" for behavior

INVESTIGATION PROCESS:

The 1988 claims were taken to Father Hanser by the Vicar for Clergy and acknowledged. Subsequent claims have been consistent with the reported pattern. Most of the victims were from large families. Father Hanser became friends with the family and subsequently invited the male children in the family to his lake cottage where the assaults took place.

ARCHDIOCESE OF MILWAUKEE

NAME: David John Hanser

DATE OF BIRTH: [REDACTED] 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: W330 N6385 Hasslinger Drive
 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	Denunciation
1975	[REDACTED]	Teen	Genital fondling	November 1975
1968	[REDACTED]	12	Sexual assault; genital fondling	May 4, 2002
1969	[REDACTED]	11	Sexual assault; genital fondling beneath clothing	May 4, 2002
1969	[REDACTED]	18	Attempted sexual contact (once)	July 1988
1970	[REDACTED]	16	Sexual assault (once)	July 1988
1968- 1973	[REDACTED]	11-16	Sexual assault (25 to 40 times)	July 1988
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RESPONSE / RECOURSE BY THE CLERIC

Year	Action
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INVESTIGATION PROCESS:

The 1988 claims were taken to Father Hanser by the Vicar for Clergy and acknowledged. Subsequent claims have been consistent with the reported pattern. Most of the victims were from large families. Father Hanser became friends with the family and subsequently invited the male children in the family to his lake cottage where the assaults took place.

May 17, 2004

ADOM012243


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

May 17, 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 David John Hanser has been accused of multiple acts of sexual abuse of minors. The summary of these allegations is enclosed. Father Hanser has admitted that a number of these acts of sexual assault occurred.

Over the years, efforts were made to provide spiritual and psychological interventions that would rehabilitate Father Hanser. It was thought that a non-parochial assignment might be possible. With our current understanding of the nature of his condition, it is clear that he will never be able to assume any public ministry.

As we have reviewed the various files, it is clear that he consistently abused his office both to gain access to vulnerable boys and to elicit the trust of their parents. He used his personal and family wealth as a way to approach families of similar status and befriend them. He manipulated those friendships into opportunities to take the young males to his lake cottage where the sexual contact occurred.

The impact on his various victims has been significant. The Archdiocese of Milwaukee is paying ongoing therapy costs for several of them and has done so for a number of years. 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.

The notoriety of this case became even more serious in 2002 with the announcement of a criminal investigation. While no charges were filed because of the statute of limitations, the district attorney concluded that, in his professional judgement, the assaults did occur. Additional publicity arose with the filing of civil suits. Rather than take a humble and remorseful stance, Father Hanser occasioned more scandal by suing the individuals who filed the suit. Because of his financial status, he was able to arrive at a monetary settlement the details of which have not been shared with me.

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 2

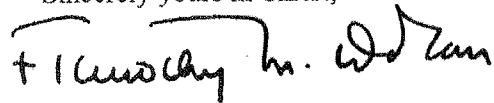
Given the nature and frequency of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend David John Hanser be dismissed *ex officio, ad poenam* from the clerical state. Father has sufficient financial resources to care for his personal needs and will continue to receive his pension. He owns his own home where he is currently residing.

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. Furthermore, 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 these requests are justified.

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 a long horizontal stroke.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM012245

ARCHDIOCESE OF MILWAUKEE
 NAME: David John Hanser

DATE OF BIRTH: May 6, 1932
 ORDINATION: May 31, 1958

AGE: 72
 YEARS OF MINISTRY: 30 years (Not in
 any formal assignment since 1988)

ORIGINAL DIOCESE OF INCARDINATION: Archdiocese of Milwaukee
 CLERIC'S ADDRESS: [REDACTED]

Nashotah, WI 53058

PROCURATOR: Unknown
 PROCURATORS ADDRESS:

ASSIGNMENT HISTORY:

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1972	[REDACTED]	11	Genital fondling	April 25, 2002

CIVIL PROCEEDINGS

Year	Type/case	Conviction	Sentence
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MEASURES ADOPTED BY THE DIOCESE

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2002	Precept reinstates all restrictions on public ministry (April 3, 2002)
2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

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RESPONSE/RECOURSE BY THE CLERIC

Year	Action
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2002	Confronted by [REDACTED] parents; admitted substance of allegations and asked for "confidentiality" from them, offered to write letters of apology but letters deemed inadequate due to "excuses" for behavior

INVESTIGATION PROCESS:

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CANON LAW PROFESSIONALS

February 18, 2005

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

Reverend David J. Hanser, Archdiocese of Milwaukee

Your Eminence:

I write to you today as the advocate and procurator for Father David J. Hanser, a priest of the Archdiocese of Milwaukee. I am enclosing a copy of the mandate.

Father Hanser contacted me on February 9, 2005, after he had just received a letter sent from the Archbishop of Milwaukee, the Most Reverend Timothy M. Dolan, on February 5, 2005, which indicated the Archbishop's intent for the laicization of Father Hanser. The Archdiocese has not yet provided any information or explanation about the allegations made against Father Hanser. The only source of information has been the media. I have requested the opportunity to review Father Hanser's file and am waiting to arrange a specific date.

I understand that his current situation stems from incidents that allegedly occurred a number of years ago. It is also my understanding that Father Hanser is living in retirement and has had his faculties restricted. Further, I have spoken briefly with Ms. Barbara Anne Cusak, the Delegate of the Archbishop of Milwaukee, the Most Reverend Timothy M. Dolan, who informed me that Father Hanser's case has already been forwarded to the Doctrine of the Faith along with the Archbishop's *votum* asking for an involuntary dismissal from the clerical state.

Father Hanser has been retired since May, 2002. His ministry has been restricted. The Archdiocese has sought little contact with Father Hanser since that time. Father Hanser is well over seventy years of age.

Father Hanser does not want to be laicized. He wishes to remain a priest in his retirement, but he does not seek to be active. He is concerned about the supplemental health insurance provided by the Archdiocese – something very understandable for a man of his age.

I ask you to allow me time to review Father Hanser's files and the information which the Archdiocese has so that I can provide an appropriate defense statement on his behalf.

Sincerely,

J. Michael Ritty, J.C.L., Ph.D.
Advocate and Procurator for Father

encl: canonical mandate

✓ cc: Most Reverend Timothy M. Dolan; Father David Hanser

March 5, 2005

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

Your Eminence:

I am in receipt of a copy of a letter sent to you by Mr. Michael Ritty on behalf of Reverend David Hanser (copy enclosed). The matter being addressed was sent by the archdiocese to the Congregation for the Doctrine of the Faith in May 2004. Since Mr. Ritty is being given incorrect information by Father Hanser, I thought it important to correct some statements contained in the letter you have received.

Father Hanser has apparently informed Mr. Ritty that he does not know the substance of allegations against him because the archdiocese has not "provided any information or explanation about the allegations." This statement is false. Father Hanser was informed when these allegations first came forward in 1975 and again in 1988. In 1988 one family with multiple victims came forward and he admitted the veracity of the reports. He resigned from office at that time. Again, in 2002, when he was confronted by the parents of three members of a family who were abused, he again admitted the abuse and offered to send them a letter of apology. He was a party to a settlement and provided a portion of the monetary compensation in the first instance. Father Hanser filed suit against that same family in 2002. Clearly he knows what allegations have led to canonical action against him.

Thank you for your attention to this case. If there is any further information I can provide, please do not hesitate to contact me.

With sentiments of esteem and much gratitude, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM012260

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

Prot. N.: 247/04

Milwaukee

Father David John HANSER

September 30, 2005

The Supreme Pontiff Pope Benedict XVI

having heard the opinion of this Congregation concerning the serious actions of the above named presbyter of the Archdiocese of Milwaukee (Milwaukee, USA), with the proper documentation having been sent and finding this final decision to be beyond appeal and not subject to recourse,

has decreed

that the penalty of dismissal from the presbyterate be imposed.

This same presbyter is also granted a dispensation from all of the obligations connected with sacred Orders in accord with the following consideration:

1. The dismissal and dispensation take effect at the very moment of the decision of the Roman Pontiff.
2. The decree of dismissal and dispensation are to be communicated to the presbyter by the competent local Ordinary and no one has the right to separate those two elements. Indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
3. Notice of the granting of the dismissal and dispensation is to be inscribed in the baptismal register of the aforementioned presbyter'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 priest, 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 dismissed presbyter 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;
 - b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, 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 a directive function;

ADOM012017

- d) 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) 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 dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
6. The Ordinary is to take care lest the dismissed presbyter, because of a lack of prudence, exhibits scandal to the faithful. This pastoral solicitude of the Ordinary is most important if a danger of abuse of minors, although remote, is present.
 7. Notification of the dismissal and dispensation can be made either personally or through an ecclesiastical notary or through registered mail. The dismissed priest ought to retain a copy properly signed attesting to his reception and acceptance of this dismissal and dispensation and also its precepts, but if he does not it does not impede the effect of this decree.
 8. At an opportune time, the Ordinary is to send a brief report to the Congregation on his completion of the notification, and, if there is 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 30th day of September, 2005.

/s/ William L. Levada
Archbishop Emeritus
of San Francisco in California
Prefect

/s/ Angelus Amato, S.D.B.
Titular Archbishop of Silens
Secretary

Date of notification: _____

/s/ _____
Signature of presbyter as sign of acceptance

/s/ _____
Signature of Ordinary

LAICIZATION RESCRIPT - UNOFFICIAL TRANSLATION
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Milwaukee

Father David John HANSER

September 30, 2005

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 - 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 a directive function;

ADOM039714

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 - e) 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 dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
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All things to the contrary notwithstanding.

From the Offices of the Congregation, the 30th day of September, 2005.

/s/ William L. Levada
 Archbishop Emeritus
 of San Francisco in California
 Prefect

/s/ Angelus Amato, S.D.B.
 Titular Archbishop of Silens
 Secretary

Date of notification: _____

/s/ _____
 Signature of presbyter as sign of acceptance

/s/ _____
 Signature of Ordinary



CONGREGATIO PRO DOCTRINA FIDEI
(Dimissio e statu clericali ac dispensatio ab oneribus)

Prot. N. 247/04

Milvaukiensis

D.nus **David John HANSER**

Die 30 m. Septembris a. 2005

Summus Pontifex Benedictus, Papa XVI

Audita relatione huius Congregationis circa gravem agendi rationem supradicti presbyteri archidioecesis Milvaukiensis (v.d. Milwaukee, U.S.A.), praemissis praemittendis, suprema atque inappellabili decisione nullique recursui obnoxia,

decrevit

poenam dimissionis dicto presbytero irrogandam esse.

Eidem presbytero etiam dispensationem concedit ab omnibus oneribus sacrae Ordinationi conexis iuxta sequentes rationes.

1. Dimissio ac dispensatio vim habent ab ipso momento decisionis Romani Pontificis.
2. Dimissionis ac dispensationis Decretum presbytero a competenti Ordinario loci notificetur, cui numquam fas est duo illa elementa seiungere. Idemque insuper secumfert absolutionem a censuris, quatenus opus sit.
3. Notitia dimissionis ac dispensationis adnotetur in Libris baptizatorum parociae praedicti presbyteri.
4. Quod attinet si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.
5. Auctoritas ecclesiastica, cui spectat Decretum praefato sacerdoti notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:

ADOM039716

- a) presbyter dimissus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexis non amplius adstringitur;
- b) exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastoralis neve munere administratoris paroecialis fungi;
- c) item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit;
- d) in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologiam disciplinam tradere potest;
- e) in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.


6. Ordinarius curet ne presbyter dimissus, propter defectum debitae prudentiae, fidelibus scandalum praebet. Haec pastoralis sollicitudo Ordinarium a fortiori gravissime urget si adest periculum quamvis remotum minoribus abutendi.

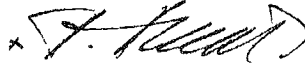
7. Notificatio dimissionis et dispensationis fieri potest vel personaliter per notarium aut ecclesiasticum actuarium vel per «epistulas perscriptas» (*raccomandata, certificada, enregistrée, registered, Einschreiben*). Sacerdos dimissus unum exemplar restituere debet rite subsignatum ad fidem receptionis et ~~acceptationis~~ eiusdem dimissionis ac dispensationis ac simul etiam praepceptorum, quod si non faciat integer manet effectus huius Decreti.

8. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

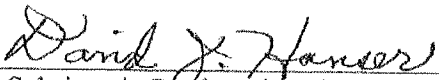
Ex Aedibus Congregationis, die 30 m. Septembris a. 2005

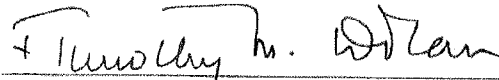
+ 
 ✠ Gulielmus J. LEVADA
 Archiep. Emeritus
 Sancti Francisci in California
 Praefectus

+ 

✠ Angelus AMATO, S.D.B.
 Archiep. Titularis Silensis
 a Secretis

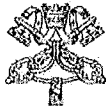
Dies notificationis January 19, 2006


 Subsignatio Presbyteri in signum
 acceptationis *DJH*

+ 
 Subsignatio Ordinarii

*My signature is not a sign of acceptance of laicization
 but I intend to abide by the effects of the rescript.*

ADOM039717



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano.
Palazzo del S. Uffizio

27 October 2005

PROT. N. 247/04 - 21722
(In responsione *sui merito huius numeri*)

CONFIDENTIAL

Your Excellency,

I write with regard to the case of the **Reverend David John HANSER**, a priest of your Archdiocese, who has been accused of multiple acts of sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio et in poenam*.

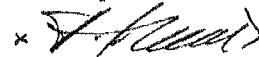
This Dicastery, after a careful and attentive study of the facts, and in light of the faculty granted to this Congregation by the Supreme Pontiff on 7 February 2003 to dispense from Article 17 of the *Motu proprio "Sacramentorum sanctitatis tutela"* requiring a penal judicial process, has decided to support your request that the above-mentioned priest be dismissed *ex officio et in poenam* from the clerical state.

In an audience granted on 30 September 2005, the Supreme Pontiff decreed that the Reverend David John Hanser is dismissed *ex officio et in poenam* from the clerical state and is, moreover, released from all obligations of the Sacred Priesthood, including that of celibacy. Any censures under which he may be labouring are remitted by this decree.

Your Excellency is asked kindly to inform Father Hanser of this grave decision according to paragraph 7 of the enclosed decree. A signed and notarized copy of the decree should be returned to this Dicastery at your earliest convenience.

I take this opportunity to express my sincere respects and I remain,

Yours devotedly in the Lord,

× 

✱ Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

(Enclosures)

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

ADOM039718

September 14, 2005

Archbishop 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 John C. Wagner has been accused of sexual abuse of minors. The summary of these allegations is enclosed. Father Wagner has admitted that some acts of sexual assault occurred but denies others.

Over the years, efforts were made to provide spiritual and psychological interventions that would rehabilitate Father Wagner. Although he was in therapy for the admitted behaviors and even went so far as to make a recommitment to celibacy before two auxiliary bishops and his therapist, he continued to re-offend. He has been without any assignment and under precept not to exercise ministry for the last ten years. With our current understanding of the nature of his condition, it is clear that he will never be able to assume any public ministry. He has cooperated with the precepts placed upon him regarding no exercise of ministry. However, from the latest report we have received, he has not been in compliance with the order to have no unsupervised contact with minors. With this latest revelation that the teenaged nephew of [REDACTED] has been spending time with Wagner at his residence for the last few years, concerns are raised anew. It is impossible to provide the level of monitoring that would seem to be required in this case. Father Wagner will not move to a supervised residency. Therefore, the liability for the Archdiocese is great as is the potential for scandal if it appears that no definitive action has been taken.

As we have reviewed the various files and heard reports from victims, it is clear that he consistently abused his office both to gain access to vulnerable adolescents, male and female indiscriminately, and to elicit the trust of their parents. Both in his parochial assignments and in his campus ministry positions, he found opportunities to abuse his office in a flagrant and repetitive fashion. He has exhibited no remorse for these serious offences. His only concern has been his financial status. It was on the basis of finances that the canonical procedures in 1995 were abandoned.

The impact on his various victims has been significant. The Archdiocese of Milwaukee has yet to even locate all of the potential victims that could come forward for assistance. 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 or allow any longer the unresolved nature of this case.

ADOM040053

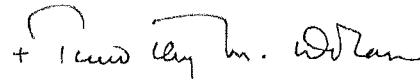
Given the nature and frequency of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend John C. Wagner be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be provided for from a fund that can be set up for him until he is eligible for a pension.

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. The severity of the offenses is such that it is my opinion that these requests are justified.

I look forward to your further instructions in this matter.




With sentiments of deepest esteem and prayerful best wishes, 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 small cross at the beginning.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

DIOCESE	Milwaukee
NAME OF ORDINARY	Timothy M. Dolan
CDF PROT. N. (if available)	
NAME OF CLERIC	John C. Wagner

PERSONAL DETAILS OF THE CLERIC	Date of Birth	March 6, 1945	Age	60
	Ordination	June 9, 1973	Years of ministry	20
ORIGINAL DIOCESE OF INCARDINATION		Milwaukee		
MINISTRY IN/TRANSFER TO OTHER DIOCESE		Now living, but not ministering, in Diocese of Green Bay		
CONTACT ADDRESS OF THE CLERIC		 Kewaunee, WI 54216		
PROCURATOR (include original signed mandate)		No mandate produced; worked with Rev. Daniel Ward, OSB in 1993-1995		
CONTACT ADDRESS OF THE PROCURATOR				
ASSIGNMENTS				
Year	Parish	Location	Appointment	
1972	St. Frederick Parish	Cudahy, WI	Deacon	
1973 -1974	St. William Parish	Waukesha, WI	Associate pastor	
1974 -1976	St. Mary Parish	Sheboygan Falls, WI	Associate pastor	
1976 -1981	University of Wisconsin, Sheboygan	Sheboygan, WI	Campus minister	
1982 -1986	St. Patrick Parish and University of Wisconsin, Whitewater	Whitewater, WI	Pastoral team and campus minister	
1987 -1992	St. Catherine Parish	Milwaukee, WI	Associate pastor	
ACCUSATIONS AGAINST THE CLERIC				
Year	Victim	Age	Imputable Acts	Denunciation
1986		Unclear	Unclear from records – “sexually propositioned” but unclear if any act occurred	1986
1986		Unclear	Unclear from records – “sexually propositioned” but unclear if any act occurred	1986

ADOM040045

1986	[REDACTED]	15	Sexual, genital fondling	1986 – first report 1990 – police investigation 1992 – civil suit
	[REDACTED]	15	Sexual, genital fondling	1993 – first report 2005 – mediated settlement
1972	[REDACTED]	16	Rape	2003 – first report 2005 – mediated settlement
1969	[REDACTED]	13	Sexual, genital fondling (one time)	2002 – first report 2005 – mediated settlement
1968-70	[REDACTED]	13-15	Sexual, genital fondling	2005 – mediated settlement
1970's	[REDACTED]	13-16	Unclear	2005
1970's	[REDACTED]	14-15	Sexual, genital fondling	2005 – mediated settlement
1982	[REDACTED]	13-15	Sexual, genital fondling	2006 – mediated settlement (deceased 2007)

CIVIL PROCEEDINGS AGAINST THE CLERIC

Year	Type/Case	Conviction	Sentence (include copies of civil documents)
1990	Criminal investigation [REDACTED]	Beyond statute of limitations	
1992	Civil suit ([REDACTED])		Out of court settlement for \$100,000
2005	Mediated settlement ([REDACTED])		Out of court settlement for \$101,164
2005	Mediated settlement ([REDACTED])		Out of court settlement for \$90,000
2005	Mediated settlement ([REDACTED])		Out of court settlement for \$72,500
2005	Mediated settlement ([REDACTED])		Out of court structured settlement for \$80,000
2005	Mediated settlement ([REDACTED])		Out of court structured settlement for \$88,000
2006	Mediated settlement ([REDACTED])		Out of court structured settlement for \$95,000 (negotiated residual paid to estate)

MEASURES ADOPTED BY THE DIOCESE	
Year	
1986	Moved Wagner out of parish ministry and sought therapeutic intervention; only allowed to return to ministry after 11 months upon recommendation of two psychologists and a recommitment to celibacy
1992	Again moved out of ministry assignment and placed on unassigned status
1993-1995	Attempted negotiations with Wagner and advocate to bring resolution to status; attempted a process for declaration of irregularity for exercise of orders with no cooperation; placed under precept not to function in ministry and agreed to seek secular employment
SUSTENANCE PROVIDED BY THE DIOCESE TO THE CLERIC	
Monthly support is provided as a housing subsidy in the amount provided to pensioned priests. In addition, health and dental insurance is provided.	
RESPONSE/RECOURSE MADE BY THE CLERIC	
Year	
1982	When asked by his campus ministry supervisor to take an assignment at a certain parish while he was being transferred from one campus ministry position to another, he said he could not go there because in the past he had "messed around with some girls in the parish" when he was teaching there (1967-69) while on leave from the Seminary
1983	Admitted to Vicar for Clergy that he was sexually active both heterosexually and homosexually; claimed celibacy meant not getting married but that sexual interaction was part of life; sent for counseling and required to make a recommitment to celibacy
1986	Admitted that he had been sexually involved with [REDACTED]
1993-1995	Initial cooperation in canonical proceedings but refused to continue; admitted basis for allegations and agreed not to function in ministry
2005	In the course of investigation into [REDACTED] accusation, admitted that he had been sexually active (when confronted with signed statements from several of [REDACTED] friends who admitted they had been in sexual contact with Wagner) bisexually over the years but said he thought they were all older than they were. No explanation for how that was possible with students he had taught. He denies the [REDACTED] claim. He has cut off all contact with the Archdiocese of Milwaukee so we have no statement from him on the three [REDACTED] claims.
BISHOP'S VOTUM	
Given that additional reports have come in, including the concern by the [REDACTED] brothers which states that Wagner has been spending time with [REDACTED] teenaged nephew (despite [REDACTED] warning to his brother), it does not seem possible to leave this situation in the current canonically unresolved state. Further efforts at contact with Wagner have been rebuffed. An administrative laicization would seem appropriate in this case as noted in the attached letter.	

CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Ufficio

10 July 2006

PROT. N. 257/05-23442
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I write regarding the case of the **Reverend John C. WAGNER**, a priest of your Archdiocese who has been accused of the sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio*

As Your Excellency is aware, this Dicastery, following an initial examination of the case, does not excluded the possibility of presenting your request to the Holy Father. However, before proceeding to a final decision in this case, this Congregation asked Your Excellency in its letter dated 28 February 2006 for more information regarding the cleric's case, especially concerning the acts of the preliminary investigation and also whether the cleric was willing to request freely a dispensation from the obligations of priesthood including, celibacy. To date this additional documentation has not been received at this Dicastery.

For these reasons, we kindly ask that Your Excellency assist us by supplying all the relevant documentation relating to the case either in original or in authentic copy.

If the cleric should decide to seek laicization, he is to be informed that the petition addressed to the Holy Father be formulated in such a way that it contain an admission of the acts perpetrated and include an expression of his sincere remorse.

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

(Enclosure)

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

ADOM040064

January 15, 2008

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 once again for your consideration the case of a priest of the Archdiocese of Milwaukee, Reverend John C. Wagner, who has been accused of multiple counts of sexual abuse of minors. The summary of these allegations is enclosed. The chart is highlighted with updated portions showing that additional concerns have arisen. Father Wagner has admitted that some acts of sexual assault occurred but denies others. He has now cut off all contact with representatives of the Archdiocese so we have no way of confronting him on these additional reports, especially the extremely disturbing one that he may still be in contact with teenage boys. Therefore, the liability for the Archdiocese is great, as is the potential for scandal if it appears that no definitive action has been taken. Pending state legislation to abolish retroactively the statute of limitations will gain more supporters if it appears we are letting these pending cases languish.

As we have reviewed the various files and heard reports from victims, it is clear that he consistently abused his office both to gain access to vulnerable adolescents, male and female indiscriminately, and to elicit the trust of their parents. Both in his parochial assignments and in his campus ministry positions, he found opportunities to abuse his office in a flagrant and repetitive fashion. He has exhibited no remorse for these serious offences. His only concern has been his financial status. It was on the basis of finances that the canonical procedures in 1995 were abandoned.

The impact on his various victims has been significant. The Archdiocese of Milwaukee has yet to even locate all of the potential victims that could come forward for assistance. 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 or allow any longer the unresolved nature of this case.

ADOM040048

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. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend John C. Wagner be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be provided for from a fund that can be set up for him until he is eligible for a pension.

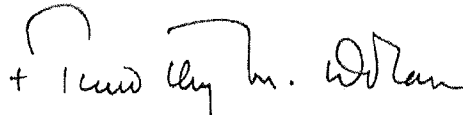
If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. The severity of the offenses is such that it is my opinion that these requests are justified.

I look forward to your further instructions in this matter.

Thank you.

With sentiments of deepest esteem and prayerful best wishes, 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 a cross at the end.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

CONGREGATIO
PRO DOCTRINA FIDEI

00120 Cnta del Vaticano,
Palazzo del S. Ufficio

22 February 2008

PROS. N. 257/05-26893
responsione fiat mentio huns numer0

CONFIDENTIAL

Your Excellency,

Thank you for your letter of January 15, 2008, with additional information regarding the case of the **Reverend John C. WAGNER**, a priest of your Archdiocese, accused of sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio*.

After having carefully examined the present case, this Congregation has decided to authorize Your Excellency to initiate an administrative penal process as outlined in can. 1720 of the *Code of Canon Law*, granting also a derogation from the prescription concerning the delict *contra sextum* with minors. Your Excellency is therefore kindly requested:

- 1) to inform the accused of the allegations and the proofs, while affording him the opportunity, via his canonical advocate, of a proper defence;
- 2) to evaluate accurately all the proofs' and the evidence with the assistance of two assessors who are competent and renowned for their prudence;
- 3) to issue a decree in accordance with cc. 1342-1350 *CIC*, if the delict can be proven with certainty. The decree should contain the reasons *in iure et in facto*.

If, as a result of this process, Your Excellency Will be still of the opinion that the accused should be *dismissed from the clerical state* or have some other *perpetual penalty* imposed upon him, you are requested to refer the matter to this Congregation. Should a decree imposing such a penalty be issued by this Dicastery *in Congressu Particulari*, the accused would have the right to present recourse to the Ordinary Session of the Cardinal and Bishop Members of this Congregation (*Feria IV*).

.I.

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

ADOM040067

Before proceeding with the above-mentioned administrative penal process, Your Excellency is kindly asked to approach the cleric asking him whether he is willing to request freely a dispensation from the obligations of priesthood including celibacy. If the cleric should decide to seek laicization, he is to be informed that the petition addressed to the Holy Father be formulated in such a way that it contain an admission of the acts perpetrated and include an expression of his sincere remorse. Your Excellency is also requested to indicate your own opinion as to the merit of this petition.

I take the opportunity to offer Your Excellency my sincere respects and I remain,

Yours devotedly in the Lord,

A handwritten signature in black ink, appearing to read 'A. Amato', written in a cursive style.

Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

ADOM040068

ARCHDIOCESE OF CHICAGO

Office of the Metropolitan Tribunal
Rev. Patrick R. Lagges, J.C.D.
Phone: (312) 751-8384
e-mail: plaggess@archchicago.org



155 E. Superior St.
Chicago, Illinois 60611

Fax: (312) 751-8314

MOST REV. TIMOTHY IV *?*,i

28 March, 2008

APP 0 2008

RE: P.N. 257/05 — 26893

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee
3501 South Lake Drive
P.O. Box 070912
Milwaukee, WI 53207-0912

Your Excellency:

I am the advocate whom **Reverend John C. Wagner** mandated to represent him in the canonical proceedings against him. I am again sending you a copy of his mandate and my acceptance.

Father Wagner sent me a copy of the letter you sent him on 17 March, 2008, informing him that the Holy See had mandated an administrative penal process be conducted in accordance with c. 1720, and inviting him to request voluntary laicization before the process begins.

I have spoken with Father Wagner about his situation and the options that are available to him. While he acknowledges and accepts that he will never minister publicly as a priest again, he nonetheless is not inclined to ask to be dispensed from the obligations of the clerical state unless the Archdiocese of Milwaukee could provide some assistance and guarantees for his future. I believe his concerns are just.

Father Wagner is now two years away from being able to apply for Social Security. He has exhausted his savings during the eleven years the Archdiocese of Milwaukee not only did not pay him but intervened in the jobs he was able to obtain. While he is certainly grateful to the Archdiocese for paying him over the last few years, he still has not been able to save enough money to sustain him through to retirement.

There is also a larger issue here, Your Excellency, which I find particularly disturbing. [REDACTED]

[REDACTED]

It was out of this milieu that Father Wagner entered the priesthood. I know there were many other men who came through the same seminary system and did not act out sexually, but I also believe that for Father Wagner, [REDACTED], his experiences in the seminary exacerbated the situation.

It seems to me that the Archdiocese of Milwaukee bears some responsibility for that. I do not believe the offer of \$10,000 at the time of petition for laicization and \$10,000 at the time of dispensation is sufficient. It certainly would not carry Father Wagner through the two years until his retirement. However, should a more equitable arrangement be able to be worked out, one that would give Father Wagner some financial security for a two year period of time, I believe he would voluntarily petition for a dispensation from the obligations of the clerical state.

Should this not be possible, I will assist Father Wagner in preparing his defense. Although I have not seen any of the charges against him, a 1993 letter from Archbishop Weakland to the diocesan attorney indicates that there are four accusations of sexual misconduct with a minor. It is not clear from the letter whether these minors were under the age of sixteen, as the *ius vigens* required for incurring a penalty. I'm sure this matter will become clear once I am given access to the file.

If you wish to discuss this matter, please feel free to contact me. May these days of Easter be blessed for you and those you serve.

Sincerely yours in the Risen Lord,



(Rev.) Patrick R. Lagges
Advocate for Father John Wagner

cc: Rev. John C. Wagner

ADOM040079



ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 325/200 - 18478

March 24, 2004

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

Thank you for your inquiry regarding the matter of Reverend Marvin T. Knighton. As I indicated in my previous correspondence, the preliminary investigation in this case was particularly challenging. The original investigator was not able to complete the task satisfactorily to the Diocesan Review Board's standards. A second investigator was then assigned and he completed the task and sent the report to the Diocesan Review Board last week. I have now received their recommendation.

While Father Knighton is referring to one situation in which a criminal trial resulted in an acquittal, there are actually three separate allegations against him by three different alleged victims and a fourth reported second hand by an alleged victim's mother. The attached report outlines the circumstances of those allegations. After preliminary investigation, I am satisfied that these have the semblance of truth to them. You will note that there was no collusion in the presentation of the three reports, that Father admits to one allegation of inappropriate conduct, and that the pattern of behavior described is consistent.

I am enclosing the standard reporting form for these allegations. Given Father Knighton's assignment in or independent employment at high schools over the years, I would not be surprised to learn of additional allegations. Father Knighton has a long history of being extremely independent and not accountable for his actions. His personnel file reveals that he would regularly leave a place of assignment on his own initiative and find employment on his own, only later informing diocesan officials. Against explicit directives, he adopted two children and later, again with no consultation or permission, adopted a third child. He has moved out of and back into the diocese frequently, often with no prior notice.

Given the nature 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. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend Marvin Knighton be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice.

Prot. No. 325/200 - 18478

p. 2

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, 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 time this case was under investigation. The severity and frequency of the offenses are such that it is my opinion that these requests are justified. 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 a cross at the beginning.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

074

ADOM052751

ARCHDIOCESE OF MILWAUKEE

Prot. No. [REDACTED]

Reverend Marvin T. Knighton

Date of Birth: [REDACTED]

Age: 54

Presbyteral Ordination: May 24, 1975

Years of Ministry: 29

Diocese of Incardination: Milwaukee

Ministry in other Diocese: Phoenix

Address: [REDACTED]

Phoenix, Arizona 85028

ASSIGNMENTS:

Year	Assignment	Location	Appointment
August 1975 - June 1976	St. Anne Parish	Milwaukee	In solidum team member
June 1976 - August 1987	Pius XI High School	Milwaukee	Faculty
August 1987 - August 1988	Leave of Absence	- <i>Whitcomb</i>	
August 1988 - November 1991	Pius XI High School	Milwaukee	Faculty
November 1991 - July 1992	Unassigned	- <i>Temp Admin at St. Fred's</i>	
July 1992 - July 1994	Mt. Mary College	Milwaukee	Campus minister
July 1994 - June 1995	Leave of Absence	# 4	
June 1995 - December 1995	St. Martin de Porres Parish	Milwaukee	Pastor
December 1995 - July 1997	All Saints Parish	Milwaukee	Associate pastor
July 1997 - August 1998	Leave of Absence	- <i>Schooling</i>	
August 1998 - July 2000	Dominican High School	Whitefish Bay	Asst Principal
August 2000 - June 2001	St. Mary High School	Phoenix, AZ	Campus minister
August 2001 - April 2002	Archdiocese of Milwaukee		Education consultant

ACCUSATIONS:

Year	Victim	Age	Alleged acts	Denunciation
1974 /75	[REDACTED]	15	Hugging, kissing, forced masturbation at priest's residence; one time; priest admits "inappropriate conduct"	March 28, 2002
1974/75	[REDACTED]	?	Not specified beyond "sexual abuse" as reported to the mother and handed on to the Archdiocese	March 3, 2004
1988/89	[REDACTED]	15	Genital touching; one time; in swimming pool at diocesan pastoral center	July 1, 2002
1989-92	[REDACTED]	13-15	Hugging, kissing, fondling in priest's residence and in swimming pool at diocesan pastoral center	February 25, 2002

CIVIL PROCEEDINGS

Year	Type/case	Conviction	Sentence
2003	Criminal trial – two counts second degree sexual assault	Acquittal	

MEASURES ADOPTED BY THE DIOCESE

Year	Action
2002	Requested his resignation from position in Education Office; resignation accepted Precept issued (April 1, 2002)
2003	Canonical investigation begun upon completion of criminal trial Precept re-issued (September 5, 2003)
2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

Father Knighton is provided with the monthly equivalent of a pensioned priest, \$1,250. He is also provided with health and dental coverage.

RESPONSE / RECOURSE BY THE CLERIC

Year	Action
2002	Denies [REDACTED] and [REDACTED] allegations, admits to "inappropriate conduct" with [REDACTED] but states that because it occurred prior to ordination it is not an issue
2003	Sought hierarchical recourse against "administrative decisions" (not specified to the Archdiocese); continues to threaten legal action against the Archdiocese



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

15 June 2004

Prot. N. 325/2003-19268
(In response to *hot mentis huius nostris*)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received the requested documentation you sent on 24 March 2004 regarding the Reverend Marvin T. KNIGHTON, a priest of your archdiocese who has been accused of sexual abuse of minors.

After a careful study of the facts, this Dicastery at its Particular Congress of 29 May 2004 decided to grant a derogation from the law of prescription and hereby authorises and instructs Your Excellency to conduct a judicial penal process against delicts allegedly committed by Fr. Knighton after his diaconal ordination, that is to say, only those delicts he is alleged to have committed while in the clerical state. Enclosed is a copy of the *motu proprio Sacramentorum sanctitatis tutela* which contains, apart from particular law for the United States of America, the norms governing such a penal process. Your Excellency is reminded that the acts of the process should kindly be forwarded to this Dicastery upon its completion at first instance.

I take this opportunity to thank Your Excellency for the vigilance that you keep over these serious matters and to offer you my sincere respects. With every best wish, I remain,

Yours devotedly in the Lord,

* Angelo Amato, SDB
Titular Archbishop of Sila
Secretary

Enclosure

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
3501 South Lake Drive, P.O. Box 070912
Milwaukee, WI, 53207-0912
U.S.A.

078


ADOM052757

. 11


ARCHDIOCESE OF MILWAUKEE
DEPARTMENT FOR CLERGY

August 13, 2007

Marvin T. Knighton


Phoenix, AZ 85028

Dear Marv,

I am sorry to be the one that needs to affirm the fact that the penal trial called for by the Congregation for the Doctrine of the Faith has been completed. The decision of the Tribunal found that crime was committed in two of the three counts presented. The judges have imposed the penalty of permanent restriction from ministry. I presume that you received this information and have discussed it with your canonical advocate.

Given this situation, I am writing to ask you if you would prefer to seek a voluntary laicization from the clerical state. Such a decision on your part may help to bring closure to this experience and help you to move on to a new leg in your life's journey.

Would you kindly respond to this letter in writing by the end of August, 2007? If you should decide to seek voluntary laicization, someone at the archdiocese would be happy to help you with the process.

Thank you for the consideration, Marv. Please know that you are in my prayers daily.

In the Lord Jesus,



Very Reverend Curt J. Frederick
Vicar for Clergy

C: Dr. J. Michael Ritty, advocate



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

BAC

31 January 2009

Prot. N. 325/2003-28756
(In response fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I am writing to you regarding the case of Rev. Marvin KNIGHTON, a priest of your Archdiocese who has been accused of the sexual abuse of minors. This Congregation has received from Rev. Knighton an appeal against the sentence, given on 27 July 2007, in the Penal Process carried out at First Instance by the Metropolitan Tribunal of Detroit. Your Excellency has also requested that a more severe penalty be imposed on Rev. Knighton than that given in the Tribunal of First Instance.

The Congregation has authorized the Tribunal of the Archdiocese of Cincinnati to carry out a Penal Process at Second Instance and would therefore kindly request that Your Excellency ensure that all of the *Acta* pertaining to this case are forwarded to the said Second Instance Tribunal. Your own concerns regarding the penalty imposed should also be included. Your request should be construed as a petition that the Promoter of Justice in Second Instance file for a *dimissio in poenam*.

Thanking you for your assistance in this matter, with prayerful support and best wishes, I remain

Sincerely yours in Christ,

+

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

His Excellency
Most Rev. Timothy M. DOLAN
Archbishop of Milwaukee
P.O. Box 070912
Milwaukee, WI 53207-0912
UNITED STATES OF AMERICA

ADOM041990

DISPOSITIVE

CONGREGATION OF THE DOCTRINE OF THE FAITH

This Court of Appeal of the Congregation of the Doctrine of the Faith upholds the findings of the Court of First Instance of the Archdiocese of Milwaukee in the AFFIRMATIVE as to the proven guilt of Marvin T. Knighton as a cleric of the allegations of the sexual abuse of a minor by a cleric presented by Mr. [REDACTED] and Mr. [REDACTED]. This Court also uphold the finding of that same Court of First Instance in the NEGATIVE as to the guilt of Marvin T. Knighton of the allegation of the sexual abuse by a cleric of a minor presented by Mr. [REDACTED].

As a penalty for his violations of the obligations of the clerical state, this Court furthermore dismisses Marvin T. Knighton from the clerical state. He is permanently removed from the exercise of any ecclesiastical ministry except as provided in the Code of Canon Law and any faculties or privileges or compensation that would accompany the clerical state from the date of the execution of this decision unless it be part of the severance agreement reached by the Archdiocese of Milwaukee in view of justice due to his past service to the people of God.

This decision is to be published to Mr. Michael Ritty as Advocate "for his eyes only". It is to be published to the Archbishop of Milwaukee for the purposes of a review by Marvin T. Knighton without his receiving a copy. All are to be reminded of the Pontifical Secret in these matters.

As a decision of the Congregation for the Doctrine of the Faith acting on behalf of the Supreme Pontiff, this Decision is not subject to appeal.

RE: Rev. Martin T. Knighton
CDF Num. Prot. [REDACTED]

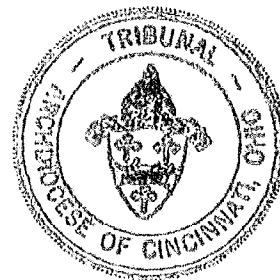
Signed, decreed, witnessed, and published on this 13th day of January 2011 at the Tribunal Office of the Archdiocese of Cincinnati, Ohio, U.S.A.

[REDACTED]
Reverend [REDACTED], JCD, STD
Presiding Judge

[REDACTED]
Reverend [REDACTED], JCL
Associate Judge


Reverend Joseph R. Binzer, JCL
Notary

[REDACTED]
Reverend [REDACTED]
Associate Judge and Ponens



BE IT KNOWN TO ALL

that this case is explicitly subject to the Pontifical Secret (art 25. *Gravior Delicta. Normae Processualis*); this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [AAS, 66 1974, pages 89-92]).

Prot. No. 197/03 - 16955

July 30, 2003

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

Your Eminence:

In response to the request for data regarding the removal from the office of pastor of Reverend Michael G. Krejci, I am enclosing the *Acta* from that case.

In addition, in accord with the norms of *Sacramentorum sanctitatis tutela*, I am submitting for your consideration the fact that Father Krejci has been accused of multiple acts of sexual abuse of minors. The summary of these allegations is enclosed. Father Krejci has admitted that a number of these acts of sexual assault occurred. He has denied one case. We were in the process of compiling this material for submission to the Congregation when your letter of July 10, 2003 arrived.

Over the years, efforts were made to provide spiritual and psychological interventions that would rehabilitate Father Krejci. With a gradual readmission into ministry and in a monitored setting, it was thought that he could continue in ministry. However, in light of the statement of the Holy Father that there is no place in ministry for a priest who has abused a minor and as a consequence of the USCCB Charter and Norms, it is clear that he will never be able to assume any public ministry.

As we have reviewed the various files, it is clear that when he did engage in sexual abuse, he also abused his office both to gain access to vulnerable boys and to elicit the trust of their parents. 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.

ADOM015399

Prot. No. 197/03 - 16955

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 2

Given the nature 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. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Your Eminence allow this case to proceed through a canonical penal process and that you advise us if the Congregation will call the case to itself or assign it to our local Tribunal personnel. We stand ready to draw on the services of canonists who have been specially trained for these processes by the most competent Monsignor Charles Scicluna. If such is your disposition, 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 these requests are justified.

I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM015400

DATE OF ADMISSION: February 1994
DATE OF INITIAL REPORT: June 1987
DATE OF ALLEGED ACT(S): Spring 1987
NAMES OF INJURED PARTY: _
PRESENT AGE OF ALLEGED VICTIM: 29
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
 KIND: Genital fondling
 NUMBER: Once
SURROUNDING EVENTS: Daniel Budzynski was pastor at the boy's parish;
 the incident occurred during a class retreat; resigned
 from office

DATE OF INITIAL REPORT: February 1994
DATE OF ALLEGED ACT(S): 1971
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 39
GENDER OF ALLEGED VICTIM: Female
NATURE OF THE OFFENSE:
 KIND: Genital fondling, intercourse
 NUMBER: Four
SURROUNDING EVENTS: Daniel Budzynski was associate pastor at the girl's
 parish; he denies this allegation; it does not fit the
 pattern of other reported or admitted incidents; it
 was this report that led to the investigation

DATE OF INITIAL REPORT: April 2002
DATE OF ALLEGED ACT(S): 1981
NAMES OF INJURED PARTY:
PRESENT AGE OF ALLEGED VICTIM: 35
GENDER OF ALLEGED VICTIM: Male
NATURE OF THE OFFENSE:
 KIND: Genital fondling; attempted sodomy
 NUMBER: Several
SURROUNDING EVENTS: Daniel Budzynski [REDACTED] lived in the same
 building as the boy's family and he
 frequently visited her there; allegations that
 there was also abuse of two other minors on
 the same occasions; notes from the 1994
 investigation show an admission of the
 abuse of [REDACTED] but denial of any contact with
 his younger brother or another neighbor; he

KREJCI

Prot. No. 197/03 - 16955
Prot. No. 137/2003 - 17421

February 7, 2005

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

Your Eminence:

On July 30, 2003, a response was sent regarding your inquiry about the above-captioned cases. In both situations, accusations of grave delicts have been made against both priests by multiple victims. Using the prescribed canonical process, both were removed from office as pastors. Exercising the right of recourse against removal, they both submitted petitions to the Congregation. In our response, we included the information we had about the delicts as well as our opinion on appropriate disposition of the cases.

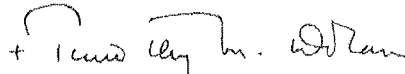
Presently, we cannot assign pastors to the two parishes affected while the recourse is still pending. Therefore, I am writing on behalf of the pastoral needs of these two parishes. Two excellent priests are serving their needs well as pastoral administrators but they desire the stability that would come with having pastors assigned. Such assignments would also assist the two communities in their needed healing. I am also writing out of concern for the very concrete needs of the Archdiocese of Milwaukee. Both priests are receiving their full salaries and benefits as pastors since the recourse is pending. The Archdiocese has had to assume this financial burden since the parishes would be incapable of providing for their administrator and pastor at the same time.

I understand that the volume of work at the Congregation has increased dramatically without the corresponding augmenting of staff. However, I am requesting that, at least, the recourse portion of these cases be expedited. Both priests would still be supported but the amount of subsidy would be adjusted. Each has other sources of income as well.

Thank you for any consideration you are able to give to this request.

With sentiments of esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM041923


ARCHDIOCESE OF MILWAUKEE
DEPARTMENT FOR CLERGY

August 31, 2005

Michael Krejci
[REDACTED]

New Berlin, WI 53151-0135

Dear Mike,

I am writing to you in an effort to keep you informed on the status of your case before the Congregation for the Doctrine of the Faith in Rome. The Archbishop continues to petition for a dispensation from prescription and instructions on a penal trial. His last communication with the congregation asking expedition was on February 7, 2005. To date there has been no reply.

I do not know where the case is in its process. Should I hear something, I will let you know. I do not mean to cause pain in your life and I appreciate the difficulty you are enduring. My intent is to be honest with you in this process. I find that sometimes not knowing is more difficult than knowing.

Please, be assured of my prayers for you. I lift you and all the priests of the Archdiocese up to the Lord each morning. If I can be of some service to you, please feel free to contact me.

In the Lord Jesus,



Very Reverend Curt J. Frederick
Vicar for Clergy



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

13 October 2006

197/03-24134

Prot. N.
(in response fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I write regarding the case of the Reverend Michael G. KREJCI, a priest of your Archdiocese who has been accused of the sexual abuse of minors and has presented a recourse to this Congregation against the administrative measures taken by Your Excellency in his regard.

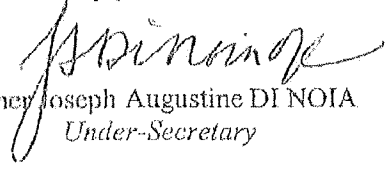
After having carefully examined the present case, I wish to inform you that the cleric's recourse has been rejected and this Dicastery hereby grants a derogation from the law of prescription, as requested by Your Excellency, and authorizes you to initiate a penal judicial process according to the norms of Canon Law as well as those of the *motu proprio Sacramentorum sanctitatis tutela*. Priests holding the licentiate in canon law are able to serve on a local Tribunal apart from the Supreme Tribunal of this Congregation. In order to assist you further, a copy of the *motu proprio* is enclosed.

At the conclusion of the process at first instance, Your Excellency is kindly asked to forward to the Congregation the *Acta* of this case. The tabulated summary, according to the enclosed example will be helpful too.

Furthermore, this Dicastery has decided to confirm the ministerial restrictions that Your Excellency has already imposed on the cleric.

I take this opportunity to thank Your Excellency for your attentiveness in these difficult matters, I remain

Sincerely yours in Christ,


Father Joseph Augustine DI NOIA
Under-Secretary

(2 Enclosures)

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
3501 South Lake Drive
Milwaukee, WI 53207-0912, U.S.A.

Transcript of Proceedings, 5/16/2008

1 BY MSGR. [REDACTED]

2 Q. There is a question here, do you recall allowing a
3 16-year-old boy temporarily living with you in the
4 rectory? And this is on page 131.

5 MSGR. [REDACTED] Um-hmm, it says that, yeah.

6 MR. CONZEMIUS: Second paragraph.

7 MSGR. [REDACTED] Primary complaint would
8 have had to do with a 16-year-old boy who lived
9 there temporarily.

10 VERY REV. [REDACTED] This was in the
11 periodic review, is that the -- ?

12 MR. CONZEMIUS: Yeah, that's right.

13 MSGR. [REDACTED] Yeah, it's in the periodic
14 review.

15 VERY REV. [REDACTED] Periodic review in
16 1990.

17 MSGR. [REDACTED] Right, January 23.

18 THE WITNESS: Yeah. It was -- so there
19 was a group of people in the house. Yeah. And
20 there could have been someone there shortly,
21 briefly.

22 BY MSGR. [REDACTED]

23 Q. Anyway, you recall that -- I don't have any further
24 questions about this.

25 VERY REV. [REDACTED] I'd still like to

Archdiocese of Milwaukee
Support and Safety Plan

June 5, 2008

Michael Krejci

Address: [REDACTED] New Berlin 53151-0135

Telephone number(s) Home [REDACTED] Office # [REDACTED]
Cell: [REDACTED]

E-mail: [REDACTED]

Oversight Program Representative: Deacon David L. Zimprich

I, Michael Krejci, have reviewed the following requirements which have been designed to assist me in living a life of holiness and to be supported in said life.

- I. I will continue to see [REDACTED] for consultation and therapy as needed.
- I. I will continue to meet monthly with Deacon Zimprich for ongoing support and liaison between Archbishop Dolan and/or his designee.
- II. I will maintain regular contact with Rev. Tom Venne.
- III. I will continue to meet with my spiritual director on a regular basis.
- IV. I will continue to receive the Sacraments, especially the Eucharist and Reconciliation, to assist me and strengthen my life of holiness. I will also spend meaningful time in prayer daily.
- V. I will continue to go to my regular sexual addiction support meetings.
- VI. I will refrain from seeking out and/or going to any internet sites depicting and/or detailing pornography. I will not purchase, borrow or possess any pornographic literature, videos, movies, etc.
- VII. I will not frequent places where young males hang out and/or congregate.

Signature Michael Krejci Date 6-5-08 Witnessed by Deacon David L. Zimprich

2 May 2011

His Eminence
William Cardinal Levada
Prefect
Congregation for the Doctrine of the Faith

CDF Prot. N.: [REDACTED]
MKE Prot.N.: [REDACTED]
In causa poenale: Rev. Michael Krejci

Your Eminence,

Enclosed, please find the First Instance Acts of the penal trial of the Reverend Michael Krejci.

The Definitive Sentence was communicated to him on 31 March 2011. Since 30 days have passed, in accord with Article 28 2° of the *Normae de gravioribus delictis* as revised on 21 May 2010, with no indication made by the accused of intention to appeal, the Sentence has become *res iudicata*.

Fraternally in Christ,

Very Reverend Paul B.R. Hartmann, JCL.
Judicial Vicar
Archdiocese of Milwaukee

ADOM049768

5 May 2011

Most Reverend Pietro Sambi
Apostolic Nuncio
3339 Massachusetts Avenue NW
Washington DC 20008-3687

Your Excellency,

Greetings from the Archdiocese of Milwaukee!

Enclosed is a penal case to be transmitted to the Congregation for the Doctrine of the Faith.

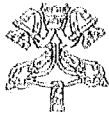
Might I respectfully request that the case be sent to the Congregation through the diplomatic pouch?

Please be assured of my prayers for your ministry.

Sincerely in Christ,

Ms. Zabrina R. Decker, JCL
Defender of the Bond
Archdiocese of Milwaukee

ADOM049767



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

7 July 2006

PROT. N. 446/04-22747
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I write regarding the case of the **Reverend Jerome E. LANSER**, a priest of your Archdiocese who has been accused of sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio*.

After having carefully examined the present case, especially Your Excellency's *votum*, it was noted that the alleged delicts are bound by prescription and that the said priest, while admitting that the acts of sexual misconduct occurred, denies that any of the alleged victim was a minor at the time. For these reasons the Congregation has decided that it would be more appropriate to proceed by way of an administrative penal process in this case. Consequently, this Dicastery grants a derogation from the law of prescription and authorizes Your Excellency to initiate an administrative penal process as outlined in can. 1720 of the *Code of Canon Law*. Your Excellency is therefore kindly requested:

- 1) to inform the accused of the allegations and the proofs, while affording him the opportunity, via his canonical advocate, of a proper defence;
- 2) to evaluate accurately all the proofs and the evidence with the assistance of two assessors who are competent and renowned for their prudence;
- 3) to issue a decree in accordance with cc. 1342-1350 *CIC* if the delict can be proven with certainty. The decree should contain the reasons *in iure et in facto*.

If, as a result of this process, Your Excellency is still of the opinion that the accused should be *dismissed from the clerical state* or have some other *perpetual penalty* imposed upon him, you are requested to refer the matter to this Congregation. Should a decree imposing such a penalty be issued by this Dicastery *in Congressu Particulari*, the accused would have the right to present recourse to the Ordinary Session of the Cardinal and Bishop Members of this Congregation (*Feria IV*).

./.

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
3501 South Lake Drive
Milwaukee, WI 53207-0912, U.S.A.

ADOM043441

However, before proceeding with the above-mentioned penal process, Your Excellency should approach the cleric in order to ascertain his position regarding submitting a voluntary petition for a dispensation from the obligations of Sacred Orders including celibacy.

Alternatively, since Rev. Lanser is currently experiencing serious health problems and considering also his advanced age, this Dicastery does not exclude the solution outlined in n. 8 b of the *Essential Norms*. Your Excellency is authorized in this case, if you should judge it appropriate, to apply such *Norms* and direct the cleric to live a life of prayer and penance with the possibility of celebrating Mass privately. That disciplinary measures should be reinforced by penal precept.

I take the opportunity to offer Your Excellency my sincere respects and I remain,

Yours devotedly in the Lord,

A handwritten signature in black ink, appearing to read 'A. Amato', with a small asterisk to the left of the first letter.

✠ Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

ADOM043442

November 16, 2006



Dear Jerome,

As you are aware, I was recently advised by the Congregation for the Doctrine of the Faith that I could proceed with an administrative penal process to resolve the allegations against you. Having received a report from your doctor about your fragile physical health and having received a petition from you with supportive documentation from your canonical advisor, I took the matter to my advisors.

Provided you continue to abide by the stringent restrictions that have been placed upon you, namely that you do not exercise any public ministry and do not present yourself in public as a cleric by either attire or title, I would allow you to live out the rest of your life in prayer and penance. You will continue to remain in contact with Deacon David Zimprich to ensure that these restrictions are being observed. Any indication that they are not would then result in initiating a formal process against you.

Despite everything else, I do pray for your health and well being. I hope you are able to incorporate your current physical suffering into the prayer and penance that must be an integral part of your life.

Sincerely yours in Christ,

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

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

cc:



ADOM043438


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 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 Jerome Lanser has been accused of multiple acts of sexual abuse of minors. The summary of these allegations is enclosed. Father Lanser has admitted that a number of acts of sexual misconduct occurred but denies that any of the individuals were minors at the time.

Over the years, efforts were made to provide spiritual and psychological interventions that would rehabilitate Father Lanser. None of these efforts have been successful as he reoffended after each intervention, often while still in therapy. Father Lanser was considered such a risk that he was placed on drug therapy to control his impulses. He failed to observe that treatment plan and reoffended. It was thought that a non-parochial assignment might be possible. Even in that setting, he made sexual advances against an employee of the nursing home who was barely over the age of majority. With our current understanding of the nature of his condition, it is clear that he will never be able to assume any public ministry.

The pattern of his behavior as described is consistent with someone who is unable to control his sexual impulses. He displayed a particular penchant for young African American males. One of the victims who has reported the abuse is [REDACTED] who have reported similar abuse to him. A former associate pastor has reported on the steady stream of young African American males who were observed coming to the rectory late at night and leaving early in the morning. It is unclear if these young men were minors. Father Lanser has been arrested on charges of driving under the influence of alcohol several times but has never been convicted.

The impact on his various victims has been significant. 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. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend Jerome E. Lanser be dismissed *ex officio* from the clerical state. He is drawing from his pension fund and that will continue.

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 2

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. Furthermore, 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 these requests are justified.

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, reading "Timothy M. Dolan". The signature is written in a cursive style with a large initial 'T' and a cross at the end.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM017286


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

April 7, 2005
Year of the Eucharist
Sede Vacante

Reverend Jerome E. Lanser
[REDACTED]
Milwaukee, WI 53222

Dear Father Lanser,

You raised some important questions in your recent letter to me. I am surprised at some of them since the records of the various Vicars for Clergy indicate that you have been informed of the concerns raised about your actions. However, I will summarize how substantiation of claims is reached.

Both in your letter and in your recent conversations with Father Curt Frederick and Deacon David Zimprich, you seem to focus on two points: first you talk about only one allegation and, second, you refer to the lack of a conviction in the civil court system. As you have been informed, we are not dealing with a single allegation but with multiple incidents. You are also aware that the one case that did find its way into the court system was a civil, not a criminal case. It was not dismissed on the facts of the case but rather on the statute of limitations.

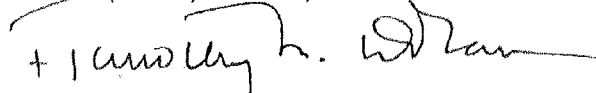
When we examine allegations, substantiation is arrived at when the dates and places reflect a person's assignment history, when there is an internal consistency among multiple reports, and when those reporting are deemed credible. In your own case, surely you have not forgotten earlier interventions about these concerns which even led to institutional and pharmaceutical efforts.

Ultimately any determination in your case will come from the Congregation for the Doctrine of the Faith. The matter rests in their hands at this time. In the interim, you are to continue observing the provisions of the precept previously issued. I understand from reports received that you have not always been meticulously observant of those provisions. I also expect you to follow the protocols reviewed by Deacon Zimprich.

If you would like to visit personally, please call Father Jerry Herda at (414) 769-3496 to arrange an appointment.

With prayerful good wishes, I am,

Faithfully in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

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

ADOM017275

DEFINITIVE SENTENCE

IN THE CASE OF
THE REV. MARVIN T. KNIGHTON

CDF 

In the name of God. Amen.

This case is explicitly subject to the Pontifical Secret (*ex. 25, Graviora Delicta, Normae Processuales*); this applies to all information, processes and decisions associated with this case (*Secreta conistere*, February 4, 1974 [*AAS* 66 1974, pages 89-92]).

1 **I. FACTS SPECIES:**
2

3 The Rev. Marvin T. Knighton was ordained to the Roman Catholic priesthood for the
4 Archdiocese of Milwaukee, Wisconsin on May 24, 1975. On February 25, 2002, Mr. [REDACTED]
5 [REDACTED] accused Father Knighton [hereinafter: *reus*] of sexually abusing him
6 on a number of separate occasions. This information is found in the Sexual Abuse Intake Report
7 taken by Dr. Barbara Reinke, PhD. [Tribunal File, pages 001 & 002].
8

9 A second allegation was introduced by Attorney Nick Kostich alleging that the *reus*
10 sexually abused [REDACTED] on or about June 25, 2002. A third
11 accusation was made by [REDACTED] on or about January 17, 2003.
12 These allegations were brought to the attention of the then-Archbishop of Milwaukee, the Most
13 Reverend Rembert G. Weakland, OSB.
14

15 Following the prescribed preliminary investigation, the Diocesan Review Board and the
16 Archbishop found that none of the allegations involving these victims were either frivolous or
17 false. It was determined that the allegations carried the semblance of truth and were credible,
18 and, in accord with the norm of law, they were then referred to the Congregation of the Doctrine
19 of the Faith (hereinafter: *CDP*) for direction as to the process to be used. The *CDP* directed that
20 a penal judicial trial be conducted in the Tribunal of the Archdiocese of Milwaukee and granted a
21 derogation from prescription.
22

23 Exercising his office as Promoter of Justice for the Archdiocese of Milwaukee, on
24 February 4, 2005, the Reverend Philip D. Reifenberg, JCL, presented to the Judicial Vicar of the
25 Archdiocese of Milwaukee, the Very Reverend Paul B. R. Hartmann JCL, a libellus charging the
26 Reverend Marvin T. Knighton, a priest incardinated in the Archdiocese of Milwaukee, with
27 offenses against the sixth commandment of the Decalogue involving the sexual abuse of three
28 minors. All of the incidents are alleged to have occurred within the Archdiocese of Milwaukee.
29 In response to the libellus, a collegiate tribunal was constituted on March 21, 2005 by the Most
30 Reverend Timothy Dolan, DD, Archbishop of Milwaukee, consisting of the [REDACTED]
31 [REDACTED]
32

33 the Archdiocese of Chicago, as associate Judges. The Promoter of Justice is the Reverend Philip
34 Reifenberg, JCL; (hereinafter: Promoter"). The duty-mandated Advocate of the *reus* is Mr. J.
35 Michael Ritty, JCL, PhD, (hereinafter: "Advocate"). A penal trial against Father Knighton was
36 then begun.
37

38 It should be noted that at the start of the case, the Advocate raised objections to the role
39 that the [REDACTED] of the Archdiocese of Milwaukee would play
40 in the case because of his connection to the Archdiocesan officials and structures who are being
41 presumed as those leveling the charges against the *reus*. During the discussion of the three judge
42 panel it was noted - within the norms of Canon Law and the historic manner in which trials are
43 to be handled - a penal trial would normally be staffed by members of the local clergy as judges
44 within the local tribunal. Thus, the use of two outside judges out of the three on the collegiate
45 tribunal is itself exceptional in the eyes of the law. This exception is a contemporary
46 accommodation that is used to react to the unique circumstances of this time in history. Given

1 that there are two out of the three judges who do not have any objections raised against them by
2 the Advocate, nor has the Promoter objected to the empanelled Tribunal, it is felt that equity and
3 fairness could be protected and maintained. Thus, the objections of the Advocate to the role of
4 this associate judge were set aside.

5
6 In accord with Canon 1513, §1, the *contestatio litis* was conducted on July 1, 2005, and
7 the doubt was formulated in the following fashion:

- 8
- 9 1) Is the Reverend Marvin T. KNIGHTON guilty of offending against
10 the sixth commandment of the Decalogue with Mr. [REDACTED]
11 who had not completed his sixteenth year of age until the time of
12 offense?
- 13
- 14 2) Is the Reverend Marvin T. KNIGHTON guilty of offending against
15 the sixth commandment of the Decalogue with [REDACTED]
16 who had not completed his sixteenth year of age at the time of the
17 offense?
- 18
- 19 3) Is the Reverend Marvin T. KNIGHTON guilty of offending against
20 the sixth commandment of the Decalogue with Mr. [REDACTED]
21 who had not completed his sixteenth year of age at the time of the
22 offense?
- 23

24 Also, by the same decree the *prases* incorporated into the *acta* the Clergy Personnel File
25 [hereinafter: Clergy File] and the Chancery File [hereinafter Chancery File] of the *reus*, and the
26 transcript of the Civil Trial of the State of Wisconsin versus the Reverend Marvin T. Knighton
27 [hereinafter: Civil Trial]. According to the norm of Canon 1516, by the same decree the *prases*
28 directed that the *reus*, as well as those nominated as witness by the Advocate and the Promoter,
29 be cited for their testimony.

30
31
32 **II. IN IURE.**

33
34 Mindful that this matter was similarly legislated by the 1917 Code of Canon Law in
35 Canons 2358 and 2359, §2, the Court begins with the legislation concerning this delict from the
36 1983 Code of Canon Law for the Latin Church:

37
38 Can.1395. §1. A cleric who lives in concubinage, other than the
39 case mentioned in can. 1394, and a cleric who persists with scandal
40 in another external sin against the sixth commandment of the
41 Decalogue is to be punished by a suspension. If he persists in the
42 delict after a warning, other penalties can gradually be added,
43 including dismissal from the clerical state.

44
45 §2. A cleric who in another way has committed an offense against
46 the sixth commandment of the Decalogue, if the delict was

1 committed by force or threats or publicly or with a minor below
2 the age of sixteen years, is to be punished with just penalties, not
3 excluding dismissal from the clerical state if the case so warrants.
4

5 The grave nature of this delict and of allegations of this delict is further indicated by the
6 derogations granted by the Holy Father on April 25, 1994. In a rescript responding to a petition
7 made by the United States Conference of Catholic Bishops [*hereinafter* USCCB], the Supreme
8 Legislator conformed the norm of Canon 1395, §2 to the norm of Canon 97, §1 so that for an
9 initial period of five years, this delict would involve offenses against the Sixth commandment of
10 the Decalogue with anyone below the age of eighteen years. In the same rescript he modified
11 prescription so that a criminal action would not be extinguished until a longer period of time had
12 passed. This particular legislation was made more explicit and extended to the universal Church
13 by *Sacramentorum Sanctitatis Tutela (Graviora Delicta)* of April 30, 2001.
14

15 Article 4 of the Substantive Norms of this *motu proprio* legislates:
16

17 §1. Reservation to the Congregation for the Doctrine of the Faith is
18 also extended to a delict against the Sixth Commandment of the
19 Decalogue committed by a cleric with a minor below the age of
20 eighteen years.
21

22 §2. One who has perpetrated the delict mention in §1 is to be
23 punished according to the gravity of the offense, not excluding
24 dismissal or deposition.
25

26 With regard to this delict, in response to a petition made by the USCCB, on December 8,
27 2002 the Apostolic See gave the *recognitio* for the Norms that upon promulgation became
28 particular law for two years for the Church in the United States of America. Upon expiration of
29 the time period, the Apostolic See gave the *recognitio* to the revised Norms; these were
30 promulgated on May 5, 2006 and became particular law for 'the dioceses, eparchies, clerical
31 religious institutes and societies of the apostolic life of the United States with respect to all
32 priests and deacons in the ecclesiastical ministry of the Church in the United States...[note #1]'.
33 In this matter, the particular law for the Church in the United States legislates:
34

35 For purposes of these Norms, sexual abuse shall include any
36 offense by a cleric against the Sixth Commandment of the
37 Decalogue with a minor as understood in *CIC*, canon 1395, §2 and
38 *CC/EO* 1453, §1 (*Sacramentorum Sanctitatis Tutela*, article 4, §1)
39 [Preamble, final paragraph].
40

41 When even a single act of sexual abuse of a minor by a priest or
42 deacon is admitted or is established after an appropriate process in
43 accordance with canon law, the offending priest or deacon will be
44 removed permanently from ecclesiastical ministry, not excluding
45 dismissal from the clerical state ... [Norm 8]
46

1 ...If the case would otherwise be barred by prescription, because
 2 sexual abuse of a minor is a grave offense, the bishop/eparch may
 3 apply to the Congregation for the Doctrine of the Faith for a
 4 derogation from the prescription, while indicating relevant grave
 5 reasons... [Norm 8A]

6
 7 Mindful of the norm of law with regard to the passage of time as it
 8 applies to this delict (Canon 1362), in view of the *recognitio* given
 9 to the above-cited legislation, it is noted that a derogation from
 10 prescription may be given.

11
 12 In understanding what constitutes a juridic offence against the Sixth Commandment of
 13 the Decalogue, the opinions of Moral Theologians are to be considered. The focus of these
 14 manualists is sacramental confession, but they provide analyses of what constitutes the act, the
 15 gravity of the act and the significance of intentionality. This enables a clearer understanding of
 16 the nature and scope of the delict. This is necessary because allegations of this delict often
 17 involve more, or actions other, than just a completed act of sexual intercourse, either
 18 heterosexual or homosexual. There are a variety of possible physical contacts as well as a
 19 complex psychological dynamic which the delict can entail. As the law simply states the name
 20 of the delict, and there is little available dicasterial jurisprudence, these analyses assist the judges
 21 in assessing whether or not a delict has been committed, and if so the magnitude of the act.

22
 23 With regard to determining the possible sexual content and moral gravity of an act which
 24 involves solely touching or other physical contact, the Reverend Henry Davis SJ, comments:

25
 26 *Si vero protrahantur sine causa et concomitante delectatione*
 27 *vererea sunt gravia peccata* (Moral and Pastoral Theology
 28 [London & New York: Sheed and Ward, 1959], vol. II, page 248).

29
 30 If the act has been protracted and lacks a justification while providing sexual
 31 gratification, then it is gravely sinful, and concomitantly a crime. In describing the nature of
 32 imperfect, that is non-consummated, same-sex acts, the Rev. Edward Genicot, SJ writes:

33
 34 *Imperfecto dicitur quando inter personis eiusdem sexus non datur*
 35 *coitus seu copula (applicatio corporum cum penetratione et*
 36 *effusione seminis) sed concubitus tantum, i.e. applicatio*
 37 *corporum et unius saltem genitalium, sine penetratione sed cum*
 38 *voluptate complecta conaturaliter sequente, ut si fit inter duas*
 39 *feminas, vel etiam inter duos viros it tamen ut effusion seminis*
 40 *extra vas posterum peragatur* (*Institutiones Theologiae Moralis*
 41 *[Bruxellis: L'Édition Universelle S.A., 1939], vol. I, page 319).*

42
 43 With regard to physical contact, if it is because of *'tantum officii, aut moris patrii, aut*
 44 *amoris honesti vel benevolentiae augendae causa*, it may not be a violation of the Sixth
 45 Commandment of the Decalogue (opagecit., page 331). However, if the act is motivated by
 46 sexual pleasure, then it is a violation of the Sixth Commandment of the Decalogue:

Hoc actus ponere intendendo delectationem veneream complectam vel incomplectam, semper grave peccatum est, ex intentione luxuria directe voluntaria... (opage cit., page 329).

In Moral Theology if the intention which motivates an act is for venereal pleasure, it is grave matter: thus it would be the delict. For such gravity of matter, it is not necessary that there be complete sexual intercourse, either heterosexual or homosexual. Incomplete, that is imperfect, acts which are motivated by a desire for sexual or psychologically venereal pleasure are grave matter and consequently fit within the definitions of the delict. In determining the character and gravity of act, what is intended is of more significance than the completed emission of semen in some particular action.

With regard to physical contact, the Reverend Antonio M Arregui, SJ teaches:

Tungere ...sine justa causa morose et cum commotione venerea mortale est ...[tangere] etiam supra vestem, generalim mortale est... (*Summarium Theologiae Moralis ad Codicem Iuris Canonici accommodatum* [Bilbao: Editorial El Mensajero del Corazón de Jesús, 1952], #268).

Thus even contact over clothing may be grave matter and consequently a delict. This will be articulated clinically by the various *periti* who are quoted below. In determining the responsibility for, and the gravity of, an act, the classic Moral Theology manual by the authors H. Noldin, SJ and A. Schmitt, SJ underscores the subjective significance of the person who is acting:

Delectatio igitur venerea (vel pollutio) in causa voluta grave est peccatum, si ipsa causa ex se graviter in turpem commotionem influit (*Summae Theologiae Moralis, vol I De Principiis, De Sexto Praecepto* [Romae: Oeniponte, 1924], #13).

And more specifically with regard to personal responsibility:

Si fiunt ex prave et libidinoso affectu, licet ex se parum in libidinem influant ut aspectus mulieris, contrectatio manus etc., semper grave peccatum sunt propter intentionem gravile malam; ideo nihil refert, utrum actus ipsi magis an minus turpes sint... Si fiunt ex sola intentione delectationis sensualis leve peccatum sunt, nisi inducant proximum periculum commotionis carnalis et consentiendi in delectationem veneream, ut evenire potest, si cum aliquo affectu et mora exercentur (opagecit., #52).

In discussing alternative sexual appetites, the authors comment:

1 *Peccata, quae ab iis committuntur, qui hac perversione laborant,*
 2 *sunt pollutiones per tactus provocatae et concubitus sodomitici. Si*
 3 *perversa inclinatio in pueros fertur, paederastia vocatur, ...*
 4 *(opagecit., #47).*

5
 6 With regard to actual physical contact, even over clothing, they write:

7
 8 *Tangere personam eiusdem sexus in partibus inhonestis sine iusta*
 9 *causa grave est, etsi mediate supra vestes tantum fiat, quia multum*
 10 *commovet... Tangere personam eiusdem sexus in partibus minus*
 11 *honestis exclusa prava intentione, vix erit peccatum, saltem*
 12 *grave... (opage cit., #55).*

13
 14 An external violation of the Sixth Commandment of the Decalogue can involve simply
 15 physical contact. Therefore, a complete act of sexual intercourse, either heterosexual or
 16 homosexual, is not required. If the intention of the contact is for sexual pleasure, then it is a
 17 violation of the commandment; if it involves a minor it is also a canonical delict. This is
 18 succinctly stated by a *peritus* in the law who describes in a negative fashion what constitutes the
 19 delict:

20
 21 *Non è necessario che gli atti di lussuria siano consumati, ma*
 22 *bastano anche atti non consumati, quali toccamenti o baci*
 23 *libidinosi, contatti di organi sessuali, ecc. (Antonio Calabrese,*
 24 *Diritto Penale Canonico [Città del Vaticano: Libreria Editrice*
 25 *Vaticana, 1996], page 354).*

26
 27 This juridic understanding of a violation of the Sixth Commandment of the Decalogue,
 28 based on Moral Theology, did not begin with the 1983 Code of Canon Law. Commentators on
 29 the 1917 Code of Canon Law commonly held that 'an offense against the sixth commandment'
 30 refers generically to 'crimes of lust' (Pio Ciprotti, *De consummatione delictorum attentio eorum*
 31 *elementum obiectivo: Caput IV, Apollinaris 9 [1936], pages 404-414]. Bringing together both*
 32 *the insights of Moral Theology and the juridic norms, the Catechism of the Catholic Church*
 33 *states the following:*

34
 35 The tradition of the Church has understood the sixth
 36 commandment as encompassing the whole of human sexuality (n.
 37 2336).

38
 39 Along with the teaching of moral theologians, to understand this delict, and in accord
 40 with the norm of law (e.g., Canon 1574), the researched, validated, and generally accepted
 41 insights of psychology and the mental health disciplines are quite relevant. This is important not
 42 just to provide an intellectual framework to comprehend the delict, but also to evaluate the facts,
 43 the testimony and all other evidence to determine if the clinical indicators of the delict are
 44 present. The opinions of *periti* are needed not just for the juridic theory but also for the
 45 evaluation of proofs.
 46

1 Consistent with the above-quoted canonical opinion, the American Academy of Child
2 and Adolescent Psychiatry has defined sexual abuse of minors in the following manner:

3
4 Sexual abuse of children refers to sexual behavior between a child
5 and an adult or between two children whom one of them is
6 significantly older or uses coercion. The perpetrator [offender] and
7 the victim may be of the same sex or the opposite sex. The sexual
8 behaviors include touching breasts, buttocks, and genitals, whether
9 the victim is dressed or undressed, exhibitionism [indecent
10 exposure], fellatio [oral stimulation of the penis], cunnilingus [oral
11 stimulation of the female vaginal area], and penetration of the
12 vagina or anus with sexual organs or objects. Exposure to
13 pornographic material is also sexually abusive to children
14 ...(*Practice Parameters for the Forensic Evaluation of Children
15 and Adolescents who may have been physically or sexually abused,*
16 *1997*)
17

18 The literature indicates that there is no definitive indicator of a sexually abused child, but
19 there are symptoms that present frequently in young survivors; these include anxiety/numbing,
20 hypersensitivity, depression, alcohol and/or drug use, problem sexual behaviors, and aggression.
21 Another symptom is an attachment abnormality; the victim cannot give up the attachment to, and
22 involvement with, the perpetrator [Ross Colin, The Trauma Model: A Solution to the Problem of
23 Comorbidity in Psychiatry (Manitou Communications: 2000) page 286]. In defining sexual
24 abuse of a minor, the American Academy of Pediatrics notes the significance of age symmetry in
25 differentiating sexual abuse and sexual play; what may be sexual play for age-symmetrical
26 individuals is abuse for age-asymmetrical individuals:
27

28 The sexual [abuse] activities may include all forms of oral-genital,
29 genital, or anal contact by or to the child, or nontouching abuses,
30 such as exhibitionism, voyeurism, or using the child in the
31 production of pornography. Sexual abuse includes a spectrum of
32 activities ranging from rape to physically less intrusive sexual
33 abuse. Sexual abuse can be differentiated from "sexual play" by
34 determining whether there is a developmental asymmetry among
35 the participants and by assessing the coercive nature of the
36 behavior. Thus, when young children at the same developmental
37 stage are looking at or touching each other's genitalia because of
38 mutual interest, without coercion or intrusion of the body, this is
39 considered normal (i.e., nonabusive) behavior. However, a 6-year-
40 old who tries to coerce a 3-year-old to engage in anal intercourse is
41 displaying abnormal behavior, and the health and child protective
42 systems should be contacted although the incident may not be
43 legally considered an assault. Children or adolescents who exhibit
44 inappropriate sexual behavior may be reacting to their own
45 victimization. (Committee on Child Abuse and Neglect, Guidelines
46 for the Evaluation of Sexual Abuse of Children)

1
2 Echoing the teachings of the moral theology manualists, an Australian National Child
3 Protection Clearinghouse research paper spoke of sexual abuse of a minor as relating to any use
4 for sexual gratification:
5

6 Put simply, child sexual abuse is the use of a child for sexual
7 gratification by an adult or significantly older child/adolescent
8 (Tower 1989). It may involve activities ranging from exposing the
9 child to sexually explicit materials or behaviors, taking visual
10 images of the child for pornographic purposes, touching, fondling
11 and/or masturbation of the child, having the child touch, fondle or
12 masturbate the abuser, oral sex performed by the child, or on the
13 child by the abuser, and anal or vaginal penetration of the child.
14 Sexual abuse has been documented as occurring on children of all
15 ages and both sexes, and is committed predominantly by men, who
16 are commonly members of the child's family, family friends or
17 other trusted adults in positions of authority... Finkelhor (1979)
18 argued against the term sexual assault and sexual abuse because he
19 felt they implied physical violence which, it was contended, was
20 often not the case... Finkelhor favored the term sexual
21 victimization in order to underscore that children become victims
22 of sexual abuse as a result of their age, naivete and relationship
23 with the abusive adult. (Issues in Child Abuse Prevention Number
24 5 Summer 1995, Update on Child Sexual Abuse, by Adam M.
25 Tomison [Research Fellow]).
26

27 Observing the above-quoted reference to 'trusted adults in positions of authority' and
28 flowing from the juridic delineation of the delict, the Court is mindful of the issue of
29 answerability. It is the presumption of the law that the actor (in this circumstance, a cleric) is
30 responsible for his behavior, unless the opposite of this presumption of the law can be proved.
31 This is the presumption in the doctrine and jurisprudence dealing with matrimonial consent
32 (Canon 1101) and it is the presumption in penal trials as the following canon notes:
33

34 Can.1321, §3: When an external violation has occurred,
35 imputability is presumed unless it is otherwise apparent.
36

37 The Court then turns to the substantive material upon which a decision about the delicts
38 that have been alleged will be made. Direction for this judicial *munus* is provided again both by
39 doctrine and jurisprudence. The general norm is that proofs of any kind that seem useful for
40 adjudicating the case can be brought forward (c.f., Canon 1527, §1). More specifically, a norm
41 addresses the manner in which the Tribunal of judges uses the proofs:
42

43 Can. 1608 §1. For the pronouncement of any sentence, the judge
44 must have moral certitude about the matter to be decided by the
45 sentence.
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§2. The judge must derive this certitude from the acts and the proofs.

§3. The judge, however, must appraise the proofs according to the judge's own conscience, without prejudice to the precepts of law concerning the efficacy of certain proofs.

§4. A judge who was not able to arrive at this certitude is to pronounce that the right of the petitioner is not established and is to dismiss the respondent as absolved, unless it concerns a case which has the favor of law, in which case the judge must pronounce for that.

The norm of Canon 1572 is also of significance because so much of the act is the testimony of witnesses. That Canon legislates how such testimony is to be evaluated:

Can. 1572: In evaluating testimony, the judge, after having requested testimonial letters if necessary, is to consider the following:

- 1^o what the condition or reputation of the person is;
- 2^o whether the testimony derives from personal knowledge, especially from what has been seen or heard personally, or whether from opinion, rumor, or hearsay;
- 3^o whether the witness is reliable and firmly consistent or inconsistent, uncertain, or vacillating;
- 4^o whether the witness has co-witnesses to the testimony or is supported or not by other elements of proof.

Of significance also is the norm of Canon 1579, §1 which directs the Court to consider not just the conclusions but also the other findings of the case which a *peritus* might identify. This norm, which is evident also in Roman jurisprudence, pertains whether the *peritus* is appointed by the Court or a professional whose work is incorporated into the *acta* from previous efforts with the same party.

Given the antecedent *iter processulis* of these cases in the United States today, the norm of Canon 1536, §2 must also be noted. Because *in tempore difficile* statements may have been made, it is essential that the evidentiary weight assigned to such statements be guided by canonical doctrine:

Can. 1536: ...

§2. In cases which regard the public good, however, a judicial confession and declarations of the parties which are not confessions can have a probative force which the judge must evaluate together with the other circumstances of the case; the

1 force of full proof cannot be attributed to them, however, unless
2 other elements are present which thoroughly corroborate them.
3

4 In a further elaboration of the above-cited canonical norm, the jurisprudence teaches that
5 the truth emerges not from one or other element but from the whole complexus of the case. In a
6 decision dealing with a case of simulation, a Rotal Auditor has noted:
7

8 *Quod utem spectat pondus argumentorum, quibus iudex*
9 *requisitam moralem certitudinem sibi comparare valet, recolatur*
10 *veritatem non esse ex uno alterove elemento eruendam, sed ex toto*
11 *causae complexu (coram Rogers, 19/XII/64, #6, as found in*
12 *S.R.R.Dec. 56 [1964], page 956).*
13

14 The truth comes not from one or another element, but from all the elements taken
15 together. Similarly in a decision dealing with simulation rendered by an earlier Rotal Auditor:
16

17 *Quae etiam veritas resultat aliquando ex multis indiciis et*
18 *probationibus, quae sumpta seorsim certitudinem vix ingerunt, at*
19 *unita maxime iuvant (coram Felici, 17/VI/52, #2, as found in SRRD*
20 *44 [1952], page 418).*
21

22 This jurisprudence on the whole complexus, or constellation of facts if you will, of
23 indices underscores the significance, in the evaluation of proofs, of patterns of behavior. Again,
24 the decisions of the Rota dealing with simulation of consent, both total and partial, illustrate the
25 judicial importance of such patterns of behavior. In a decision resolving a case on the grounds of
26 simulation of consent *contra bonum fidei*, a noted Rotal Auditor wrote:
27

28 *Confessio itaque simulantis non necessario verbis factenda est:*
29 *sufficit sicut factis, quae verbis sunt aliquando eloquentiora.*
30 *Idemmodo tamen facta sint plura, sint certa, sint univoca, id nempe*
31 *in communi aestimatione demonstrent, noluisse partem*
32 *contrahentem se vinculo matrimonii obstringere (coram Felici,*
33 *24/IV/56, #3, as found in SRRD 48 [1956], p 403).*
34

35 As then Msgr. Felici noted, if the behavior is present, it is not necessary that the proper
36 words be used to respond to the question before the Court; the facts speak louder than the words.
37

38 For the finding of this Tribunal, because the presumption of the law is the innocence of
39 the *reus* (2006 Essential Norms, Norm 6), the Reverend Judges must have moral certitude to
40 overcome the presumption of the law and find for his guilt. The Code legislates this requirement
41 in Canon 1608, as quoted above. With regard to moral certitude, it must be remembered that the
42 dynamic of this canonical standard of proof differs from common law. In common law, not only
43 is believability figured into the standard, but also the quantity of evidence; thus, the language is
44 phrased as 'the preponderance of evidence' and 'beyond a reasonable doubt'. In canonical
45 doctrine, while the quantity of evidence is a consideration, the dynamic uses the quality of the
46 evidence more significantly. In the former, quantity can affect the weight of the evidence. In the

1 later, the search for truth moves toward an act of moral judgment about the quality of what has
2 been brought forth. It is the exclusion of a reasonable doubt that does admit the absolute
3 possibility of the contrary. This is significant in a case in which the evidence is the narrative of
4 the parties, along with the background, circumstances and context that surrounds them. Moral
5 certitude requires a judgment about the quality of what both parties have presented and the
6 context of the situations, which are taken as a whole. As Pius XII stated in his address to the
7 Roman Rota on October 1, 1942:

8
9 Sometimes moral certainty is derived only from an aggregate of
10 indications and proofs which, taken singly, do not provide the
11 foundation for true certitude, but which, when taken together, no
12 longer leave room for any reasonable doubt on the part of a man of
13 sound judgment. This is in no sense a passage from probability to
14 certainty through a simple cumulation of probabilities, which
15 would amount to an illegitimate transit from one species to another
16 essentially different one...; it is rather to recognize that the
17 simultaneous presence of all these separate indications and proofs
18 can have a sufficient basis only in the existence of a common
19 origin or foundation from which they spring, that is, in objective
20 truth and reality... Consequently, if in giving the reasons for his
21 decision, the judge states that the proofs which have been adduced,
22 considered separately, cannot be judge sufficient, but that, taken
23 together and embraced in a survey of the whole situation, they
24 provide the necessary elements for arriving at a safe definitive
25 judgment, it must be acknowledged that such reasoning is in
26 general sound and legitimate. (#2)

27
28 And of added relevance is the further statement of the Holy Father of the relationship of
29 procedure to the attainment of this moral certitude:

30
31 Hence you see why, in modern, even ecclesiastical, procedure, the
32 first place is given, not to the principle of juridical formalism, but
33 to the maxim of the free weighting of the evidence. (#4)

34
35 With regard to the integrity of judicial procedure, the Reverend Judges are distinctly
36 mindful of the right of defense. As the Code specifically legislates:

37
38 Can. 1620 A sentence suffers from the defect of irremediable
39 nullity if ...

40
41 7° the right of defense was denied to one or the other party; ...

42
43 To understand what the right of defense correctly entails in a judicial process, the
44 Reverend Judges look to the jurisprudence of the Apostolic Tribunals. In a decision of the
45 Roman Rota, the present Dean writes:

46

1 *Quare substantiali iure defensionis is certo spoliatus habetur, qui*
 2 *nec actioni a parte adversa in iudicium deductae contradicere*
 3 *valuit ob agendi rationem ipsius Tribunalis, nec probationes*
 4 *tempore instructionis collectas impugnare, nec propriam*
 5 *deklarationem iudicalem facere, nec argumenta exhibere quoad*
 6 *factum circa quod iudicium versabatur...* (coram Stankiewicz,
 7 22/XI/84, #5, as found in Monitor Ecclesiasticus 113 [1988], pages
 8 320-327).
 9

10 That is, a substantial denial of the right of defense takes place when the adversarial party
 11 is not able to offer a contradiction, or when he is not able to oppose the proofs which have been
 12 gathered, or when he is not able to present his own side of the story in court, or when he is not
 13 able to present arguments about the contested issue in court. This is further enunciated in a
 14 decree of the Apostolic Signatura:

15
 16 *Admitti nequit doctrina Tribunalis circa ius defensionis partis*
 17 *conventae, quod non solum requirit ut conventa audiatur, verum*
 18 *etiam ut iure contradicendi reopse gaudeat* (SA 19989/88 VI, art.
 19 C, n. 4).
 20

21 Foundationally, the right of defense consists not just in being heard, but in having the
 22 opportunity to contradict the evidence. However, the jurisprudence also teaches that this is not
 23 merely a formalism. In this, the Rota echoes the teaching of Pius XII that was quoted above. In
 24 assessing the integrity of a judicial process, the Rota assesses whether or not the parties know the
 25 proofs and have an opportunity to respond to them. Commenting on the difference between
 26 observing all the solemnities and the essentials of the judicial process, in a marriage case the
 27 then-Dean Pompedda observes:

28
 29 *Concludendum quapropter est defuisse quidem iudicii*
 30 *sollemnitates sed essentialia processus (actricis petitionem,*
 31 *determinationem obiecti litis, citatione malterius partis, Vinculi*
 32 *Defensoris interventum, facultatem sese defendendi utriusque*
 33 *partis) tecta servata fuisse, atque ideo processus nullitatem*
 34 *nullomodo sustineri* (coram Pompedda, 17/VI/85, #16, as found in
 35 SRRD 77 [1985], page 291).
 36

37 In understanding the right of defense, the Reverend Judges look to the opportunity to
 38 know and react to the proofs; they look to the essentials of the process. The creative innovation
 39 of non-Codal procedural steps will be understood as faux-solemnities urged upon the Court by a
 40 zealous Advocate. However, the appropriate efforts of a responsible Advocate are required by
 41 the norm of law (Canon 1723).
 42

43 Finally, the Reverend Judges recall the force of particular legislation in the application of
 44 a penalty for this delict. As cited above, Norm 8 of the 2006 USCCB Essential Norms required
 45 that if there is moral certitude about the delict having been committed, then 'permanent removal
 46 from ecclesiastical ministry, not excluding dismissal from the clerical state' is indicated.

1
2 III. *IN FACTO*.
3

4 The Tribunal first notes that with regard to the question of determining probative value,
5 the guiding principle of recent years has always been the 1942 address by Pope Pius XII to the
6 prolate auditors of the Sacred Roman Rota. In that address the Holy Father indicated that the
7 Church's Tribunal system must rest on the finding of truth wherein it is the "the aggregate of
8 proofs and indications" that lead to judge's moral certitude. This being said, it is not necessarily
9 the quantity of evidence that becomes the determinate of probative value, it is how the facts and
10 the details themselves can integrate one with another and come to form a complete picture. Thus,
11 a seeming insufficiency in a singular proof can be completed by the presence of another proof or
12 even a mere "indication."
13

14 The generally accepted commentary of the Code of Canon Law on the notion of moral
15 certitude defines said moral certitude as "the firm and unwavering assent of the mind to a
16 proposition accepted upon evidence taken from the normal mode of action and human conduct,
17 evidence which the mind finds sufficient to win its full assent." The pursuit of moral certitude
18 entails a quality and qualifiers in our thoughts and deliberations. This Tribunal has maintained a
19 good and clear notion of the standard of proof expected of it and a keen awareness of the true bar
20 to be reached in order to establish such moral certitude.
21

22 The Tribunal now addresses the argument of the Advocate for the *reus* regarding human
23 memory. The Advocate for the *reus* in this case raises in his brief questions regarding the notion
24 of a malleable "human memory." What the Advocate wishes to do is to call into question the
25 manner in which details can be conveyed to the court in the process of instructing a case after
26 some twenty or thirty years. While there is serious reason to consider these questions (such is the
27 underlying motive for the Church's rules on prescription), some of the Advocate's offerings are
28 not necessarily applicable because they can in no way, in any given case, be proved or disproved.
29

30 For example, note the list of "professionally accepted statements" (an assertion which, it
31 self, is given very limited citation and justification) about the use of "post-event information
32 (PEI)." The Advocate conveys that "it is true that such PEI does shape memory but there is no
33 way to determine whether or not 'memories can be created' nor is it possible to, on the face of
34 them, distinguish between a created memory and an actual representation of facts." Given the
35 required evaluation and use of discretion by the judges, the nature, and resolution thereof, of
36 conflicting testimony before a court remains absolutely the same in the judgment process of the
37 officers.
38

39 The Advocate also indicates that "people can fill in details of what they think they
40 remember." But here the Advocate's premise argues that there is some greater context that has
41 some degree of truth to it, and only secondary details themselves might be at variance. This
42 creates a problem for the Advocate, who on occasion, will argue that it is in the inaccuracy of
43 detail on the part of witnesses and therefore the greater picture must be called in question. But is
44 this call to the judges actually supported by his premised theory, or is it essentially undermined?
45

1 The last point to be made relates to the Advocate's own assertion that "the human
 2 memory is malleable, active and vulnerable to various influences." This should be recognized as
 3 a statement that, in essence, cuts both ways. To the same extent that whatever circumstances
 4 might cause a person to recall or to attribute recollections to the actions of another when they are
 5 in the position of alleged victim or witness, would seem to hold equally applicable to the
 6 memory of the *reus*. It seems logical to assert that after twenty or thirty years from the incident
 7 being denied, the *reus* likewise can have an equally strong belief in his own innocence. Could
 8 not his own memory of the circumstances or even the facts have been marred by this same factor
 9 of malleability. This, according to the Advocate's premise, might be the case even without
 10 broaching the possibility of intentional fabrication or obscuring of facts.

11
 12 The Advocate indicates that a person (the one making the allegation) may look at
 13 otherwise innocent behavior and attribute to it the look of sexual abuse. It would seem possible
 14 to also say that a person (the one accused) could, in retrospect, look at behaviors that might
 15 constitute sexual abuse and through the lens of their own mind and their own malleable memory
 16 see only innocent behavior on their own part, especially since it is a common human trait to
 17 rationalize one's own behavior.

18
 19 Given these preliminary observations, the Court now addresses the issue that there were
 20 other witnesses, in addition to those mentioned above, that were willing to testify to the good
 21 character of the *reus*. However, in this regard, the prosecuting attorney in the civil trial of the
 22 *reus* made the following observation:

23
 24 Nobody has gotten up and said Father Knighton is a terrible human
 25 being. Nobody's asking you to judge his worth as a human being.
 26 You're asked to decide whether or not he assaulted a person.
 27 Good people do things that are crimes. Bad people do good things.
 28 [Civil Trial, Afternoon, August 22, 2003, page 163].

29
 30 In response to the allegations, the testimony of opposing witnesses and other material in
 31 the *acta*, his Advocate presents the perspective of the *reus*. In general, this comprises
 32 reiterations of innocence and the presentation of character witnesses. The Advocate also
 33 attempts to impeach the credibility and the veracity of the accusers. The Advocate emphasizes
 34 the problems the complainants were experiencing in their lives at the time of the alleged
 35 incidents of abuse and the dysfunction in their families. But, it must be noted that conversely,
 36 the *reus*' ability to detect such dysfunction could be understood to have made them candidates
 37 for such exploitation.

38
 39 The complaints were only placed years after the alleged abuse; clinicians cited in the Law
 40 Section speak commonly of the lengthy passage of time before such behavior is shared. The
 41 Advocate used terms such as "transference" and "flashbacks" in an attempt to discredit the
 42 complainants; however, the Advocate did not develop a logical, cogent argument about these
 43 matters. The Advocate presents the verdict of [REDACTED] civil suit as a proof of the innocence of
 44 the *reus*. The Advocate has placed a great deal of evidentiary weight on letters of support, as
 45 well as the testimony of friends; while such material demonstrates that the *reus* was successful in
 46 some of his ministry, it does not directly address the issues in the formulation of the doubt

1
2 Indeed, while many of the things the *reus* has done may not be classified in the technical
3 sense as crimes either in canon or civil law, the fact is that he has demonstrated from the
4 beginning of his clerical life on March 7, 1972, that he does not feel bound to observe church
5 law and its concomitant disciplines, or be obedient to lawful church authority if that mean
6 contradicting his own wishes. His own friend, [REDACTED] candidly states:
7

8 Marv has always talked about his great love for the priesthood and
9 felt that that was his calling and his vocation. Yet at the same
10 time, he wanted to do what he felt he wanted to do. Authority is
11 one big hurdle for Marv, and that has always been a hurdle for
12 Marv [Penal Trial, Witness "K", page 18].
13

14 [REDACTED] had previously given an example of this in his testimony:
15

16 We were at the seminary at that time in the theologate. Father
17 lived at Holy Angels, as a seminarian at that time. He did not live
18 on the seminary campus which was required, and somehow he was
19 able to exceed that requirement [Penal Trial, Witness "K", page 3].
20

21 While there the *reus* gave people the impression he was a legitimately sanctioned church
22 minister. While there he committed an offense against the sixth commandment with [REDACTED]
23 [REDACTED] An offense that likely would not have occurred if he had been living at the major
24 seminary with the rest of his ordination class.
25

26 The investigator assigned to the case of the *reus*, Robert Beyer, makes the following
27 statement after reviewing Archdiocesan files of the *reus*:
28

29 His records reflect that he is an independent person. He took a job
30 at Whitnall High School, and adopted three sons without first
31 discussing the situation with the Archdiocese, and without prior
32 approval from the Archbishop. There is correspondence in his file,
33 which was written by Fr. Knighton, indicating that he does not like
34 to live in a rectory setting, but prefers to have the privacy of living
35 by himself. Fr. Knighton has not always been happy with his
36 assignments and has let the Archdiocese know about it through
37 correspondence. There is correspondence in his file indicating that
38 he has done a good job in his assignments and was well liked. But
39 there is also correspondence which is critical of his job
40 performance [Tribunal File, "Confidential Sexual Abuse
41 Investigation", page 066].
42

43 Not only Mr. Beyer, but anyone who reviewed the correspondence of the *reus* with his
44 lawful superiors, would arrive at a similar assessment. (Notable here also is the eventually lived
45 contradiction to his expressed preference to live "by himself.") The Advocate tries to rationalize
46 his behavior in relation to superiors with this defense:

1
2 While it is admitted that Father Knighton has not always acted in
3 accord with the wishes of his bishop, he nonetheless has acted in
4 an upright, moral manner. He has always followed his conscience
5 to meet the moral obligations of a priest to the needs of the Church
6 and its people. There has never been any punishment or penal
7 sanction placed against Father Knighton for his actions. True,
8 Father Knighton is not a submissive, compliant, and passive priest.
9 Yes, there are copies of letters and materials from and to Father
10 Knighton in the acts. Father Knighton can be direct, forthright,
11 blunt, outspoken - all good American qualities.
12

13 During his priestly career, Father Knighton kept writing to his
14 archbishop, communicating with him, sharing with him his hopes,
15 his goals, his convictions, his respect and affection, along with his
16 anger and frustration about various things. It is true that Father
17 Knighton takes initiative; therefore he is not passive and
18 submissive. Who would want a leader or a priest who is passive
19 and submissive? Among some clergy it has been a common
20 saying to state, "It is always easier to ask for forgiveness than it is
21 to ask for permission." While a canonist or a legislator might not
22 so quickly express such a statement, the practical and pastoral
23 minded among the clergy frequently do so. Certainly, Father
24 Knighton seems to have held this sentiment [Defense Brief]
25

26 Unfortunately, the Advocate for the *reus*, like the *reus* himself, might desire this Tribunal
27 to function on sentiment rather than canons and legislation. A blatant example of this is found in
28 the September 11, 1988 letter of the *reus* in which he informs his lawful superior, Archbishop
29 Rembert Weakland, that he is finalizing his adoption of a ten year old boy and a six year old boy
30 [Clergy File, pages 216-217]. The Archbishop replies:
31

32 You have a pattern of doing what you please and then informing
33 superiors. I simply want to go on record that I have not given you
34 my permission to adopt the two children that you speak of in your
35 letter.
36

37 You cannot continue, Marv, to go on just doing what you please
38 and then informing the rest of us later and expect that God's
39 blessings will be abundant on your life and on your ministry
40 [Clergy File, pages 218].
41

42 The September 22, 1988 letter of the *reus* in reply to this letter of the Archbishop clearly
43 demonstrates that he will accept no one's judgment of him or his ministry. He alone decides
44 whether he is a "faithful" priest. This can be seen in the following lengthy, verbatim excerpt
45 from that letter:
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Your last paragraph bothered me even more! "You cannot continue, Mayv, to go on just doing what you please..." Your generalities, your judgemental comments are enough to make me disgorge.

I have been a priest for this Archdiocese for thirteen years. I was ordained by the late and loving Archbishop William E. Cousins. I served at St. Anne's parish on the north side for one year. I was then assigned to Pius XI High School in 1976 and remained there until 1987. Now, could you please have the courtesy of being specific how I have been doing as I please?

When I sought to look for a job in the public school, I came to you seeking your opinion. Sure I sent out applications, but I was open to your opinions and would have respected it.

As priest, I haven't been charged with any legal offense in this city nor state that would cause embarrassment to the priesthood. As priest I have not done anything against the Code of Canon Law that would cause me to be tagged as "doing as I please." I have in my estimation have been faithful as a servant; people would vouch for that!

Maybe the difficulties doesn't lie with me Rembert. Maybe the difficulty is with you and your uncomfortableness of dealing with me and anyone who strive to be free in living the Gospel. By free, please don't interpret it doing what I damn well please. Maybe your uncomfortableness of relating with those who disagree with you is your problem. It seems that one can never disagree with you or be their own person. If they choose to do so, they are left in the cold! This has been my experience with you in the past and I choose not to allow that as an hindrance to my growth as person and priest.

If I am such a problem to you as you mentioned; I am willing, and this I mean I am most willing to leave and go elsewhere. I don't need this rash judging that I have received from you or anyone else because they fail to know who I am really am. I am tired of being judged from afar.

I gather you are under much stress with this event of Mr. [REDACTED] and now the passing of a good man, Archbishop William E. Cousins. Whatever is going with you; you must realize that I am not a lap dog and such unfounded comments and criticism I don't appreciate. I find it most uncharitable, offensive and totally unfair

1 to me and how I've served in this diocese [Clergy File, pages 224-
2 225].

3
4 By comparing this letter to the fullness of material in his Clergy File, it can be noted that
5 the *reus* apparently glosses over both the abrupt ending of his multi-year assignment to St.
6 Ann's parish, and the manner in which he was "assigned" to Pius XI High School. The *reus*
7 sent a copy of this letter to the auxiliary bishop, the Most Reverend Richard J. Sklba, who sent a
8 reply dated October 13, 1988. In this reply Bishop Sklba notes: "I do know that a vast number of
9 priests feel that you have charted your own course without much prior consultation." [Clergy
10 File, pages 229]

11
12 A review of the Chancery File clearly indicates that the *reus* had conflicts with this same
13 Archbishop William E. Cousins, whom he tries to portray as understanding him so much better
14 than Archbishop Weakland. In his letter dated July 13, 1975 (barely nineteen days after he was
15 ordained a priest by this same Archbishop Cousins) the *reus* writes the following:

16
17 To go to St. Ann's on a full-time basis at this point would be unfair
18 to the people, to the Team and to myself, my heart is not there and
19 would not be there. To go there by force would be done out of
20 Blind Obedience and that I don't believe in. [Chancery File, page
21 023].

22
23 In his reply, Archbishop Cousins reminds the *reus* of the promise of obedience that he
24 had publicly made in his recent ordination ceremony:

25
26 The question now concerns your carrying out of the promise of
27 obedience you made upon the occasion of your Ordination. You
28 say in your letter, "I promised obedience to you and your
29 successors. I promised these vows, and by the Grace of the Father,
30 I will keep them". This is all that is being asked of you. Your
31 implied insistence upon an appointment to Pius XI High School is
32 at variance with your consistent statements that it is your desire to
33 serve. You must immediately recognize that service cannot be
34 confined or restricted to personal preference [Chancery File, page
35 024].

36
37 Even his friend and classmate, [REDACTED], states: "I think Marv has always found it
38 relatively easy for him to exceed regulations and discipline that did not suit his purpose" [Penal
39 Trial Testimony, Witness "K", page 5].

40
41 Having established that the *reus* alone decides for himself what his proper actions are, the
42 Tribunal notes the following defense statement of the Advocate:

43
44 In the case at hand, Father Knighton has a long history of
45 involvement with both the education and pastoral care of young
46 people. Indeed, many years ago a number of boys went swimming

1 together with Father Knighton. Three of the boys from that long
2 history now accuse Father Knighton of sexual misconduct. The
3 three accusers seem each to come from troubled backgrounds.
4 There seems to be some interconnection between or among them,
5 though it seems the accusers deny it. The issue of their motivation
6 in bringing forward these allegations is questionable. It would be
7 expected that many accusers would have emerged if Father
8 Knighton were really a predator of 13 and 14 year olds. It would
9 also be expected that an adoption agency or child protective
10 services would have discovered something in its examination of
11 Father Knighton's readiness to adopt. Given that no other accusers
12 have come forward and given that no adoption agencies or child
13 protection services have made any allegations, all the more it
14 would seem that Father Knighton is innocent of the allegations
15 made by these 3 individuals [Advocate's Brief]
16

17 The Tribunal gives no weight to this defense, since the allegations set before this
18 Tribunal do not include one that designates the *reus* as a "predator of 13 and 14 year olds".
19 What is at issue is whether or not a delict against the Sixth Commandment of the Decalogue was
20 committed by the *reus* with one or more minors. Since there are no direct witnesses to what took
21 place other than the *reus* and his accusers, the Tribunal carefully sets forth in the following
22 arguments concerning two accusers of the *reus* why it questions the credibility of the *reus* and
23 not that of his accusers.
24

25 The Tribunal will address the accusations in chronological order to show that the same
26 attitude motivated the conduct of the *reus* with all his accusers, namely that each was to give him
27 what he wanted, when he wanted, because of his sense of entitlement. The Tribunal begins with
28 the allegation of [REDACTED]. The Advocate insisted this allegation be dropped since it was evident
29 that this incident took place before the *reus* became a deacon. This Advocate argues:
30

31 It is not an incidental matter whether Father Knighton was
32 ordained a deacon at the time of the alleged events. The crime of
33 which he has been *reus* is that of sexually abusing a minor -- not
34 while as a lay person, but while a cleric in major orders. If Father
35 Knighton was not yet ordained a deacon, then the *gravius delictum*
36 of which he has been *reus* could not have taken place. According
37 to the terms of The Essential Norms and of *Sacramentorum*
38 *sanctitatis tutela*, it is a constitutive element of this *gravius*
39 *delictum* that the act of sexual abuse of a minor be committed by
40 one who is a priest or deacon. As will be explained below, for
41 reasons of law this allegation should not be included in this
42 proceeding [Advocate's Brief]
43

44 While acknowledging most of the above as accurate, the Tribunal distinguishes by noting
45 that "the crime of which he has been accused is that of sexually abusing a minor -- not while as a
46 lay person, but while a cleric." The advocate carries his sentence too far by adding that the *reus*

1 was not "a cleric in major orders". It is indisputable that this delict took place under the norms
2 of the 1917 Code of Canon Law (CIC). By the terms of that same CIC, Marvin T. Knighton was
3 admitted to the clerical state by the act of tonsure (1917 CIC, Canon 108 §1), which he received
4 on March 7, 1972. The *Motu Proprio* of Pope Paul VI, *Ministeria quaedam* — redefining
5 admission to the clerical state as ordination to the diaconate — was issued on August 15, 1972.
6 This document does not specify that those already admitted to the clerical state by tonsure were
7 no longer to be regarded as clerics until their ordination to the diaconate.

8
9 The question of one's state in life at a given moment in time is mere fact and not a matter
10 of penal law. Thus, it is documentary and not open to broadened or narrowed interpretation.
11 Furthermore, the distinction that has occurred since 1972 when tonsure was still the initiating
12 point of one's cleric state and the present, is the fact that under the old system (long pre-dating
13 the socio-pastoral milieu of the 1970's) there was not perceived to be any likelihood in the
14 seminary system of the day for any "ministry" entailing interactions with vulnerable persons
15 being performed by persons other than deacons or priests. But, the *reus*, in retrospect, with his
16 rather consistent desire to go against the systematic formation process expected of him by lawful
17 superiors, decided of his own accord that he was ready to perform public ministry. He was
18 presumably ready also to take on that public authority, or at least the airs of it, that comes from
19 being a seminarian living outside the seminary community. It seems that the *reus* intentionally
20 created the circumstance where he went beyond the situation anticipated by law, and placed
21 himself in the role previously expected of only priests or deacons. By doing this he himself
22 created the circumstance where he could possibly then have taken advantage of some imputed
23 "position" in order to commit this delict.

24
25 The Promoter addresses this question with precision. He indicates that a distinction needs
26 to be made between canons 2358 and 2359 in the 1917 CIC. Canon 2358, which has no parallel
27 in the 1983 Code, applies to those in minor orders the norms of canon 2357. This means that a
28 sin against the sixth commandment of the Decalogue can occur. But the parallel drawn into the
29 1983 Code, that of Canon 2359 §2, is the first to introduce the notion of a crime against a minor
30 below the age of 16. The problem with the argument of the Advocate for the *reus* is that the
31 narrowness that he seeks is based on a presumption within the law and within the formation
32 structures of the Church at that time that those in minor orders would not be placed in any
33 circumstances where they interacted with minors under the age of 16. It seems disingenuous for
34 the *reus* to wish to avail himself of the distinction which becomes a protection, when he was
35 unwilling at the time to adhere to the formational parameters that would not have allowed this
36 circumstance to have arisen in the first place.

37
38 In asking the learned opinion of Bishop Thomas Doran, DD, JCD, on this matter, Bishop
39 Doran stated that Canon 1395, as interpreted by the American Procedural Norms -- which
40 Bishop Doran helped to draft and finalize, envisions that offenses before ordination to the
41 diaconate be included. Bishop Doran also indicated that clerical status is not affected by penal
42 law, nor by the subsequent restructuring of how one enters the clerical state. If a person was a
43 cleric under the Pio-Benedictine Code, he does not lose that status simply because under the
44 current code a man does not become a cleric until he is ordained to the diaconate.

45

1 The Promoter notes the following regarding this allegation, which this Tribunal judges to
2 be an accurate assessment of the credibility of [REDACTED] and the guilt of the *reus* (the Tribunal
3 excerpts at length):
4

5 [REDACTED] is hazy about some of the details of date and physical
6 location, but he is very clear in his recollection of the incident,
7 itself: "Father got into the same bed with me. It was just the two of
8 us. There was just the one bed... [Father was] naked from the waist
9 down. . . . I was laying next to him. He turned on his side, and
10 almost in a spooning type fashion with me behind him. He took my
11 hand, placed it on his penis and as it got erect, his hand was on top
12 of my hand in a masturbating function until the act was complete."
13 [Penal Trial, Witness "G" pages 5 & 20-21]

14 [REDACTED] said that after the event was over, he was not particularly
15 bothered by what had happened and that, at the time, he did not
16 feel it had been inappropriate behavior; rather, "from that time
17 forward, that essentially ended the relationship I had with Father
18 Marvin, and he's the one that ended the relationship, which was
19 probably the most devastating part of all that occurred with him
20 was the fact that, for whatever reason, I was being discarded by
21 him and no longer considered a friend. He no longer took me to
22 movies or any of those things. He just pretty much threw me out"
23 [Penal Trial, Witness "G" pages 5 & 12]. [REDACTED] contends that he
24 never suffered from "repressed memory" concerning Father
25 Knighton's actions, but that it was not until he underwent therapy
26 for [REDACTED] that he came to appreciate the long-term
27 impact which the sexual abuse had on him. [Penal Trial, Witness
28 "G", page 11]

29
30 In his testimony, [REDACTED] referred to Father Knighton's "constant
31 hugging and kissing," [Penal Trial, Witness "G", pages 10 & 20]
32 but cited no other actions which he would describe as "grooming"
33 or sexually inappropriate behavior, and he is unequivocal in his
34 insistence that this occurrence was a one-time event. He does,
35 however, testify that a [REDACTED] [REDACTED] who
36 [REDACTED] "had a very similar
37 relationship with Father Marvin," and he insinuates that [REDACTED] may
38 have been abused by Father Knighton, as well. [Penal Trial,
39 Witness "G", pages 8]

40
41 [REDACTED] is very candid about his own troubled background, which
42 included [REDACTED] and the
43 [REDACTED] at his public
44 high school teachers [Penal Trial, Witness "G", pages 28-29]. Yet
45 there is nothing in his testimony to suggest that he is either
46

1 embellishing or overly dramatizing his story, nor is there any
2 indication that he harbors a lingering hostility toward either Father
3 Knighton or the Church [Penal Trial, Witness "G", pages 41-42].
4

5 It is unfortunate that medical circumstances prevented [REDACTED]
6 from appearing in person to give his testimony inasmuch as
7 observing his "body language" might have been helpful to the
8 members of the Tribunal in assessing his credibility. Still, in
9 recalling the tone and content of his telephonic responses to the
10 judges' questions and in reading the transcript of that session, I
11 cannot detect even the slightest basis for challenging his integrity
12 or credibility.
13

14 For his part, Father Knighton acknowledged that there was an
15 occasion on which [REDACTED]s, along with [REDACTED] may
16 have stayed overnight with him; but he contended that, if such a
17 visit had happened, it would have taken place at the parish rectory
18 and the boys would have stayed in one of the guest rooms [Penal
19 Trial, Witness "A", pages 5-10]. Father Knighton vaguely
20 remembered the boys, but was unable to recall much detail,
21 maintaining that contact with these boys had occurred early in his
22 stay at Holy Angels and long before his ordination to the diaconate
23 [Penal Trial, Witness "A", pages 8-9 & 17]. He admitted that it
24 was "part of my nature" to hug people, provided they are
25 comfortable with such gestures [Penal Trial, Witness "A", pages
26 17-18].
27

28 While Father Knighton's poor recollection of details is
29 understandable, given that the events in question transpired more
30 than thirty years ago, the Tribunal does have access to
31 documentary evidence which could be held to constitute a recent
32 admission on Father Knighton's part that some manner of
33 inappropriate behavior involving [REDACTED] had, indeed, occurred.
34 The admission was reported by Dr. Barbara Reinke (Director of
35 *Project Benjamin* -- the office created by the Archdiocese of
36 Milwaukee in 1989 to respond to incidents of sexual abuse -- in a
37 log entry dated April 11, 2002, and entitled: "Addendum to the
38 note about Father Marv Knighton." The note reads in part:
39 "During this conversation [a telephone call from Father Knighton
40 to Dr. Reinke] Father Marv admitted that he had 'made a mistake'
41 in the incident with [REDACTED], but he insisted that this
42 incident occurred in 1973, prior to his being ordained a deacon,
43 and thus his behavior does not concern us" [Chancery File, page
44 344].
45

1 Not only did he make this statement to [REDACTED] but he was quizzed about it by Mr.
2 Beyer

3
4 When I asked Fr. Knighton if the allegation was true, he stated,
5 "There was inappropriate behavior". When questioned further Fr.
6 Knighton responded, "No comment", and told me that he had
7 nothing else to say about it. Fr. Knighton acknowledged that the
8 inappropriate behavior was with [REDACTED]. I asked Fr. Knighton if
9 the inappropriate behavior was of a sexual nature. He again told
10 me that he had nothing more to say about it [Tribunal File,
11 "Confidential Sexual Abuse Investigation", pages 55-56].

12
13 The Court does not find convincing the Advocate's attempt to change the meaning of this
14 remark of the *reus* by stating the following:

15
16 According to diocesan notes, Father Knighton was said to have
17 "made a mistake" about the incident in later contact with the
18 archdiocese. This misinterpretation by diocesan officials stems
19 from the fact that Father Knighton only indicated that he was at
20 Holy Angels Church in 1972 and 1973. The "mistake" was about
21 the years being discussed. The alleged incident could not have
22 taken place in winter 1975-76 when [REDACTED] was 15 years old
23 since Father Knighton was not at Holy Angels at the time. He also
24 admitted knowing [REDACTED], but denied anything occurred and
25 refused to discuss the matter with any diocesan official due to
26 concerns about his rights which up to that point he felt had been
27 trampled [Advocate's Brief].

28
29 This directly contradicts the testimony of [REDACTED] in her exchange with Judge [REDACTED]

30
31 Q. And in the second thing with [REDACTED], I take it he
32 was just as vocal at denying stuff?

33
34 A. Well, no, as I said, that one he -- the argument was about
35 the date it occurred. He wasn't denying it. He was saying
36 it occurred before I was ordained [Penal Trial, Witness "J",
37 pages 16-17].

38
39 In addition, one of the friends of the *reus* -- principal of Pius XI High School at the time
40 the accusations against the *reus* became public -- was told at that time that the *reus* admitted to
41 this allegation, although he did not know that this particular allegation came from [REDACTED]. This
42 friend states the following in an exchange with Judge [REDACTED] concerning the fact that the *reus* was
43 angry with him for not publicly defending him when the allegations became publicly known:

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45 A. We were told that the Diocese had two situations, one of
46 which he admitted but it was beyond the statue of

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limitations, and the other one he said didn't happen, and that was going to trial. And I was, therefore, given the information that he admitted one of the allegations, and then the question was how could I defend him, and it's like I can't defend him. Now I've never heard that brought up again since, so I don't know if that's true or not

Q. That Mary admitted it?

A. That's what I was told by an Archdiocesan representative back then. [Penal Trial, Witness "H", page 39].

Moreover, if the interpretation of the Advocate were valid, then the Tribunal would expect that the *reus* would have "set the record straight" when he was later interviewed by Mr. Beyer. Instead, the nature of his response above indicates that he acknowledges wrongdoing but does not want to specify the nature of his "mistake" [Tribunal File, pages 55-56].

In view of all of the above, the Judges concur with the Promoter that [REDACTED] statements are credible. Moreover, they are consistent with those of the other accuser, [REDACTED] who testified to the Court about the *modus operandi* of the *reus*. Notwithstanding the hints of the Advocate to the contrary, there is absolutely no evidence of collusion between the two gentlemen. It is clear to the Judges that the event concerning [REDACTED] took place and it certainly fits into the category of an offense against the Sixth Commandment of the Decalogue.

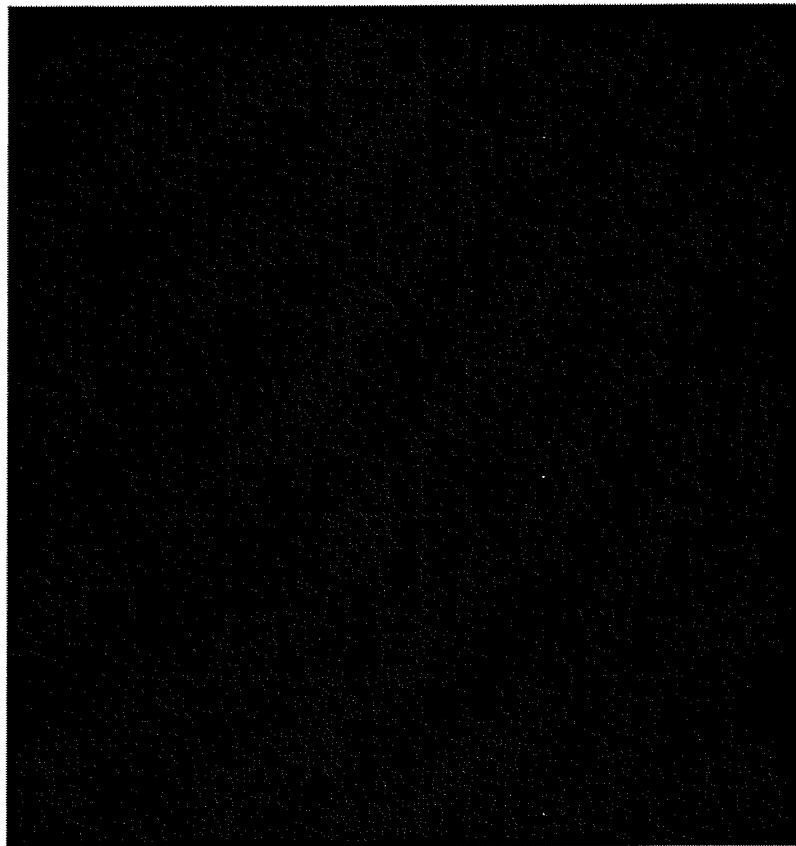
With respect to the second allegation, this is the most problematic of the three because of [REDACTED] significant and willing involvement in this process and the degree and intensity that he brings to his testimony. It can be noted that both the Promoter and the Advocate resort, in a number of circumstances, to the possibility that [REDACTED] misunderstood the actions of the *reus*. All of this set a stage for boundary issues, both physical and emotional, with minors that seem consistent throughout the ministerial life of the *reus*. What is in question is whether there are sufficient proofs to indicate that what might otherwise be inappropriate and immature or merely "wrestling and horseplay" can be elevated to the point of being a delict, that is to say a violation of the sixth commandment of the Decalogue with a minor. Both the Promoter and the Advocate raise questions about the nature of the testimony and the overall credibility of [REDACTED] in this case, which the Tribunal will now address.

[REDACTED] the clinician to whom [REDACTED] referred him and who began counseling [REDACTED] on a weekly basis in November of 2001, submitted a claim for services twenty weeks later which included an [REDACTED] [REDACTED] [Chancery File, pages 301-302]. The judges of this tribunal possess a certain familiarity with the diagnostic criteria of [REDACTED] and their associated features from their work with marriage nullity cases. Having been presented no reason to question the accuracy of Mr. [REDACTED] diagnosis, and understanding from the testimony of [REDACTED] father, [REDACTED] that [REDACTED] erratic behavior pre-dates any of the alleged occurrences of sexual abuse (indeed, [REDACTED] has testified that his relationship with his son was "stormy" even prior to the [REDACTED] [Penal Trial

1 Testimony, B:20-25, Jury Trial Transcripts Vol III:8,12,18,29], it is plausible that the [REDACTED]
2 [REDACTED] or his antecedent condition(s) had been a primary determinant of [REDACTED]
3 behavior and perceptions long before Father Knighton entered his life. In view of this the
4 Promoter questions whether this disorder may have impacted the nature of [REDACTED]'s testimony.
5

6 In this regard the Court notes that lying, or the inability to discern right from wrong or
7 truth from fiction, are not characteristics of the [REDACTED]. Moreover, the
8 following characteristics are not inconsistent with those who are sexually abused and then
9 abandoned. They also account for what the Advocate of the *reus* says in an attempt to
10 undermine [REDACTED] credibility: "[REDACTED] had a troubled and problematic youth" [Advocate's
11 Brief]. The DSM-IV [REDACTED] notes the following diagnostic criteria:
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13 The diagnostic criteria for a [REDACTED] are:
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42 Certainly, if lying, or the inability to discern right from wrong or truth from fiction, were
43 characteristics of the [REDACTED] the Defense Lawyer of the *reus* in the
44 secular court action would definitely have mentioned this when he attacked the credibility of
45 [REDACTED]. However, neither in his opening remarks [Civil Trial, Morning of August 21, 2003,
46 pages 12-17] nor at the time in which this Defense Lawyer of the *reus* questions [REDACTED]

1 does he mention that ██████████ personality disorder made him incapable of telling the truth [Civil
2 Trial, Morning of August 21, 2003, pages 80-128; Afternoon of August 21, 2003, pages 21-72;
3 Afternoon of August 22, 2003, pages 109-112].
4

5 The Advocate of the *reus* and the Promoter of Justice question ██████████ credibility
6 because of inconsistency in some details of his account of what happened. The Advocate says:
7

8 In the case at hand, it is clear that the testimony of the accusers is
9 not reliable. There is confusion in the content of the testimony.
10 Whether the testimony of the witnesses has been corrupted by
11 memories shaped by post event information or whether the
12 testimony has been corrupted by collusion and conspiracy, the
13 testimony clearly is not reliable [Advocate's Brief]
14

15 The Promoter of Justice questions the veracity of ██████████ stating:
16

17 Not only does the testimony appear to be laced with contradictions,
18 it also appears in some respects to undergo embellishment with the
19 passage of time. While it could be argued that this reflects an
20 emerging clarification of detail as a victim-witness plumbs the
21 depths of his memory, I suspect that it could be maintained with
22 just as much validity that we are simply witnessing a
23 demonstration of the adage "practice makes perfect" as applied to
24 the task of crafting one's testimony in order to put forward the
25 most convincing argument [Promoter's Brief]
26

27 However, the key details that support the substance of ██████████ accusation of sexual
28 misconduct against the *reus* are the same in all of his accounts. The Court does not accept the
29 theory of the Promoter of Justice that the contradictions result from "crafting one's testimony in
30 order to put forward the most convincing argument", since that would mean that the testimony
31 given by ██████████ in the Penal Trial would not omit earlier details that strengthened his case.
32 Nor does the Court accept the arguments of the Advocate that ██████████ testimony "has been
33 corrupted by memories shaped by post event information" or "has been corrupted by collusion
34 and conspiracy." Instead, the Court believes that ██████████ experienced in his delayed puberty
35 sexual actions by the *reus* that became the criteria for understanding the sexual nature of past
36 actions by the *reus* that were not perceived as such at the time when they occurred.
37

38 Moreover, the Assistant District Attorney, Tiffin [hereinafter: Tiffin], states to the Jury:
39

40 ██████████ has been very consistent. He's been very consistent in
41 what happened to him. He's been very consistent when he told
42 Detective Hoppe. He's been very consistent, he didn't tell a lie to
43 his stepmother and his father. He wasn't ready.
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He said, I didn't tell the counselors. He didn't. He wasn't ready. He just told you the truth. He's hid nothing. ... He had no motive to lie [Civil Trial, Afternoon August 22, 2003, pages 163-164].

The Tribunal concurs with this previously quoted assessment again quoted immediately above. The Tribunal further notes that there is no financial motivation for [REDACTED] to make such an accusation, since he has not asked the Archdiocese of Milwaukee for any further funds but only for justice. The following exchange with [REDACTED] father and the associate judge, the Reverend [REDACTED], confirms this:

Q Has there been a lawsuit against the diocese at all?
A [REDACTED] has made a settlement with the diocese.
Q But there's nothing open or outstanding at this point from your perspective.
A No.

In his interview with this Tribunal, [REDACTED] was rational, lucid and was able to logically form his thoughts. There was no evidence when he appeared personally before this Tribunal, at the Civil Trial of the *reus*, or in any other context that [REDACTED] is a delusional person unable to discern truth from lies or fact from fiction.

By contrast, the Court finds that the *reus* definitely lies about key details in order to absolve himself of any blame. He also claims those in authority did not respect his rights. When questioned by his Defense Lawyer in his Civil Trial concerning whether he kissed [REDACTED] on the lips, the *reus* replied unequivocally:

I don't kiss people on the lips. I never kissed [REDACTED] on the lips. [Civil Trial, Morning August 22, 2003, page 143].

However, [REDACTED] father directly witnessed the contrary as can be seen in the following exchange with the associate judge, the Reverend [REDACTED]:

Q Did you observe any of this hugging or kissing that [REDACTED] seems to describe?
A No. I would observe Marvin Knighton kissing women on the lips as a greeting [Penal Trial, Witness "B", page 13].

The *reus* shows a pattern of being unequivocal about details when it suits his goal, and equivocal with details when that suits him. Another example of this is the refusal of the *reus* — barely nineteen days after his ordination to the priesthood in which he promised obedience to Archbishop Cousins and his successors — to accept the parish assignment given to him by Archbishop Cousins. The *reus* stated to the Tribunal: "I don't ever recall where I said, 'No, I'm not going there.' I think the assignment that I finally got was St. Anne's, and that's where I went for a year, and then I went into education after that" [Penal Trial, Witness "A", page 77]. While he may not have said the exact words he states, the words he used in his letter of July 13, 1975 to Archbishop Cousins are clear in their implication and intent:

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To go to St. Ann's on a full-time basis at this point would be unfair to the people, to the Team and to myself, my heart is not there and would not be there. To go there by force would be done out of Blind Obedience and that I don't believe in. [Chancery File, page 023]

His account of a preliminary meeting on February 28, 2002 with Fr. Hornacek, and Dr. Barbara Reinke states the following in his formal complaint against Dr. Barbara Reinke to the Department of Regulation and Licensing of the State of Wisconsin:

Throughout this process, Fr. Joseph Hornacek and Dr. Barbara Reinke abused their specific roles and responsibilities. It was obvious to me that they both had taken on a prosecutor's role against me." [Clergy File, page 345].

The mercurial manner of the *reus* also raises some question. In the aforementioned formal complaint the *reus* asserts that, after agreeing at this meeting to meet with his "accuser", he had second thoughts after consulting with the Diocesan Lawyer and his own attorney. He only went ahead with the meeting because Fr. Hornacek and Dr. Reinke accused him of trying to "hide something" [Clergy File, page 345]. Fr. Hornacek's log confirms that the *reus* had second thoughts but states that he and Dr. Reinke explained this was only a "fact-finding meeting". Later Fr. Knighton phoned to ask that ██████████ be present at this meeting and there were no objections to this [Clergy File, page 072].

This "fact finding" meeting took place on March 8, 2002. The Vicar of Clergy's log regarding this meeting states the following:

March 8, 2002 - Vicar joins Dr. Barbara Reinke in a fact-finding meeting between Fr. Marv Knighton alleged perpetrator and ██████████ alleged victim of inappropriate physical contacts from approximately '86 to '91 when ██████████ was between 13 and 18 years old. Marv's Advocate: ██████████ who also tutored ██████████ was present as were ██████████ therapist Dr. ██████████ stepmother (██████████) and ██████████'s cousin ██████████. ██████████ was focused, forthright and specific about his allegations. Marv has denied all except what he claims was consensual hugging and kissing [Clergy File, page 072].

Dr. Reinke's log of this same event states:

Fr. Joe Hornacek, ██████████, ██████████ (psychotherapist), ██████████ (██████████ stepmother), ██████████ (cousin of ██████████ and family friend to ██████████) and I met as scheduled with Fr. Marv Knighton for the purpose of confronting him with ██████████

1 account of molestation. (Also present was [REDACTED]
 2 [REDACTED] (?spelling?) who was brought as a support person by Fr.
 3 Marv but also knew [REDACTED] well through tutoring at the end of high
 4 school). [REDACTED] presented himself in a compelling manner. Fr.
 5 Marv continued to deny these events, casting [REDACTED] as someone
 6 who would regularly lie and accuse others falsely. When Fr. Marv
 7 brought up events, [REDACTED] acknowledged some wrongdoing on his
 8 part (getting caught drinking with friends, participating in Marv's
 9 sons' usage of offensive words in Korean, though he denied
 10 teaching them American slang words). Several persons attempted
 11 to ask Fr. Marv why [REDACTED] would make these allegations now if
 12 they were not true. [REDACTED] had an outburst in which he called
 13 Fr. Marv a liar. The meeting ended when it became clear that
 14 nothing more could be accomplished [Tribunal File, page 003].

15
 16 [REDACTED] corroborates [REDACTED] "outburst" [Penal Trial, Witness "C", page 16].
 17 Dr. Reinke on March 9, 2002 notes the following:

18
 19 Fr. Joe and I conferred. Neither Fr. Joe nor I doubt the truth of
 20 [REDACTED] story. Joe does not find Fr. Marv amenable to treatment
 21 and I questioned what its value would be. Joe and I discussed as
 22 next steps that he would make Maureen Gallagher aware of these
 23 allegations as she is Fr. Marv's current supervisor, and that he
 24 would discuss appropriate restrictions with the Archbishop. Both
 25 Fr. Joe and I believe Fr. Marv should not have any one-on-one
 26 contact with minors, with the potential that this would make moot
 27 his current interest in obtaining a position as a principal [Tribunal
 28 File, page 003]

29
 30 The *reus* gives this account of that meeting in his formal complaint — dated July 12,
 31 2004 — against Dr. Barbara Reinke for unprofessional conduct to the Department of Regulation
 32 and Licensing of the State of Wisconsin:

33
 34 Friday, March 8, 2002 was the day that I met with my accuser. At
 35 the end of that meeting, Dr. Barbara Reinke asked my accuser if I
 36 had ever touched him or him me inappropriately. His response to
 37 that question was, "No, in no way did Marv ever do anything like
 38 that." The tragedy following that meeting was, that my accuser
 39 must have spoken with someone following that meeting, for when
 40 he later met with the District Attorney, the information he gave to
 41 him or her is quite different. In substance, he changed his story
 42 about three times. [Clergy File, page 345-346].

43
 44 Fr. Knighton repeats this rather unique interpretation of what happened at that meeting
 45 when giving his testimony to this Tribunal on September 21, 2006: "In relationship to [REDACTED]
 46 [REDACTED] when I had to meet with him, he was specifically asked whether or not I ever touched him

1 or made him touch me inappropriately, and he flatly said no" [Penal Trial, Witness "A", page
2 67]. At the time this statement was made, the Judges did not have available to them the above
3 logs or the above mentioned letter to the Department of Regulation and Licensing of the State of
4 Wisconsin. Thus, the truthfulness or falsity of this statement could not be challenged at that
5 time.
6

7 It is conceivable that such a statement may have been omitted by one but not by four
8 different participants in that same March 8, 2002 meeting. For not only the logs of the Vicar of
9 Clergy and Dr. Reinke quoted above, but also the testimony of ██████████ and that of his
10 stepmother make no mention of this admission by ██████████ that the *reus* was innocent of any
11 delict against the sixth commandment of the Decalogue.
12

13 Even if there was some kind of conspiracy on the part of the staff of the Archdiocese and
14 ██████████ and his witnesses to conceal this alleged exonerating of the *reus* — which there is
15 no shred of evidence to support — certainly the Defense Lawyer of the *reus* would have
16 mentioned such a powerful piece of evidence during the civil trial proceedings of August 21-22,
17 2003 to support his client's innocence. However, there is no record of this alleged statement of
18 ██████████ in Defense Lawyer's cross examination of Dr. Barbara Reinke, who was present at
19 that March 8, 2002 meeting [Civil Trial, Afternoon of August 21, 2003, pages 21-31]. Nor was
20 this brought up in the cross examination of ██████████ by this same Defense Lawyer of the *reus*
21 [Civil Trial, Afternoon of August 21, 2003, pages 32-73]. Most of all it was not part of the
22 extensive examination of the *reus* by his own Defense Lawyer [Civil Trial, Morning of August
23 22, 2003, pages 117-145 and Civil Trial, Afternoon of August 22, 2003, pages 3-61]. The Court
24 can only conclude that this is a lie on the part of the *reus* to cast doubt on the veracity of ██████████ or
25 an attempt to support his allegation that the Archdiocese did not respect his rights.
26

27 Another crucial detail is whether the *reus* was ever alone with a minor that he brought to
28 the Archbishop Cousin's Center to play basketball or go swimming. Hartmann questioned the
29 *reus* on September 21, 2005:
30

31 Q. So it was always during the day that you brought kids?

32 A. Yes.

33 Q. Did you have access to the building at night?

34 A. No. And, again, I want to emphasize that there was always
35 usually another adult with me in a group
36 [Penal Trial, testimony of Witness "A", page 41].
37

38 However, from personal knowledge and direct observation, one of the associate judges —
39 who attended St. Francis de Sales Seminary for nine years adjacent to the Archbishop Cousins
40 Catholic Center, and having used these same facilities in question with regularity during that
41 time and, following on that, having worked at the Archbishop Cousin Catholic Center for the last
42 nine years with access to these same facilities — informed the *procurator* and the other associate
43 judge that on more than one occasion he personally witnessed the *reus* alone with a minor, or
44 minors at these facilities. Consequently, it is a lie that the *reus* was never alone with "kids" as
45 the *reus* alleges above.
46

1 A further instance of what the Tribunal can only conclude is another deliberate lie on the
 2 part of the *reus* is his testimony that ██████████ called him "gay" at their first meeting [Civil Trial,
 3 Afternoon August 22, 2003, pages 163-164; and [Penal Trial, Witness "A", page 50]. When
 4 questioned about this at the Penal Trial, ██████████ had this exchange with the *praeses*:

5
 6 Q. Okay. Do you recall was it either at that point or shortly
 7 after that you were dismayed by his touching and accused
 8 him of being gay?

9
 10 A. Never once did I ever accuse him of being gay. Yeah, I
 11 have a lot of feelings and emotions that — This is intense.
 12 You know, and that's something that came up during the
 13 trial that I heard of for the first time [Penal Trial, Witness
 14 "D", page 6].

15
 16 If ██████████ actually stated that the *reus* was "gay", as the *reus* alleges above, why would the
 17 *reus* risk possible future charges of sexual misconduct by allowing ██████████ to stay alone at his
 18 house with no other person present on some fourteen separate days from June 22, 1987 to May
 19 18, 1989 [Civil Trial, Afternoon of August 22, 2003, pages 7-11] during a time in which he had
 20 not yet adopted his children, who came on July 3, 1989 at 7:24 in the evening [Civil Trial,
 21 Afternoon August 22, 2003, page 11]? However, if ██████████ never said this and made no
 22 allegations to anyone about inappropriate conduct by the *reus* before 1993, then the following
 23 question proposed by the Advocate is answered:

24
 25 If Mr. ██████████ was so uncomfortable with what he perceived to be
 26 Father Knighton's sexual misconduct, why did Mr. ██████████ keep
 27 returning to Father Knighton's home? It might be understandable
 28 that he returned a couple of more times. But if he were truly
 29 uncomfortable, surely he would have found an excuse not to return
 30 so many times as he says [Advocate's Brief].

31
 32 Essentially, the logic of the *reus*' own advocate once again cuts both ways. Furthermore,
 33 in regards to the number of visits made by ██████████ to the home of the *reus*, the Tribunal notes that
 34 the first characteristic of the ██████████ noted above is "frantic efforts to
 35 avoid real or imagined abandonment". ██████████ was emotionally tied to the *reus* and did not want
 36 the *reus* to abandon him as he perceived his ██████████
 37 Moreover, ██████████ had not yet had the therapy that enabled him to identify that he had been used
 38 for the sexual gratification of the *reus*.

39
 40 Given that there were no formal charges made against him, the Tribunal questions why
 41 the *reus* — shortly after his encounter with ██████████ father and after his meeting with the
 42 Archdiocesan lawyer — would write a letter (dated November 15, 1993) to the Vicar of Clergy,
 43 informing the Vicar that the *reus* was going to work in Phoenix, when he had given the
 44 Archdiocese no previous notification that he was considering moving there [Clergy File, # 974,
 45 page 067]. In responding to the March 23, 1994 letter of the *reus* to move to Phoenix,
 46 Archbishop Weakland, in his letter of March 28, 1994, stated the following:

1
2 I would like to state in writing what I said in our conversation. I
3 do not want at this point of history to give permission for anyone
4 to be on loan to another diocese. If you wish to make that change,
5 then you must do so with the intention of incardination into
6 Phoenix [Clergy File, page 249].
7

8 The *reus*, however, gives the impression in the following response during his Civil Trial
9 that the Archbishop did not want him to incardinate in the Diocese of Phoenix and that was why
10 he was unable to do so. The *reus* states the following:
11

12 I stayed in Milwaukee until 1994. And I went to Phoenix to work
13 in a public school. I wanted to work for the Diocese in Phoenix,
14 but there were some things that happened that I was not able to
15 work, because the bishop here at the time did not want me to go,
16 and wanted me to stay here. And he just said, fine, if you want to
17 go there and work just work, but I really don't want you to leave.
18 So I took a semester — I mean I took a personal leave
19 [Civil Trial, Morning August 22, 2003, page 124].
20

21 In point of fact, in seeking incardination the *reus* gave permission — in his letter of June
22 6, 1994 -- for his Clergy Personnel File to be sent to the Bishop of Phoenix [Clergy File, page
23 253]. This file held no record of any accusations of sexual impropriety but it did clearly
24 delineate that the *reus* had his own understanding of what obedience to his Bishop means.
25 Following reception of this information, the Bishop of Phoenix told the *reus* he could not accept
26 him into the incardination process for his diocese [Clergy File, page 256].
27

28 From 1994 until 2000, the *reus* went back and forth between assignments in Milwaukee
29 and positions in various public school systems within the Diocese of Phoenix. These relocations
30 seem to have been made in an attempt to change the mind of Bishop O'Brien and enter the
31 incardination process for the Phoenix Diocese. His last attempt in this regard was to secure a
32 position in a Diocesan High School in Phoenix, which he was able to do only after the following
33 recommendation in the June 5, 2000 letter of the Vicar of Clergy in Milwaukee to the vicar for
34 Clergy in Phoenix:
35

36 There has never been cause to withdraw Father Knighton's
37 faculties nor to curtail his ministry in the Archdiocese of
38 Milwaukee. He is not now, and has not been, under any
39 ecclesiastical penalty. There is nothing in his background that
40 would require us to limit any ministry with children. To the best of
41 our knowledge, he does not suffer from any untreated substance
42 abuse problem [Clergy File, page 299].
43

44 While this recommendation is itself questionable in many ways, it is hard to reconcile
45 this letter with the allegation of the *reus* that this particular Vicar of Clergy was a racist. In fact,
46 when [REDACTED] was asked about this specific allegation, he replied: "I've known Fr. [REDACTED]"

1 ██████████ as long as I had been in Milwaukee. I've never know him to be racist or accused of
2 any racist practices" [Penal Trial, Witness "K", page 2].
3

4 Following the reception of the above letter from the Vicar of Clergy, Bishop O'Brien —
5 in a letter dated August 21, 2000 — granted faculties to the *reus* and stated: "I wish you well in
6 your important ministry to our youth as the Campus Minister at St. Mary's High School" [Clergy
7 File, page 301]. Apparently, the *reus* decided that Bishop O'Brien still would not change his
8 mind about the process of incardination, so the *reus* returned to Milwaukee, once again seeking
9 another assignment. At that time the Archbishop appointed the *reus* as "a consultant in the
10 Office for Child, School and Youth Ministry" effective September 1, 2001 [Clergy File, p. 316].
11 This position was only funded for a year, so the *reus* would again be seeking another educational
12 assignment on February 20, 2002 [Clergy File, page 071]. On February 25, 2002 ██████████ brings
13 his accusations to the Archdiocese of Milwaukee in an interview with Dr. Barbara Reinke, the
14 head of *Project Benjamin* [Tribunal File, pages 001-002].
15

16 Given all of the above, the Tribunal judges that the *reus* had a sexual encounter with the
17 sixteen year old ██████████ just prior to the arrival of his adopted children, some time during May 15-
18 18, 1989 when ██████████ stayed with the *reus*. This fits all the facts in this case. The basement was
19 remodeled [Civil Trial, Morning August 22, 2003, p. 11] and had the sofa bed that ██████████
20 consistently refers to in all his accounts. The *reus* admitted that he had such a sofa bed in 1989
21 [Civil Trial, Afternoon August 22, 2003, p. 16]. This is also the last time the *reus* admits that
22 ██████████ stayed overnight at his house before his two adopted sons came to live with him and
23 occupy the first floor sleeping arrangements [Civil Trial, Afternoon August 22, 2003, p. 11].
24

25 The *praeses* knows from personal experience that a traumatic event can cause the mind to
26 focus on a particular detail to the exclusion of other details, even ones that would help others to
27 see the truth of the event. As context, what happened is that the *praeses* was involved in a car
28 accident caused by someone becoming impatient and moving into the intersection before they
29 had a green light. Even to this day, the *praeses* vividly recalls seeing the car in the middle of the
30 intersection waiting to turn left because traffic was coming from the opposite direction in which
31 the *praeses* was proceeding and only registering the fact that the light was green and that car
32 should not have been in the intersection. In explaining to the Police Officer what happened the
33 detail that the *praeses* focused on was the green light, excluding the important detail that traffic
34 was coming from the opposite direction and that traffic prevented the car situated in the
35 intersection from turning or the *praeses* from swerving into the opposite lane to avoid hitting that
36 same car.
37

38 In the same way, the Tribunal judges that since the most traumatic event that happened to
39 ██████████ — once he had the awareness of puberty — while staying overnight with the *reus* took
40 place on the sofa bed in the basement. The Tribunal can only surmise that the imminent arrival
41 of his adopted children made the *reus* aware that this would be the last time he had ██████████ alone
42 with him in the house, the last time he could go beyond grooming behavior with no other
43 witnesses present. Since this was a much longer relationship with more of himself invested that
44 in his brief encounter with ██████████, the *reus* was ambivalent about ending his relationship with
45 ██████████ so he did not bring himself to climax since, unlike ██████████ ██████████ did not indicate a
46 willingness to be an object of self-gratification for the *reus*.

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Even though the *reus* did not ejaculate on [REDACTED], this "humping", or frottage, became the defining detail -- the archetypal event divorced from a specific date [Civil Trial, Afternoon August 21, 2003, pages 51-53] --- that [REDACTED] mind focused on as his basic frame of reference to identify past events of a sexual nature with the *reus*. Concerning the shower and the pool, this Tribunal views these as grooming behaviors, whose content may have been heightened by being filtered through the episode in the basement. Adminalar proof of this is that it is only after this event that [REDACTED] shows signs of [REDACTED] and other behaviors often seen in victims of sexual abuse [Penal Trial, Witness "B", pages 8-12 & 20; Witness "C", pages 6-7 & 29] --- especially those with [REDACTED] who often use [REDACTED]

Nevertheless, the Tribunal again stresses the fact that the full significance of this encounter, however traumatic it may have been, only became apparent to [REDACTED] in 2002 in his counseling with [REDACTED] [Penal Trial, Witness "D", pages 36-37]. Prior to that time he was unable to articulate, even to his family, what exactly happened with the *reus* [Civil Trial, Morning of August 21, 2003, pages 120-123], [REDACTED] [Civil Trial, Afternoon of August 22, 2003, page 44]. [REDACTED] [Civil Trial, Afternoon of August 22, 2003, pages 43-44].

It was following this [REDACTED] --- with prompting from his future stepmother --- that [REDACTED] first indicated to his father that the *reus* had acted improperly toward him. This in turn triggered the hostile encounter attested to by [REDACTED] father and stepmother [Penal Trial, Witness "B", pages 39-30 & Witness "C", pages 29-30] and by the *reus* himself [Civil Trial, Afternoon August 22, 2003, pages 53-54; and Penal Trial, Witness "A", page 78]. This hostility warned the *reus* that [REDACTED] was beginning to recall improper conduct on the part of the *reus*. Not knowing if [REDACTED] or his family had already contacted the Archdiocese with accusations against him, the *reus* immediately took steps to counter these accusations by contacting his classmate, the current Bishop Perry, asking advice on what to do, then contacting the Vicar of Clergy and the Archdiocesan Civil Attorney [Civil Trial, Afternoon August 22, 2003, pages 55-58; Penal Trial, Witness "A", pages 78-82]. All of these actions are used by the *reus* with the help of his Defense Lawyer to convey to the jury in his civil trial that the *reus* was an innocent person seeking to defend his reputation but that the Archdiocese did not defend or support him when this issue first surfaced in 1993:

I couldn't get the Archdiocese to tell me what was going on. I mean, I couldn't get the support from the Archdiocese to deal with this issue and to be proactive. And so I was - - I was left with --- with nothing. And now I'm dealing with a mess [Civil Trial, Afternoon August 22, 2003, page 58].

In point of fact, however, the practice of the Archdiocese at that time was not to act on any rumors or anonymous accusations but to intervene only when a definite accusation was

1 presented to the Archdiocese by a definite person. This did not happen in person until February
2 25, 2002.

3
4 The evidence demonstrates that [REDACTED] had not yet reached the stage where he was
5 emotionally ready to present such an accusation of his own accord. At the urging of his
6 stepmother, [REDACTED] did consult a civil attorney, Nick Kostich in 1993. However, the Defense
7 Attorney's detailed examination of why [REDACTED] did this shows that by that time [REDACTED] was able to
8 tell Kostich only the same vague information that [REDACTED] had previously told his stepmother and
9 father [Civil Trial, Afternoon August 21, 2003, pages 58-66]. [REDACTED]

10 [REDACTED] had fifteen sessions with a psychotherapist. Yet despite this therapeutic
11 environment, [REDACTED] was still not yet ready to discuss the actions of the *reus* [Civil Trial, Morning
12 of August 21, 2003, pages 127-129; Civil Trial, Afternoon August 22, 2003, page 105-108]. In
13 fact in an interview — appearing in the *Milwaukee Journal Sentinel* on June 19, 2002, prior to
14 the Civil Trial of the *reus* — Marie Rohde, a staff member of that local newspaper, records in the
15 course of her interview with [REDACTED] the following incident that took place at the March 8, 2002
16 meeting:

17
18 At the meeting, Knighton denied any misconduct, [REDACTED] said. A
19 woman who was a teacher at the school came with Knighton and
20 asked [REDACTED] why he hadn't come to her if he had been abused.

21
22 "I told her that she didn't know how many times I sat outside her
23 house, but I couldn't tell anyone about it," [REDACTED] said [Tribunal
24 File, page 238].

25
26 Despite the attempts of the Defense Lawyer for the *reus* to present [REDACTED] as telling
27 different versions of his accusations [Civil Trial, Afternoon August 22, 2003, pages 152-154];
28 Tiffin rightly presents to the jury that [REDACTED] accusations only changed by becoming more
29 detailed as he came to greater awareness through therapy of the true meaning of what actually
30 was done to him by the *reus* and was enabled to speak more openly about it to others:

31
32 [REDACTED] didn't tell inconsistent stories. An inconsistent story
33 is somebody saying, X, Y and Z happened to me, and my brother
34 was there and the brother getting on the witness stand and saying, I
35 wasn't there, it didn't happen. That's an inconsistent story. [REDACTED]
36 [REDACTED] has been very consistent. He's been very consistent in what
37 happened to him. He's been very consistent when he told
38 Detective Hoppe. He's been very consistent, he didn't tell a lie to
39 his stepmother and his father.

40
41 He wasn't ready. He said, I didn't tell the counselors. He didn't.
42 He wasn't ready. He just told you the truth. He's hid nothing.
43 And the State does bear the burden of proof. And it comes down
44 to whether or not you believe [REDACTED] and watching him and
45 what he has told you, he told the truth in going through this. He

1 had no motive to lie. He had no motive to come forward in 2002.
2 to go to the Catholic Church and say this. He was telling the truth.
3 [Civil Trial, Afternoon August 22, 2003, pages 163-164].
4

5 This Tribunal judges that ██████████ is telling the truth concerning his sexual abuse by the
6 *reus*. The law section above makes clear that an offense against the Sixth Commandment of the
7 Decalogue is not confined to genital contact leading to orgasm. What ██████████ describes in the
8 Civil Trial of the *reus* as “humping” [Civil Trial, Morning August 21, 2003, page 52] and before
9 this Tribunal as “grinding” [Penal Trial, Witness “D”, pages 12-13] are acts of froissage which fit
10 the descriptions given in the law section above for a delict against the Sixth Commandment of
11 the Decalogue
12

13 This Tribunal judges that the *reus* was so psychologically and sexually driven that he
14 believed that he was somehow invincible in regard to any possible accusation of wrong doing.
15 Not only did he feel invincible, but he truly rationalized his behavior as something that was
16 normal or acceptable. He definitely did not, and does not, take into consideration the
17 consequences of his decisions. If he feels that some sort of physical contact is called for in a
18 situation, he will do it no matter how inappropriate it may be. The evidence shows that there is a
19 long standing continuous thread of this type of behavior throughout his interactions with male
20 minors. The Tribunal judges that the evidence is sufficient to lead to an affirmative finding as
21 regards this second allegation.
22

23 Regarding the third allegation, both the Promoter and the Advocate in this case make
24 appropriate note of the fact that ██████████ has not provided a formal, sworn statement either
25 through written rogatory or verbal testimony within the context of these canonical proceedings.
26 In fact, it is the case that ██████████ himself never lodge a formal complaint of sexual abuse
27 against the *reus* with the Archdiocese of Milwaukee. The court does have information indicating
28 that there was discussion between ██████████ and two investigative persons 1) a detective working
29 for the district attorney of Milwaukee County, Wisconsin and 2) an investigator retained by the
30 Archdiocese of Milwaukee to consider a preliminary investigation into information that had been
31 brought before archdiocesan and/or civil authorities by an attorney who is related to another
32 accuser in this case through the accuser’s stepmother. While the information gathered by these
33 two detectives is compelling and worthy of note, the fact that there is no primary accuser before
34 this Tribunal, nor within the instruction of this case, deprives the judges of the ability to attain
35 any sense of proper moral certitude regarding this allegation. Therefore, the decision will have
36 to be designated as negative.
37

38 Thus, having reached moral certitude on the first two allegations and in accord with the
39 norm of law, canonical doctrine and the constant jurisprudence of the Roman dicasteries,
40 considering the facts, the circumstances, the testimonies and the arguments as a whole, this
41 Tribunal of Judges responds affirmatively to the first two questions. Imputability is presumed
42 when there is an external violation of the law.
43

44 Norm 8 of the 2006 USCCB Essential Norms requires that if there is moral certitude
45 about the delict having been committed, then ‘permanent removal from ecclesiastical ministry,

1 not excluding dismissal from the clerical state' is indicated. In accord with the norm of law, the
2 penalty of permanent removal from ecclesiastical ministry is imposed.
3
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6 DISPOSITIVE

7
8 ARCHDIOCESE OF MILWAUKEE
9

10 In view of the foregoing, and with due consideration to the law and its application to the
11 particular circumstances, We, the undersigned Judges of the Metropolitan Tribunal of the
12 Archdiocese of Milwaukee, Wisconsin, acting as the judges in this case, do before God, hereby
13 decree, declare and pronounce the following definitive sentence:
14
15

16 To the question "Is the Reverend Marvin T. KNIGHTON guilty of
17 offending against the sixth commandment of the Decalogue with
18 Mr. [REDACTED], who had not completed his sixteenth year of
19 age at the time of this offense?",

20 *we respond IN THE AFFIRMATIVE.*
21

22
23 To the question "Is the Reverend Marvin T. KNIGHTON guilty of
24 offending against the sixth commandment of the Decalogue with
25 Mr. [REDACTED] who had not completed his sixteenth year of
26 age at the time of this offense?",

27 *we respond IN THE AFFIRMATIVE.*
28

29
30 To the question "Is the Reverend Marvin T. KNIGHTON guilty of
31 offending against the sixth commandment of the Decalogue with
32 Mr. [REDACTED], who had not completed his sixteenth year of
33 age at the time of this offense?",

34 *we respond IN THE NEGATIVE.*
35

36
37 Further, attentive to Norm 8 of 2006 USCCB ESSENTIAL NORMS, we impose on the
38 Rev. Marvin T. E. Knighton the perpetual penalty of permanent removal from all
39 Ecclesiastical Ministry with the admonition that he is to lead a life of prayer and penance.
40

41 In accord with the particular law currently in force, this includes:

- 42
- 43 ◦ not celebrating Mass publicly,
- 44 ◦ not administering the sacraments (with due regard for canon 976),
- 45 ◦ not wearing clerical garb and
- 46 ◦ not presenting himself publicly as a priest.

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Given the nature of the delicts and the pattern of behavior, the Court further imposes on the Rev. Marvin T. E. Knighton the restriction that, with the exception of persons with whom he has a legal relationship by virtue of full and legal adoption, he never be alone with anyone who is below the age of 18. It is for his Ordinary, the Archbishop of Milwaukee, to determine if further specifications are indicated which may be necessary to implement this penalty and to oversee the cooperation of Fr. Knighton with it.

Further, it is hereby directed that the sentence is to be published according to the norms of law (c. 1615);

In accord with Canon 1628, the Rev. Marvin T. Knighton and the Promoter of Justice are to be instructed that they have a right to appeal to the Congregation for the Doctrine of the Faith against both the Definitive Sentence and the penalty;

- i) in accord with Canon 1630, any appeal must be introduced within fifteen (15) days of the publication of this Definitive Sentence, and that any appeal is to be communicated to the Judicial Vicar of the Archdiocese of Milwaukee who will transmit it to the Congregation for the Doctrine of the Faith; in accord with Canon 1633 and SST article 23, any appeal must be pursued within one month (30 days) from the date of the introduction of the appeal; for the Rev. Marvin T. Knighton, his Advocate may pursue the appeal in his name;
- ii) this decision and the complete *acta* are to be transmitted to the Congregation for the Doctrine of the Faith.

BE IT KNOWN TO ALL

that this case is explicitly subject to the Pontifical Secret (art. 25, *Graviora Delicta, Normae Processuales*); this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [AAS 66 1974, pages 89-92]).

CDF [REDACTED]

Signed, decreed, witnessed, notarized and published on the 27th day of July, 2007, at the Archdiocese of Milwaukee, U.S.A.

[REDACTED]

Very Rev. [REDACTED]
Præses and Ponens

[REDACTED]

[REDACTED]
Associate Judge

[REDACTED]

Rev. [REDACTED]
Associate Judge

Christine Ellison

Eccelesiastical Notary
July 27, 2007

Seal


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 325/200 - 18478

March 24, 2004

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

Thank you for your inquiry regarding the matter of Reverend Marvin T. Knighton. As I indicated in my previous correspondence, the preliminary investigation in this case was particularly challenging. The original investigator was not able to complete the task satisfactorily to the Diocesan Review Board's standards. A second investigator was then assigned and he completed the task and sent the report to the Diocesan Review Board last week. I have now received their recommendation.

While Father Knighton is referring to one situation in which a criminal trial resulted in an acquittal, there are actually three separate allegations against him by three different alleged victims and a fourth reported second hand by an alleged victim's mother. The attached report outlines the circumstances of those allegations. After preliminary investigation, I am satisfied that these have the semblance of truth to them. You will note that there was no collusion in the presentation of the three reports, that Father admits to one allegation of inappropriate conduct, and that the pattern of behavior described is consistent.

I am enclosing the standard reporting form for these allegations. Given Father Knighton's assignment in or independent employment at high schools over the years, I would not be surprised to learn of additional allegations. Father Knighton has a long history of being extremely independent and not accountable for his actions. His personnel file reveals that he would regularly leave a place of assignment on his own initiative and find employment on his own, only later informing diocesan officials. Against explicit directives, he adopted two children and later, again with no consultation or permission, adopted a third child. He has moved out of and back into the diocese frequently, often with no prior notice.

Given the nature 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. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend Marvin Knighton be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice.

Prot. No. 325/200 - 18478

p. 2

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, 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 time this case was under investigation. The severity and frequency of the offenses are such that it is my opinion that these requests are justified. 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 a cross at the beginning.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

074

ADOM052751

ARCHDIOCESE OF MILWAUKEE

Prot. No. [REDACTED]

Reverend Marvin T. Knighton

Date of Birth: [REDACTED]

Age: 54

Presbyteral Ordination: May 24, 1975

Years of Ministry: 29

Diocese of Incardination: Milwaukee

Ministry in other Diocese: Phoenix

Address: [REDACTED]

Phoenix, Arizona 85028

ASSIGNMENTS:

Year	Assignment	Location	Appointment
August 1975 - June 1976	St. Anne Parish	Milwaukee	In solidum team member
June 1976 - August 1987	Pius XI High School	Milwaukee	Faculty
August 1987 - August 1988	Leave of Absence	- <i>Whitetail</i>	
August 1988 - November 1991	Pius XI High School	Milwaukee	Faculty
November 1991 - July 1992	Unassigned	- <i>Temp Admin at St. Fred's</i>	
July 1992 - July 1994	Mt. Mary College	Milwaukee	Campus minister
July 1994 - June 1995	Leave of Absence	# 4	
June 1995 - December 1995	St. Martin de Porres Parish	Milwaukee	Pastor
December 1995 - July 1997	All Saints Parish	Milwaukee	Associate pastor
July 1997 - August 1998	Leave of Absence	- <i>Schooling</i>	
August 1998 - July 2000	Dominican High School	Whitefish Bay	Asst Principal
August 2000 - June 2001	St. Mary High School	Phoenix, AZ	Campus minister
August 2001 - April 2002	Archdiocese of Milwaukee		Education consultant

ACCUSATIONS:

Year	Victim	Age	Alleged acts	Denunciation
1974 /75	[REDACTED]	15	Hugging, kissing, forced masturbation at priest's residence; one time; priest admits "inappropriate conduct"	March 28, 2002
1974/75	[REDACTED]	?	Not specified beyond "sexual abuse" as reported to the mother and handed on to the Archdiocese	March 3, 2004
1988/89	[REDACTED]	15	Genital touching; one time; in swimming pool at diocesan pastoral center	July 1, 2002
1989-92	[REDACTED]	13-15	Hugging, kissing, fondling in priest's residence and in swimming pool at diocesan pastoral center	February 25, 2002

CIVIL PROCEEDINGS

<u>Year</u>	<u>Type/case</u>	<u>Conviction</u>	<u>Sentence</u>
2003	Criminal trial – two counts second degree sexual assault	Acquittal	

MEASURES ADOPTED BY THE DIOCESE

<u>Year</u>	<u>Action</u>
2002	Requested his resignation from position in Education Office; resignation accepted Precept issued (April 1, 2002)
2003	Canonical investigation begun upon completion of criminal trial Precept re-issued (September 5, 2003)
2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

Father Knighton is provided with the monthly equivalent of a pensioned priest, \$1,250. He is also provided with health and dental coverage.

RESPONSE / RECOURSE BY THE CLERIC

<u>Year</u>	<u>Action</u>
2002	Denies [REDACTED] and [REDACTED] allegations, admits to "inappropriate conduct" with [REDACTED] but states that because it occurred prior to ordination it is not an issue
2003	Sought hierarchical recourse against "administrative decisions" (not specified to the Archdiocese); continues to threaten legal action against the Archdiocese



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

15 June 2004

Prot. N. 325/2003-19268
(In response to *hot mentis huius mensura*)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received the requested documentation you sent on 24 March 2004 regarding the Reverend Marvin T. KNIGHTON, a priest of your archdiocese who has been accused of sexual abuse of minors.

After a careful study of the facts, this Dicastery at its Particular Congress of 29 May 2004 decided to grant a derogation from the law of prescription and hereby authorises and instructs Your Excellency to conduct a judicial penal process against delicts allegedly committed by Fr. Knighton after his diaconal ordination, that is to say, only those delicts he is alleged to have committed while in the clerical state. Enclosed is a copy of the *motu proprio Sacramentorum sanctitatis tutela* which contains, apart from particular law for the United States of America, the norms governing such a penal process. Your Excellency is reminded that the acts of the process should kindly be forwarded to this Dicastery upon its completion at first instance.

I take this opportunity to thank Your Excellency for the vigilance that you keep over these serious matters and to offer you my sincere respects. With every best wish, I remain,

Yours devotedly in the Lord,

* Angelo Amato, SDB
Titular Archbishop of Sila
Secretary

Enclosure

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
3501 South Lake Drive, P.O. Box 070912
Milwaukee, WI, 53207-0912
U.S.A.

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ADOM052757

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ARCHDIOCESE OF MILWAUKEE
DEPARTMENT FOR CLERGY

August 13, 2007

Marvin T. Knighton


Phoenix, AZ 85028

Dear Marv,

I am sorry to be the one that needs to affirm the fact that the penal trial called for by the Congregation for the Doctrine of the Faith has been completed. The decision of the Tribunal found that crime was committed in two of the three counts presented. The judges have imposed the penalty of permanent restriction from ministry. I presume that you received this information and have discussed it with your canonical advocate.

Given this situation, I am writing to ask you if you would prefer to seek a voluntary laicization from the clerical state. Such a decision on your part may help to bring closure to this experience and help you to move on to a new leg in your life's journey.

Would you kindly respond to this letter in writing by the end of August, 2007? If you should decide to seek voluntary laicization, someone at the archdiocese would be happy to help you with the process.

Thank you for the consideration, Marv. Please know that you are in my prayers daily.

In the Lord Jesus,



Very Reverend Curt J. Frederick
Vicar for Clergy

C: Dr. J. Michael Ritty, advocate



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

BAC

31 January 2009

Prot. N. 325/2003-28756
(In response fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I am writing to you regarding the case of Rev. Marvin KNIGHTON, a priest of your Archdiocese who has been accused of the sexual abuse of minors. This Congregation has received from Rev. Knighton an appeal against the sentence, given on 27 July 2007, in the Penal Process carried out at First Instance by the Metropolitan Tribunal of Detroit. Your Excellency has also requested that a more severe penalty be imposed on Rev. Knighton than that given in the Tribunal of First Instance.

The Congregation has authorized the Tribunal of the Archdiocese of Cincinnati to carry out a Penal Process at Second Instance and would therefore kindly request that Your Excellency ensure that all of the *Acta* pertaining to this case are forwarded to the said Second Instance Tribunal. Your own concerns regarding the penalty imposed should also be included. Your request should be construed as a petition that the Promoter of Justice in Second Instance file for a *dimissio in poenam*.

Thanking you for your assistance in this matter, with prayerful support and best wishes, I remain

Sincerely yours in Christ,

+

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

His Excellency
Most Rev. Timothy M. DOLAN
Archbishop of Milwaukee
P.O. Box 070912
Milwaukee, WI 53207-0912
UNITED STATES OF AMERICA

ADOM041990

DISPOSITIVE

CONGREGATION OF THE DOCTRINE OF THE FAITH

This Court of Appeal of the Congregation of the Doctrine of the Faith upholds the findings of the Court of First Instance of the Archdiocese of Milwaukee in the AFFIRMATIVE as to the proven guilt of Marvin T. Knighton as a cleric of the allegations of the sexual abuse of a minor by a cleric presented by Mr. [REDACTED] and Mr. [REDACTED]. This Court also uphold the finding of that same Court of First Instance in the NEGATIVE as to the guilt of Marvin T. Knighton of the allegation of the sexual abuse by a cleric of a minor presented by Mr. [REDACTED].

As a penalty for his violations of the obligations of the clerical state, this Court furthermore dismisses Marvin T. Knighton from the clerical state. He is permanently removed from the exercise of any ecclesiastical ministry except as provided in the Code of Canon Law and any faculties or privileges or compensation that would accompany the clerical state from the date of the execution of this decision unless it be part of the severance agreement reached by the Archdiocese of Milwaukee in view of justice due to his past service to the people of God.

This decision is to be published to Mr. Michael Ritty as Advocate "for his eyes only". It is to be published to the Archbishop of Milwaukee for the purposes of a review by Marvin T. Knighton without his receiving a copy. All are to be reminded of the Pontifical Secret in these matters.

As a decision of the Congregation for the Doctrine of the Faith acting on behalf of the Supreme Pontiff, this Decision is not subject to appeal.

RE: Rev. Martin T. Knighton
CDF Num. Prot. [REDACTED]

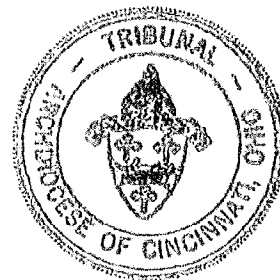
Signed, decreed, witnessed, and published on this 13th day of January 2011 at the Tribunal Office of the Archdiocese of Cincinnati, Ohio, U.S.A.

[REDACTED]
Reverend [REDACTED], JCD, STD
Presiding Judge

[REDACTED]
Reverend [REDACTED], JCL
Associate Judge


Reverend Joseph R. Binzer, JCL
Notary

[REDACTED]
Reverend [REDACTED]
Associate Judge and Ponens



BE IT KNOWN TO ALL

that this case is explicitly subject to the Pontifical Secret (art 25. *Gravior Delicta. Normae Processualis*); this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [AAS, 66 1974, pages 89-92]).

REV. DONALD R. A. PETERS
[REDACTED]
CASCADE, WI 53011-0198

JULY 29, 2005

His Holiness Benedict XVI
The Vatican
Vatican City State

Your Holiness:

After much prayerful consideration, I now request from you a dispensation from the obligations connected with the priesthood and from celibacy. I ask to be returned to the lay state.

I have been placed on administrative leave by the Archdiocese of Milwaukee for sexual misconduct involving minors. I have had to deal with these allegations since 2002. I have been retired for a number of years now and am 80 years old. The fact that this sexual misconduct has been brought to the attention of both archdiocesan and civil authorities makes it unlikely that I can ever serve in active ministry again. While I do not believe that every aspect of allegations presented by the archdiocese is accurate, I admit that some are.

This request is not a quick solution to a temporary problem. Because of the nature of the allegations made against me there is no hope of ever returning to ministry. I find no alternative but to request laicization.

I am fully aware that my decision to return to lay status, if approved by the Holy See is permanent and final, without hope of eventual re-admittance to priestly ministry.

I do have some health concerns. However, I have been assured by the diocese that they will assist me if needed. I have been assured that my pension will continue.

I solemnly swear to the truth of all the above information.

My curriculum vitae is attached.

Respectfully submitted,



Reverend Donald Peters

Curriculum Vitae

Born: March 30, 1925, Kenosha, WI.
 Baptized: St. Mark, Kenosha, WI.
 Communion & Confirmation: St. Mark, Kenosha, WI.
 Grade School: 8 years, St. Mark, Kenosha, WI
 Middle School: 1 year, Lincoln School, Kenosha, WI
 High School: 1 year, Mary D. Bradford H.S., Kenosha, WI
 High School: 2 years, St. Francis Minor Seminary, St. Francis WI
 College: 2 years St. Francis Minor Seminary, St. Francis, WI(Philosophy)
 Seminary Theology: 4 years St. Francis Major Seminary, St. Francis, WI
 Ordination: May 27, 1950, Cathedral St. John Evangelist, Milwaukee, WI
 Assignments: 1950 - 60 ST. CLEMENT'S, SHEBOYGAN, WI - Assistant
 1960 - 62 ST. MARY, HALES CORNERS, WI - Assistant
 1962 - 67 ST. PATRICK'S, FOND DU LAC, WI - Assistant
 1967 - 69 CATHOLIC MEMORIAL HIGH SCHOOL, WAUKESHA, WI teach
 FOR SEVERAL SUMMER SCHOOLS AT MARQUETTE UNIVERSITY GRADUATE
 SCHOOL IN GUIDANCE & COUNSELING
 1969 - 71 ST. PATRICK'S, FOND DU LAC, WI - Pastor
 1971 - 77 ST. MARY'S, SHEBOYGAN FALLS, WI - Pastor
 1977 - 93 ST. CLEMENT'S, SHEBOYGAN, WI - Pastor
 1993 RETIREMENT

FAMILY: 1958 - Mother Died
 1976 - Dad Died

My 76 year old sister and I are the only family. She left the SSSF and married and now is a widow. She is near Poverty and I am supporting her for many of her needs. When with the nuns they did not have Social Security, she has some of her husbands and thus has medicare, but has to purchase a supplementary Health Insurance program. She has lived in Florida for over 20 years.

My Health: Upper tooth plate, many years ago.
 Lower teeth, five front teeth remain
 Right knee, total replacement
 Diabetes, many years, pills and diet are helping to regulate.
 High Blood Pressure, pills
 Eyes: glasses, both had Cataracts removed
 Ears: hearing aids in both
 Am on Medicare & Archdiocesan Insurance Program



ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

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.

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Most Reverend Angelo Amato
Congregation for the Doctrine of the Faith

page 2

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.

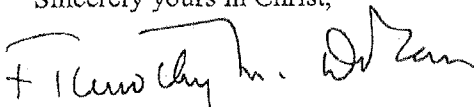
While it would have been my preference that he choose the first option given, a life of prayer and penance, he is unwilling to accept the conditions that would accompany that possibility. Given the legal liabilities, another diocese is not going to agree to monitor a priest for whom they have no responsibility. 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

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ARCHDIOCESE OF MILWAUKEE
METROPOLITAN TRIBUNAL

August 29, 2005

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

Your Excellency:

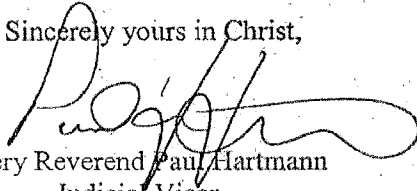
Archbishop Dolan recently prepared for your review a request for voluntary laicization by Reverend Donald Peters. Two additional items for consideration have arisen since the case was submitted. Archbishop Dolan requests that this material be added to the case file.

A copy of the police investigation from July 2002 has been obtained. The minimal admissions that were provided to the Vicar for Clergy at that time are expanded in this report. A copy of the report is enclosed.

While Father Peters denies any sexual contact with minors in the Boy Scouts, we have had a report surface that states the contrary. Mr. [REDACTED] has informed the Archdiocese of Milwaukee that, while he himself was never abused by Father Peters, he observed such abuse of another adolescent at a Boy Scout camp. He came forward to resolve his own guilt at never having reported this abuse and, therefore, having possibly exposed others to abuse. Appropriate pastoral outreach has been offered to Mr. [REDACTED]. He was unable to provide the name of the adolescent male. Since he has no potential for personal gain in coming forward, his report is deemed to be credible and non-suspect.

Thank you for your consideration of this request.

Sincerely yours in Christ,


Very Reverend Paul Hartmann
Judicial Vicar

DIOCESE	Milwaukee
NAME OF ORDINARY	Timothy M. Dolan
CDF PROT. N. (if available)	
NAME OF CLERIC	Donald R. Peters

PERSONAL DETAILS OF THE CLERIC	Date of Birth	March 30, 1925	Age	80
	Ordination	May 27, 1950	Years of ministry	43
ORIGINAL DIOCESE OF INCARDINATION		Milwaukee		
MINISTRY IN/TRANSFER TO OTHER DIOCESE		In retirement, lives 6 months of the year in Florida and had assisted in parishes there until all ministry was restricted and the bishop there informed of his situation		
CONTACT ADDRESS OF THE CLERIC		██████████ Cascade, WI ██████████ Lakeland, FL		
PROCURATOR (include original signed mandate)		He has sought canonical advice from J. Michael Ritty, JCL		
CONTACT ADDRESS OF THE PROCURATOR		██████████		
ASSIGNMENTS				
Year	Parish	Location	Appointment	
1950	St. Michael	Milwaukee	Assistant Pastor	
1950	St. Clement	Sheboygan	Assistant Pastor	
1960	St. Mary	Hales Corners	Assistant Pastor	
1962	St. Patrick	Fond du Lac	Assistant Pastor	
1967	Catholic Memorial High School	Waukesha	Faculty	
1969	St. Paul	Milwaukee	Associate Pastor	
1969	St. Patrick	Fond du Lac	Pastor	
1971	St. Mary	Sheboygan Falls	Pastor	
1977	St. Clement	Sheboygan	Pastor	
1993	Retired			

ADOM020206

ACCUSATIONS AGAINST THE CLERIC				
Year	Victim	Age	Imputable Acts	Denunciation
1962	Anonymous call to Sheboygan District Attorney	NA	"Inappropriate behavior"	1992
1963	Anonymous call to Chancery	NA	"Sexual abuse"	1992
1959-1960	[REDACTED]	15-16	Showing pornography and genital fondling	2002
1971	Not given	NA	Not specified	1971
CIVIL PROCEEDINGS AGAINST THE CLERIC				
Year	Type/Case	Conviction	Sentence (include copies of civil documents)	
2002	Sheriff executed search warrant and seizure of computer; criminal interview with admission of three instances of abuse	Cases all beyond statute of limitations		
MEASURES ADOPTED BY THE DIOCESE				
Year				
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 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.			
1992	Father Peters informed of anonymous calls. No investigation because of anonymity.			
1993	Father Peters requested and received early retirement.			
1999	Diocese of Orlando informed of allegations from 1992 and ministry there restricted.			
2002	Precept issued restricting public exercise of ministry upon admission of at least three incidents of sexual abuse of minors.			
2004	Father Peters informed that travel to another diocese could not continue due to lack of monitoring possibilities. He requests voluntary laicization rather than limitations on travel. He will be provided with a monetary grant to assist with any health care needs. This proposal was handled by his canonical consultant.			
SUSTENANCE PROVIDED BY THE DIOCESE TO THE CLERIC				
Father Peters receives a monthly pension and will continue to do so if laicized as this is a qualified self-contributory plan. He will be provided with a lump sum to assist in any health care needs he may have beyond social insurance.				

RESPONSE/RECOURSE MADE BY THE CLERIC	
Year	
1971	Brought the matter to the Auxiliary Bishop and sought a transfer.
1992	Said he did not know what the callers were talking about.
2002	Admitted sexual contact with [REDACTED] and wrote letter of apology to him. Stated that the incidents were in the course of sex education. Admitted to Sheboygan sheriff and Vicar for Clergy that there were two or three other cases from his time in Fond du Lac but would not go into more detail.
BISHOP'S VOTUM	
This has been a difficult case to conclude. There is an admission of guilt in the one detailed case and spontaneous admission of two or three other cases with no details. Under other circumstances, Father peters would be asked to live out his life in prayer and penance. This would call for monitoring of his activities which cannot be done if he spends six months of the year in Florida. Given the options available to him, Father Peters has decided that he will choose voluntary laicization rather than restriction on travel.	

CONGREGATION FOR THE DOCTRINE OF THE FAITH

Prot. N.: 249/05

Father Donald R. Peters, a presbyter of this Archdiocese, has humbly petitioned for a dispensation from all the obligations connected with sacred ordination.

Our Most Holy Father, Pope Benedict XVI

On the 6th day of October, 2007

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 presbyter 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;*

ADOM039919

- b) *he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, 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 ecclesiastical authority;*

6. The Ordinary is to take care, as much as possible, lest the dispensed presbyter exhibits scandal to the faithful. Also, if there is present a danger of abuse of minors, the Ordinary after the fact of the dispensation may also publish the canonical cause.

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 6th day of October in the year 2007.

/s/ William Cardinal LEVADA
Prefect

/s/ Angel AMATO, SDB
Titular Archbishop of Silensis
Secretary

Date of notification:

/s/ Signature of petitioner as sign of acceptance /s/ Signature of Ordinary (Delegate)