

  
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.

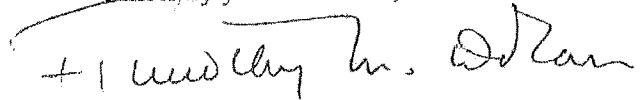
Deacon Zimprich followed up with an interview with [REDACTED]. In the course of that interview it came to light that Father O'Brien had been maintaining contact with [REDACTED] in a manner that could be construed as intrusive and controlling. Especially troubling was the report that Father O'Brien has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

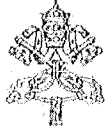
Thank you for your consideration of this matter. With sentiments of esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

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

PROT. N. 394/03-22223

(In response fiat mentio huius numeri)

CONFIDENTIAL

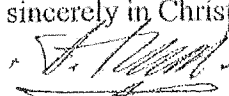
Your Excellency,

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

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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 3<sup>rd</sup> 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 3<sup>rd</sup> 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

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

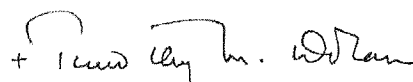
Given the nature and frequency of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. In order that justice may be made manifest and healing of the victims and the Church may 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

ADOM040054



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

<b>PERSONAL DETAILS OF THE CLERIC</b>	<b>Date of Birth</b>	March 6, 1945	<b>Age</b>	60
	<b>Ordination</b>	June 9, 1973	<b>Years of ministry</b>	20
<b>ORIGINAL DIOCESE OF INCARDINATION</b>		Milwaukee		
<b>MINISTRY IN/TRANSFER TO OTHER DIOCESE</b>		Now living, but not ministering, in Diocese of Green Bay		
<b>CONTACT ADDRESS OF THE CLERIC</b>		[REDACTED] Kewaunee, WI 54216		
<b>PROCURATOR (include original signed mandate)</b>		No mandate produced; worked with Rev. Daniel Ward, OSB in 1993-1995		
<b>CONTACT ADDRESS OF THE PROCURATOR</b>				

**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	[REDACTED]	Unclear	Unclear from records - "sexually propositioned" but unclear if any act occurred	1986
1986	[REDACTED]	Unclear	Unclear from records - "sexually propositioned" but unclear if any act occurred	1986

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

10 July 2006

257/05-23442  
PROT. N. ....  
(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)

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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.

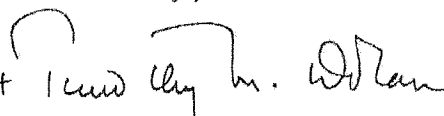
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I look forward to your further instructions in this matter.

Thank you.

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

Sincerely yours in Christ,

+  Timothy M. Dolan

Most Reverend Timothy M. Dolan  
Archbishop of Milwaukee